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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2551/89**of 23 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 22 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 24 August 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 23 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 23 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	134,94
0712 90 19	34,31	134,94
1001 10 10	15,88	148,33 ⁽¹⁾ ⁽²⁾
1001 10 90	15,88	148,33 ⁽¹⁾ ⁽²⁾
1001 90 91	15,20	101,29
1001 90 99	15,20	101,29
1002 00 00	42,96	111,11 ⁽³⁾
1003 00 10	33,63	104,55
1003 00 90	33,63	104,55
1004 00 10	25,03	98,29
1004 00 90	25,03	98,29
1005 10 90	34,31	134,94 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	134,94 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	139,58 ⁽⁴⁾
1008 10 00	33,63	0,00
1008 20 00	33,63	22,23 ⁽⁴⁾
1008 30 00	33,63	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	33,63	0,00
1101 00 00	34,43	155,82
1102 10 00	73,29	168,70
1103 11 10	38,99	243,79
1103 11 90	37,03	167,94

⁽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 2552/89

of 23 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 22 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 24 August 1989.

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

Done at Brussels, 23 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 23 August 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	0,25
0712 90 19	0	0	0	0,25
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,25
1005 90 00	0	0	0	0,25
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	42,22
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	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	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2553/89

of 23 August 1989

re-establishing the levying of customs duties on men's or boys' jackets excluding waister jackets and blazers, other than knitted or crocheted, products of category No 17 (order No 40.0170), originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of men's or boys' jackets excluding waister jackets and blazers, other than knitted or crocheted, products of category No 17 (order No 40.0170), the relevant ceiling amounts respectively to 77 000 pieces;

Whereas on 7 August 1989 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 August 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Order No	Category (units)	CN code	Description
40.0170	17 (1 000 pieces)	6203 31 00 6203 32 90 6203 33 90 6203 39 19	Men's or boys' jackets excluding waister jackets and blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres

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, 23 August 1989.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 2554/89

of 23 August 1989

re-establishing the levying of customs duties on yarn of staple or waste artificial fibres, products of category No 23 (order No 40.0230), originating in Indonesia to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

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

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of yarn of staple or waste artificial fibres, products of category No 23 (order No 40.0230), the relevant ceiling amounts respectively to 293 tonnes;

Whereas on 7 August 1989 imports of the products in question into the Community, originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 August 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Indonesia.

Order No	Category (units)	CN code	Description
40.0230	23 (tonnes)	5508 20 10 5510 11 00 5510 12 00 5510 20 00 5510 30 00 5510 90 00	Yarn of staple or waste artificial fibres, not put up for retail sale

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, 23 August 1989.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 2555/89

of 23 August 1989

re-establishing the levying of customs duties on nightshirts, pyjamas, knitted or crocheted, products of category No 24 (order No 40.0240), originating in India to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of nightshirts, pyjamas, knitted or crocheted, products of category No 24 (order No 40.0240),

the relevant ceiling amounts respectively to 475 000 pieces;

Whereas on 7 August 1989 imports of the products in question into the Community, originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 August 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in India.

Order No	Category (units)	CN code	Description
40.0240	24 (1 000 pieces)	6107 21 00	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted
		6107 22 00	
		6107 29 00	
		6107 91 00	
		6107 92 00	
		ex 6107 99 00	Women's or girls' nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted
		6108 31 10	
		6108 31 90	
		6108 32 11	
		6108 32 19	
		6108 32 90	
		6108 39 00	
		6108 91 00	
		6108 92 00	
		6108 99 10	

Article 2

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

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

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

Done at Brussels, 23 August 1989.

For the Commission

Jean DONDELINGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2556/89
of 23 August 1989

re-establishing the levying of customs duties on men's or boys' knitted or crocheted suits and ensembles, products of category No 75 (order No 40.0750), originating in Thailand to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

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

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of men's or boy's knitted or crocheted suits and ensembles, products of category No 75 (order No 40.0750) the relevant ceiling amounts respectively to 9 000 pieces;

Whereas on 7 August 1989 imports of the products in question into the Community, originating in Thailand, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 27 August 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Thailand.

Order No.	Category (units)	CN code	Description
40.0750	75 (1 000 pieces)	6103 11 00 6103 12 00 6103 19 00 6103 21 00 6103 22 00 6103 23 00 6103 29 00	Men's or boys' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits

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, 23 August 1989.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 2557/89

of 23 August 1989

laying down detailed rules applicable to the free supply of certain cereals to Poland as provided for in Council Regulation (EEC) No 2247/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2247/89 of 24 July 1989 on an emergency measure for the free supply of certain agricultural products to Poland ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1834/89 ⁽³⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rate to be applied for the purposes of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁵⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EEC) No 2247/89 provides for an emergency measure in particular for the supply of certain cereals to Poland; whereas, with a view to implementing that emergency measure, detailed rules of application should be laid down for the cereals sector providing in particular for the said supply operation to be allocated by a tendering procedure; whereas common detailed rules should be laid down for invitations to tender opened for the purposes of this measure;

Whereas the detailed rules of application must also provide for arrangements governing the lodging of securities and controls to ensure the proper execution of the supply operation;

Whereas the conversion rate to be used for the supply costs referred to in Article 2 must be determined; whereas, with a view to an approach which is more balanced and more in line with the economic facts determining such costs, the exchange rate published in the 'C' series of the *Official Journal of the European Communities* should be applied;

Whereas products held by intervention agencies and intended for export are subject to the provisions of

Commission Regulation (EEC) No 569/88 ⁽⁶⁾, as last amended by Regulation (EEC) No 2514/89 ⁽⁷⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The detailed rules set out herein shall apply for the purposes of the free supply of certain cereals to Poland as provided for in Regulation (EEC) No 2247/89.

2. All supplies shall entail an invitation to tender for supply costs as defined in Article 2 (2) and the purchase of the product at a fixed price from the intervention agency concerned.

Article 2

1. An invitation to tender shall be organized for the supply costs incurred between the intervention stores and the destination laid down.

2. Such costs shall cover supply for goods loaded in bulk, on the means of transport, ex-store of the intervention agency, cif Polish maritime port of unloading or, in the case of delivery by rail, free-at-Polish-frontier.

Article 3

Participation in the invitations to tender provided for under this Regulation shall be open on equal terms to any natural person who is a national of a Member State and established in the Community or any company established in accordance with the laws of a Member State, the registered office, central administration or main establishment of which is in a Member State.

Article 4

Tenderers shall participate in the invitation to tender by forwarding to the intervention agency concerned a tender by letter or any other written means of telecommunication provided for in the notice of invitation to tender.

⁽¹⁾ OJ No L 216, 27. 7. 1989, p. 5.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁷⁾ OJ No L 242, 18. 8. 1989, p. 13.

Article 5

Tenders must cover all the supply costs referred to in Article 2 (2) of a lot or group of lots indicated in the notice of invitation to tender for a given destination. They shall be expressed in ecus per tonne. By way of derogation from Article 2 of Regulation (EEC) No 1676/85, that amount shall be converted using the conversion rate applying on the closing date for the submission of tenders and published in the 'C' series of the *Official Journal of the European Communities*.

Tenders shall be valid only where they are accompanied by:

- (a) an application for an export licence quoting a reference to Regulation (EEC) No 2247/89, to be entered in Section 22;
- (b) proof that a tendering security of ECU 10 per tonne has been lodged.

Tenders not submitted in accordance with this Regulation and the invitation to tender shall not be valid.

Tenders may be neither amended nor withdrawn.

Article 6

1. The intervention agency concerned shall notify the Commission of tenders received two hours at the latest after the expiry of the closing date for the submission of tenders.

2. In accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, the Commission shall fix the maximum supply costs for each lot or shall decide to make no award in respect of tenders received.

Article 7

1. The intervention agency concerned shall inform all tenderers of the outcome of their tenders at the earliest opportunity. It shall forward a declaration of award by written telecommunication to the successful tenderers.

2. Where several tenderers have lodged tenders quoting the same offer in respect of the same lot, the supply shall be awarded by the intervention agency by drawing lots.

Article 8

In the two working days following award of the supply, the operator concerned shall submit to the relevant intervention agency a purchase application by any written means of communication, relating to the quantity of the lot or lots which have been awarded to him.

Article 9

1. The intervention agency of the Member State designated for the supply shall make the cereals concerned available to the successful tenderer free of charge.

2. Removal of the goods shall be subject to the lodging of a security equal to the intervention price for the said

cereals, adjusted in accordance with monthly increases applicable in the month of submission of tenders, that price being increased by 10 %.

Article 10

1. Except in cases of *force majeure*, the successful tenderer shall bear all risks which the goods may incur, in particular loss or determination as far as the supply stage provided for in Article 2 (2).

2. If taking over at the delivery stage is delayed owing to circumstances beyond the control of the successful tenderer, the additional costs shall be reimbursed by the Commission on the basis of supporting documents.

3. The successful tenderer shall apply to the Polish authorities for a certificate testifying that the quantity delivered has been taken over.

4. The detailed rules for the granting of the taking-over certificate shall be defined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

5. The supply costs shall be reimbursed in respect of the quantity appearing in the taking-over certificate, no amount being withheld for normal loss of weight.

Article 11

Representative samples of the quantity supplied shall be taken:

- when the goods leave the intervention store in the presence of the successful tenderer;
- when the goods arrive at the supply stage laid down, at the expense of the successful tenderer and in the presence of the Polish authorities.

Article 12

For the purposes of this Regulation, 'primary requirement' within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾, as amended by Regulation (EEC) No 1181/87⁽²⁾:

- (a) maintenance of the tender and removal of the goods as regards the security provided for in point (b) for the second subparagraph of Article 5;
- (b) actual delivery of the lots awarded up to the supply stage without any significant change in quality compared with that applying at the time of removal from the intervention store as regards the security provided for in Article 9 (2).

2. The security provided for in point (b) of the second paragraph of Article 5 shall be released when:

- the tender has been rejected;
- the goods have been removed.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 113, 30. 4. 1987, p. 31.

3. The security provided for in Article 9 (2) shall be released when the successful tenderer has presented the taking-over certificate provided for in Article 10 (3) and when evidence has been provided that the quality of the goods supplied to the Polish authorities is not significantly different from that applying when they were removed. That evidence shall be provided by an analysis for the sampled taken for the purpose.

4. When the successful tenderer has provided the taking-over certificate and on presentation of the document relating to transport, the supply costs shall be reimbursed to him.

Article 13

In Part I of the Annex of Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 48 and footnote are added:

'48. Commission Regulation (EEC) No 2557/89 of 23 August 1989 on laying down detailed rules applicable to the free supply of certain cereals to Poland as provided for in Council Regulation (EEC) No 2247/89 ⁽⁴⁸⁾.

⁽⁴⁸⁾ OJ No L 248, 24. 8. 1989, p. 10.'

Article 14

With a view to the invitation to tender provided for in Article 1, the intervention agencies concerned shall

publish, at least eight days before the date laid down for the first partial invitation to tender, a notice of invitation to tender specifying in particular:

- the additional clauses and conditions compatible with this Regulation;
- the main physical and technical characteristics of the various lots recorded at the time of buying-in by the intervention agency or at the time of checks conducted subsequently;
- the lots or groups of lots to which the tender must relate, with the names and addresses of the storers and the places of supply to which the lots must be delivered;
- the time limits laid down for removal and supply.

That notice, together with any amendments, shall be forwarded to the Commission before the expiry of the first closing date for the submission of tenders.

Article 15

The book value of the products disposed of pursuant to this Regulation shall be fixed in ecus per tonne in the regulation issuing the invitation to tender. That value shall be converted into national currency at the agricultural conversion rate applying on 1 August 1989.

Article 16

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, 23 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2558/89

of 23 August 1989

introducing a countervailing charge on apples 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 1736/89 of 19 June 1989 fixing for the 1989/90 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of class I at ECU 40,86 per 100 kilograms net for the month of 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 apples originating in Argentina the entry prices calculated in this way have for five 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 apples;

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 4,93 per 100 kilograms net is applied to apples (CN codes 0808 10 91, 0808 10 93 and 0808 10 99) originating in Argentina.

Article 2

This Regulation shall enter into force on 25 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 30 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 171, 20. 6. 1989, p. 28.

⁽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, 23 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2559/89**of 23 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 2500/89 ⁽³⁾, as last amended by Regulation (EEC) No 2548/89 ⁽⁴⁾,

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2500/89 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 2500/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 August 1989.

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

Done at Brussels, 23 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 240, 17. 8. 1989, p. 16.

⁽⁴⁾ OJ No L 246, 23. 8. 1989, p. 13.

ANNEX

to the Commission Regulation of 23 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	15,28 ⁽¹⁾	
1701 11 90 910	23,51 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	15,28 ⁽¹⁾	
1701 12 90 910	23,51 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,1661
1701 99 10 100	16,61	
1701 99 10 910	25,88	
1701 99 10 950	24,38	
1701 99 90 100		0,1661

⁽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 2560/89

of 23 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 2547/89 ⁽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 24 August 1989.

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

Done at Brussels, 23 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 246, 23. 8. 1989, p. 11.

ANNEX

to the Commission Regulation of 23 August 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,02 ⁽¹⁾
1701 11 90	26,02 ⁽¹⁾
1701 12 10	26,02 ⁽¹⁾
1701 12 90	26,02 ⁽¹⁾
1701 91 00	23,65
1701 99 10	23,65
1701 99 90	23,65 ⁽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 2561/89**of 23 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⁾, as last amended by Regulation (EEC) No 2445/89 ⁽⁴⁾;

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 amended 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 24 August 1989.

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

Done at Brussels, 23 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.

⁽⁴⁾ OJ No L 231, 9. 8. 1989, p. 19.

ANNEX

to the Commission Regulation of 23 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	0,2365	—
1702 20 90	0,2365	—
1702 30 10	—	33,19
1702 40 10	—	33,19
1702 60 10	—	33,19
1702 60 90	0,2365	—
1702 90 30	—	33,19
1702 90 60	0,2365	—
1702 90 71	0,2365	—
1702 90 90	0,2365	—
2106 90 30	—	33,19
2106 90 59	0,2365	—

COMMISSION REGULATION (EEC) No 2562/89
of 23 August 1989
fixing the import levy on molasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1898/89⁽³⁾, as last amended by Regulation (EEC) No 2504/89⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,74 per 100 kg.

Article 2

This Regulation shall enter into force on 24 August 1989.

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

Done at Brussels, 23 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 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 240, 17. 8. 1989, p. 25.

COMMISSION REGULATION (EEC) No 2563/89

of 23 August 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2250/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 2541/89 ⁽⁸⁾;Whereas Council Regulation (EEC) No 1906/87 ⁽⁹⁾ amended Council Regulation (EEC) No 2744/75 ⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁷⁾ OJ No L 216, 27. 7. 1989, p. 10.⁽⁸⁾ OJ No L 245, 22. 8. 1989, p. 27.⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 22 August 1989;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 August 1989.

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

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

Done at Brussels, 23 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 23 August 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1102 90 30	50,68	178,42	184,46
1103 12 00	50,68	178,42	184,46
1103 29 30	50,68	178,42	184,46
1104 12 10	28,32	101,10	104,12
1104 12 90	55,64	198,24	204,28
1104 22 10	47,66	178,42	181,44
1104 22 30	47,66	178,42	181,44
1104 22 50	42,70	158,59	161,61
1104 22 90	28,32	101,10	104,12

**COMMISSION REGULATION (EEC) No 2564/89
of 23 August 1989**

**fixing the maximum export refund for white sugar for the 17th 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 17th 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 17th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 28,957 per 100 kilograms.

Article 2

This Regulation shall enter into force on 24 August 1989.

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

Done at Brussels, 23 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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 August 1989

authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directive 66/404/EEC

(89/508/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material⁽¹⁾, as last amended by Directive 88/332/EEC⁽²⁾, and in particular Article 15 thereof,

Having regard to the requests submitted by certain Member States,

Whereas production of reproductive material of the species set out in the Annex hereto is at present insufficient in all Member States, with the result that their requirements for reproductive material conforming to the provisions of Directive 66/404/EEC cannot be met;

Whereas third countries are not in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community reproductive material and which conforms to the provisions of the abovementioned Directive;

Whereas the Member States should therefore be authorized to permit, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements in respect of provenance;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and the strictest possible

guarantees should be given to ensure the identity of the material;

Whereas each of the Member States should furthermore be authorized to permit the marketing in its territory of seed which satisfies less stringent requirements in respect of provenance, together with seedlings produced therefrom, the marketing of which has been permitted under this Decision in the other Member States; whereas such a measure is likely to permit intra-Community trade in the relevant reproductive material and to satisfy better the needs of the Member States involved;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorized on the terms set out in the Annex hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected, to permit the marketing in their territory of seed satisfying less stringent requirements in respect of provenance.

2. Member States are further authorized to permit the marketing in their territory of seed approved for marketing under this Decision in the other Member States.

3. Member States are further authorized to permit the marketing in their territory of seedlings produced from the abovementioned seed.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 151, 17. 6. 1988, p. 82.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the seed is of the category 'source-identified reproductive material' as defined in the OECD (Organization for Economic Cooperation and Development) scheme for the control of forest reproductive material moving in international trade, or of another category defined in that scheme.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the seed, other official evidence shall be admissible.

3. Where official evidence cannot be provided in the case of the species *Pinus strobus*, Member States may accept other non-official evidence.

Article 3

The authorizations provided for in Article 1 (1) and (2), in so far as they concern the first marketing in the territory of the Member States, shall expire on 30 November 1990. The authorizations provided for in Article 1 (1) and (2), in

so far as they do not concern the first marketing, shall expire on 31 December 1992.

Article 4

Member States shall, before 1 January 1991, notify the Commission of the quantities of seed or, where appropriate, seedlings satisfying less stringent requirements which have been approved for first marketing in their territory under this Decision. The Commission shall inform the other Member States thereof.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 10 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

LEGEND

The Member States and the States of provenance are indicated in the order of the abbreviations of the international code used for motor vehicles.

1. *Member States*

B	=	Kingdom of Belgium
D	=	Federal Republic of Germany
DK	=	Kingdom of Denmark
E	=	Kingdom of Spain
F	=	French Republic
GB	=	United Kingdom
GR	=	Greece
I	=	Italian Republic
IRL	=	Ireland
L	=	Grand Duchy of Luxembourg
NL	=	Kingdom of the Netherlands
P	=	Republic of Portugal

2. *States of provenance*

A	=	Austria
BG	=	Bulgaria
CDN	=	Canada
CDN (QCI)	=	Canada (Queen Charlotte Island)
CH	=	Switzerland
CS	=	Czechoslovakia
DDR	=	German Democratic Republic
H	=	Hungary
J	=	Japan
N	=	Norway
PL	=	Poland
PL (Ca)	=	Poland (Carpathians)
R	=	Romania
S	=	Sweden
SU	=	Union of Soviet Socialist Republics
T	=	Turkey
USA	=	United States of America
YU	=	Yugoslavia

3. *Other abbreviations*

exc.	=	except
max. alt.	=	maximum altitude

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Abies alba Mill.		Fagus silvatica L.		Larix decidua Mill.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	30	R	5 000	R (max. alt. 900 m)	50	CS (Sudeten strain) PL (max. alt. 900 m)
D	900	DDR, CS, R, CH, YU	20 000	DDR, CS, R, CH	100	CS
DK	600	R	10 100	R, CS, CH	—	
E	—		—		—	
F	—		—		500	CH, CS, PL, F, A
GB	5	EEC	15 000	EEC, R, CS, H, YU	250	EEC, A, CS YU (Sudeten strain)
GR	—		—		—	
I	—		3 000	IT	—	
IRL	—		2 000	Europe, non EEC	10	Europe, non EEC
L	—		—		—	
NL	75	R	5 000	R	50	PL, CS
P						
Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Larix leptolepis (Sieb. & Zucc.) Gord.		Picea abies Karst.		Picea sitchensis Trautv. & Mey.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	80	J (Hokkaido, Nagano)	100	PL (Carpathians) R (max. alt. 900 m) CS (max. alt. 900 m)	50	USA (Washington)
D	—		200	CS, R, DDR, PL, H, SU	300	CDN (QCI, West Coast) USA (Washington)
DK	—		600	DDR, CS, PL	600	CDN (QCI) USA (Washington)
E	25	J	50	YU, D	—	
F	200	J (Hokkaido)	400	PL (zones II, VIII)	400	USA (Washington, Oregon)
GB	550	EEC, J	500	PL, R, CS, EEC	750	USA (Washington, Oregon, Alaska) CDN (British Columbia)
GR	—		—		—	
I	120	J (Hokkaido)	—		—	
IRL	100	J	100	Europe, non EEC	600	USA (Washington, Oregon) CDN (QCI)
L	—		—		—	
NL	80	J	200	PL, CS	25	USA (Washington) CDN (British Columbia)
P						

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Pinus nigra Arn.		Pinus silvestris L.		Pinus strobus L.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	60	YU (exc. Dalmatia)	—		40	CDN (Ontario) USA, YU
D	300	YU	150	PL	150	D, USA (Appalachians), DDR, CS
DK	250	T, YU, A, CS	200	N, S, SU	20	USA
E	550	YU, A, D, F	—		8	USA
F	300	BG (Kustendil)	200	PL (Zone II)	—	
GB	40	EEC, A	500	EEC	20	EEC, USA
GR	—		—		—	
I	—		—		50	USA (Appalachians)
IRL	10	Europe, non EEC	20	Europe, non EEC	—	
L	—		—		—	
NL	200	A, YU	—		75	CDN (Ontario) USA

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Pseudotsuga taxifolia (Poir.) Britt.		Quercus borealis Michx.		Quercus pedunculata Ehrh.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	500	USA (Washington, West of Cascades, max. alt. 600 m)	—		10 000	R, YU (Save Valley)
D	6 000	USA (Washington, Oregon) CDN (British Columbia)	2 000	DDR, CS, USA	15 000	DDR, YU
DK	250	USA	—		4 500	S, PL
E	150	USA (Washington, Oregon)	—		—	
F	2 800	USA (Washington, Oregon, California)	50 000	F	110 000	F
GB	1 000	USA (Washington, Oregon) CDN (British Columbia)	1 500	EEC, USA	40 000	EEC, CS, YU
GR	150	USA (Oregon, California)	—		—	
I	450	USA (Washington, Oregon, California)	—		2 000	I
IRL	200	USA (Western North America)	1 000	North America	2 000	Europe, non EEC
L	5	USA (Washington, West of Cascades) (max. alt. 900 m)	—		—	
NL	300	USA (Washington)	—		—	
P						

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Quercus sessiliflora Sal.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	10 000	R
D	—	
DK	46 000	N, PL
E	—	
F	160 000	F
GB	45 000	EEC, CS, YU
GR	—	
I	2 000	I
IRL	2 000	Europe, non-EEC
L	—	
NL	10 000	PL, CS
P		

COMMISSION DECISION

of 10 August 1989

authorizing the Federal Republic of Germany to permit temporarily the marketing of forestry seed not satisfying the requirements of Council Directive 71/161/EEC

(Only the German text is authentic)

(89/509/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 71/161/EEC of 30 March 1971 on external quality standards for forest reproductive material marketed within the Community⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 15 thereof,

Having regard to the request submitted by the Federal Republic of Germany,

Whereas in Germany the production of seed of *Quercus pedunculata* and *Quercus sessiliflora* satisfying the requirements laid down in Directive 71/161/EEC was insufficient in 1988 and is not adequate to supply Germany's needs;

Whereas it has not been possible to cover those needs satisfactorily at this stage by the use of seed from other Member States, or even from non-member countries, satisfying all the requirements laid down in the said Directive;

Whereas Germany should therefore be authorized to permit, for a limited period, the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas Council Directive 66/404/EEC on the marketing of forest reproductive material⁽³⁾, as last amended by Directive 88/332/EEC⁽⁴⁾, provides that reproductive material may be marketed only if it is accompanied by a document bearing certain details of the reproductive material in question;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized to permit the marketing on its territory of a maximum of 25 000 kilograms of seed of *Quercus pedunculata* Ehrh. and 20 000 kilograms of seed of *Quercus sessiliflora* Sal. which does not satisfy the requirements relating to specific purity in Annex I to Directive 71/161/EEC, provided that the following requirement is satisfied: the document required under Article 9 of Directive 66/404/EEC shall state: 'Seed not satisfying the standards in respect of specific purity'.

Article 2

The Federal Republic of Germany shall notify the Commission before 1 January 1991 of the quantities of seed marketed on its territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 3

The authorization provided for in Article 1, in so far as it concerns the first marketing, shall expire on 30 November 1990 and, in so far as it does not concern the first marketing, shall expire on 31 December 1992.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 10 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 87, 17. 4. 1971, p. 14.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽⁴⁾ OJ No L 151, 17. 6. 1988, p. 82.

COMMISSION DECISION

of 17 August 1989

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland and Zimbabwe

(89/510/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 3182/88 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 August 1989, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 September 1989, should be fixed within the scope of the total quantity of 30 000 tonnes to which should be added, where appropriate, automatically, the additional quantity of 8 100 tonnes referred to in Article 5 (2) and (3) of Regulation (EEC) No 486/85;

Whereas it seems expedient to recall that this Decision is without prejudice 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 ⁽⁵⁾, as last amended by Directive 89/227/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 August 1989 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom:

1 020,00 tonnes originating in Botswana,

Germany

650,00 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of September 1989 in respect of the following quantities of boned beef and veal:

Botswana	12 156,362 tonnes
Kenya	142,00 tonnes
Madagascar	7 579,00 tonnes
Swaziland	3 363,00 tonnes
Zimbabwe	6 252,17 tonnes

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 17 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 93, 6. 4. 1989, p. 25.