

Official Journal

of the European Communities

ISSN 0378-6978

L 317

Volume 32

31 October 1989

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3256/89**of 30 October 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 2860/89⁽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 27 October 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 31 October 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽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, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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	21,67	117,99
0712 90 19	21,67	117,99
1001 10 10	24,50	164,18 ⁽¹⁾ ⁽²⁾
1001 10 90	24,50	164,18 ⁽¹⁾ ⁽²⁾
1001 90 91	21,69	114,72
1001 90 99	21,69	114,72
1002 00 00	48,55	113,11 ⁽³⁾
1003 00 10	39,39	115,23
1003 00 90	39,39	115,23
1004 00 10	30,79	109,46
1004 00 90	30,79	109,46
1005 10 90	21,67	117,99 ⁽³⁾ ⁽²⁾
1005 90 00	21,67	117,99 ⁽³⁾ ⁽²⁾
1007 00 90	39,39	129,12 ⁽⁴⁾
1008 10 00	39,39	1,35
1008 20 00	39,39	67,97 ⁽⁴⁾
1008 30 00	39,39	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	39,39	0,00
1101 00 00	43,81	174,05
1102 10 00	81,41	172,55
1103 11 10	52,45	268,13
1103 11 90	46,84	187,50

⁽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 3257/89

of 30 October 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 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 2860/89⁽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 27 October 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 31 October 1989.

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

Done at Brussels, 30 October 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 274, 23. 9. 1989, p. 41.⁽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 30 October 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 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0	0	0,32
0712 90 19	0	0	0	0,32
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	0,80
1004 00 90	0	0	0	0,80
1005 10 90	0	0	0	0,32
1005 90 00	0	0	0	0,32
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 3258/89**of 30 October 1989****fixing the maximum export refunds on olive oil for the 21st partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88**

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2902/89 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3421/88 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3421/88 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 21st partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 October 1989.

Article 2

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 301, 4. 11. 1988, p. 39.

ANNEX

to the Commission Regulation of 30 October 1989 fixing the maximum export refunds on olive oil for the 21st partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88

<i>(ECU/100 kg)</i>	
Product code	Amount of refund
1509 10 90 100	63,85
1509 10 90 900	104,50
1509 90 00 100	74,02
1509 90 00 900	110,09
1510 00 90 100	17,68
1510 00 90 900	—

NB: The products codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3259/89

of 30 October 1989

fixing the export refunds on olive oil

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last 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;

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal ;
whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 1989 fixing the export refunds on olive oil

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	62,35
1509 10 90 900	99,50
1509 90 00 100	70,82
1509 90 00 900	103,13
1510 00 90 100	16,18
1510 00 90 900	50,50

(1) For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

NB : The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3260/89
of 30 October 1989
fixing the import levies on milk and milk products

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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 763/89 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1167/89 ⁽³⁾, as last amended by Regulation (EEC) No 3088/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1167/89 to the prices

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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 121, 29. 4. 1989, p. 20.

⁽⁴⁾ OJ No L 296, 14. 10. 1989, p. 11.

ANNEX

to the Commission Regulation of 30 October 1989 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		13,30
0401 10 90		12,09
0401 20 11		18,58
0401 20 19		17,37
0401 20 91		23,50
0401 20 99		22,29
0401 30 11		60,81
0401 30 19		59,60
0401 30 31		117,82
0401 30 39		116,61
0401 30 91		198,77
0401 30 99		197,56
0402 10 11		84,44
0402 10 19		77,19
0402 10 91	(¹)	0,7719/kg + 23,39
0402 10 99	(¹)	0,7719/kg + 16,14
0402 21 11		132,70
0402 21 17		125,45
0402 21 19		125,45
0402 21 91		175,81
0402 21 99		168,56
0402 29 11	(¹) (²)	1,2545/kg + 23,39
0402 29 15	(¹)	1,2545/kg + 23,39
0402 29 19	(¹)	1,2545/kg + 16,14
0402 29 91	(¹)	1,6856/kg + 23,39
0402 29 99	(¹)	1,6856/kg + 16,14
0402 91 11		31,00
0402 91 19		31,00
0402 91 31		38,75
0402 91 39		38,75
0402 91 51		117,82
0402 91 59		116,61
0402 91 91		198,77
0402 91 99		197,56
0402 99 11		52,87
0402 99 19		52,87
0402 99 31	(¹)	1,1419/kg + 19,77
0402 99 39	(¹)	1,1419/kg + 18,56
0402 99 91	(¹)	1,9514/kg + 19,77
0402 99 99	(¹)	1,9514/kg + 18,56

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 11		20,99
0403 10 13		25,91
0403 10 19		63,22
0403 10 31	(¹)	0,1495/kg + 22,18
0403 10 33	(¹)	0,1987/kg + 22,18
0403 10 39	(¹)	0,5718/kg + 22,18
0403 90 11		84,44
0403 90 13		132,70
0403 90 19		175,81
0403 90 31	(¹)	0,7719/kg + 23,39
0403 90 33	(¹)	1,2545/kg + 23,39
0403 90 39	(¹)	1,6856/kg + 23,39
0403 90 51		20,99
0403 90 53		25,91
0403 90 59		63,22
0403 90 61	(¹)	0,1495/kg + 22,18
0403 90 63	(¹)	0,1987/kg + 22,18
0403 90 69	(¹)	0,5718/kg + 22,18
0404 10 11		26,61
0404 10 19	(¹)	0,2661/kg + 16,14
0404 10 91	(²)	0,2661/kg
0404 10 99	(²)	0,2661/kg + 16,14
0404 90 11		84,44
0404 90 13		132,70
0404 90 19		175,81
0404 90 31		84,44
0404 90 33		132,70
0404 90 39		175,81
0404 90 51	(¹)	0,7719/kg + 23,39
0404 90 53	(¹)	1,2545/kg + 23,39
0404 90 59	(¹)	1,6856/kg + 23,39
0404 90 91	(¹)	0,7719/kg + 23,39
0404 90 93	(¹)	1,2545/kg + 23,39
0404 90 99	(¹)	1,6856/kg + 23,39
0405 00 10		204,25
0405 00 90		249,19
0406 10 10		216,32
0406 10 90		276,28
0406 20 10	(³)	379,17
0406 20 90		379,17
0406 30 10	(³)	168,85
0406 30 31	(³)	165,95
0406 30 39	(³)	168,85
0406 30 90	(³)	265,57
0406 40 00	(³)	158,11
0406 90 11	(³)	209,97

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	(³)	244,49
0406 90 15	(³)	244,49
0406 90 17	(³)	244,49
0406 90 19	(³)	379,17
0406 90 21	(³)	209,97
0406 90 23	(³)	179,56
0406 90 25	(³)	179,56
0406 90 27	(³)	179,56
0406 90 29	(³)	179,56
0406 90 31	(³)	179,56
0406 90 33		179,56
0406 90 35	(³)	179,56
0406 90 37	(³)	179,56
0406 90 39	(³)	179,56
0406 90 50	(³)	179,56
0406 90 61		379,17
0406 90 63		379,17
0406 90 69		379,17
0406 90 71		216,32
0406 90 73		179,56
0406 90 75		179,56
0406 90 77		179,56
0406 90 79		179,56
0406 90 81		179,56
0406 90 83		179,56
0406 90 85		179,56
0406 90 89	(³)	179,56
0406 90 91		216,32
0406 90 93		216,32
0406 90 97		276,28
0406 90 99		276,28
1702 10 10		35,49
1702 10 90		35,49
2106 90 51		35,49
2309 10 15		60,31
2309 10 19		78,07
2309 10 39		73,85
2309 10 59		62,58
2309 10 70		78,07
2309 90 35		60,31
2309 90 39		78,07
2309 90 49		73,85
2309 90 59		62,58
2309 90 70		78,07

-
- (¹) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
-

COMMISSION REGULATION (EEC) No 3261/89

of 30 October 1989

fixing the refunds applicable for November 1989 to cereal and rice sector products supplied as Community and national 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 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2860/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) 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 11 (2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

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

Done at Brussels, 30 October 1989.

Whereas Article 3 of Council Regulation (EEC) No 2746/75 ⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75 ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76 ⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for November 1989 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 November 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 274, 23. 9. 1989, p. 41.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.
⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.
⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 30 October 1989 fixing the refunds applicable for November 1989 to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	110,00
1001 90 99 000	47,00
1002 00 00 000	34,00
1003 00 90 000	65,00
1004 00 90 000	—
1005 90 00 000	65,00
1006 20 92 000	146,75
1006 20 94 000	146,75
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 000	183,44
1006 30 94 100	183,44
1006 30 94 900	183,44
1006 30 96 100	183,44
1006 30 96 900	183,44
1006 40 00 000	—
1007 00 90 000	65,00
1101 00 00 110	58,00
1101 00 00 120	58,00
1101 00 00 130	58,00
1102 20 10 100	110,88
1102 30 00 000	—
1102 90 10 100	95,99
1103 11 10 500	171,00
1103 11 90 100	64,00
1103 13 19 100	142,56
1103 14 00 000	—
1104 12 90 100	139,58
1104 21 50 100	127,98

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3262/89**of 30 October 1989****fixing the maximum buying-in price and the quantities of beef bought in for the
10th partial invitation to tender under Regulation (EEC) No 1627/89**

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

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 571/89 ⁽²⁾, and in particular Article 6 ⁽⁷⁾ thereof,

Whereas, pursuant to Commission Regulation (EEC) No
859/89 of 29 March 1989 laying down detailed rules for
the application of intervention measures in the beef and
veal sector ⁽³⁾, an invitation to tender was opened by
Commission Regulation (EEC) No 1627/89 of 9 June
1989 on the buying-in of beef by invitation to tender ⁽⁴⁾,
as last amended by Regulation (EEC) No 3101/89 ⁽⁵⁾;

Whereas, in accordance with Article 11 (1) of Regulation
(EEC) No 859/89, a maximum buying-in price is to be
fixed for quality R3, where appropriate, for each partial
invitation to tender in the light of the tenders received;
whereas, in accordance with Article 12 of that Regulation,
only tenders lower than or equal to the maximum price
are to be accepted;

Whereas, after the tenders submitted for the 10th partial
invitation to tender have been examined and taking
account, pursuant to Article 6 (1) of Regulation (EEC) No
805/68, the requirements for reasonable support of the
market and the seasonal trend in slaughterings, the
maximum buying-in price and the quantities which may
be accepted into intervention should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 10th partial invitation to tender opened by
Regulation (EEC) No 1627/89:

(a) For category A:

- the maximum buying-in price is hereby fixed at
ECU 283 per 100 kilograms of carcasses or
half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses
accepted is hereby fixed at 305 tonnes;

(b) For category C:

- the maximum buying-in price is hereby fixed at
ECU 277 per 100 kilograms of carcasses or
half-carcasses of quality R3,
- the maximum quantity accepted is hereby fixed at
13 662 tonnes.

Article 2

This Regulation shall enter into force on 31 October
1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁵⁾ OJ No L 298, 17. 10. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3263/89
of 30 October 1989
fixing the import levies on rice and broken 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 Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2637/89 ⁽⁵⁾, as last amended by Regulation (EEC) No 3235/89 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2637/89 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 255, 1. 9. 1989, p. 8.

⁽⁶⁾ OJ No L 314, 28. 10. 1989, p. 22.

ANNEX

to the Commission Regulation of 30 October 1989 fixing the import levies on rice and broken rice

(ECU/tonne)				
CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾) (⁽³⁾)	Third countries (except ACP or OCT) (⁽³⁾)
1006 10 21	—	—	140,97	289,14
1006 10 23	—	207,32	134,61	276,43
1006 10 25	—	207,32	134,61	276,43
1006 10 27	—	207,32	134,61	276,43
1006 10 92	—	—	140,97	289,14
1006 10 94	—	207,32	134,61	276,43
1006 10 96	—	207,32	134,61	276,43
1006 10 98	—	207,32	134,61	276,43
1006 20 11	—	—	177,11	361,42
1006 20 13	—	259,16	169,17	345,54
1006 20 15	—	259,16	169,17	345,54
1006 20 17	—	259,16	169,17	345,54
1006 20 92	—	—	177,11	361,42
1006 20 94	—	259,16	169,17	345,54
1006 20 96	—	259,16	169,17	345,54
1006 20 98	—	259,16	169,17	345,54
1006 30 21	13,05	—	229,37	482,60
1006 30 23	12,97	399,83	254,67	533,11
1006 30 25	12,97	399,83	254,67	533,11
1006 30 27	12,97	399,83	254,67	533,11
1006 30 42	13,05	—	229,37	482,60
1006 30 44	12,97	399,83	254,67	533,11
1006 30 46	12,97	399,83	254,67	533,11
1006 30 48	12,97	399,83	254,67	533,11
1006 30 61	13,90	—	244,63	513,97
1006 30 63	13,90	428,63	273,40	571,50
1006 30 65	13,90	428,63	273,40	571,50
1006 30 67	13,90	428,63	273,40	571,50
1006 30 92	13,90	—	244,63	513,97
1006 30 94	13,90	428,63	273,40	571,50
1006 30 96	13,90	428,63	273,40	571,50
1006 30 98	13,90	428,63	273,40	571,50
1006 40 00	0	—	60,93	127,86

(⁽¹⁾) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

(⁽²⁾) In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

(⁽³⁾) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

NB: The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25).

COMMISSION REGULATION (EEC) No 3264/89

of 30 October 1989

fixing the premiums to be added to the import levies on rice and broken 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 Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1806/89⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89⁽³⁾, as last amended by Regulation (EEC) No 3236/89⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 255, 1. 9. 1989, p. 11.

⁽⁴⁾ OJ No L 314, 28. 10. 1989, p. 24.

ANNEX

to the Commission Regulation of 30 October 1989 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 11	1st period 12	2nd period 1	3rd period 2
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 3265/89**of 30 October 1989****reimposing the levying of customs duties applicable to third countries on certain
products originating in Yugoslavia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol No 1 thereto ;

Having regard to Council Regulation (EEC) No 4234/88 of 19 December 1988 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia (1989) ⁽²⁾, and in particular Article 1 thereof ;

Whereas the abovementioned Protocol No 1 and Article 15 of the Cooperation Agreement provide that the products listed in the Annex are imported exempt of Customs duty into the Community, subject to the ceilings shown, above which the Customs duties applicable to Third Countries may be re-established ;

Whereas imports into the Community of those products, originating in Yugoslavia, have reached those ceilings ;

whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be reimposed.

HAS ADOPTED THIS REGULATION :

Article 1

From 3 November to 31 December 1989, the levying of customs duties applicable to third countries shall be reimposed on imports into the Community of the products listed in the Annex, originating in Yugoslavia ;

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, 30 October 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 372, 31. 12. 1988, p. 15.

ANNEX

Order No	CN code	Description	Ceiling (tonnes)
01.0020	3102 10 91	Other urea in aqueous solution	32 586
	3102 10 99	— — Other	
		— Ammonium sulphate; double salts and mixtures of ammonium sulphate and ammonium nitrate :	
	3102 21 00	— — Ammonium sulphate :	
	3102 29	— — Other :	
	3102 29 10	— — — Ammonium sulphate-nitrate	
	3102 29 90	— — — Other	
	3102 30	— Ammonium nitrate, whether or not in aqueous solution :	
	3102 30 10	— — In aqueous solution	
	3102 30 90	— — Other	
	3102 40	— Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilizing substances :	
	3102 40 10	— — With a nitrogen content not exceeding 28 % by weight	
	3102 40 90	— — With a nitrogen content exceeding 28 % by weight	
	3102 50	— Sodium nitrate :	
	3102 50 90	— — Other fertilizers	
	3102 60 00	— Double salts and mixtures of calcium nitrate and ammonium nitrate	
	3102 70 00	— Calcium cyanamide	
	3102 80 00	— Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution	
	3102 90 00	— Other, including mixtures not specified in the foregoing subheadings	
01.0210	7903	Zinc dust, powders and flakes :	3 094
	7905	Zinc plates, sheets, strip and foil :	

COMMISSION REGULATION (EEC) No 3266/89

of 30 October 1989

re-establishing the levying of customs duties on statuettes and other ornamental ceramic articles falling within CN code 6913 originating in China to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of statuettes and other ornamental ceramic articles falling within CN code 6913 the individual ceiling was fixed at ECU 5 million; whereas, on 18 October 1989, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in China:

Order No	CN code	Description
10.0750	6913	Statuettes and other ornamental ceramic articles

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, 30 October 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 3267/89

of 30 October 1989

re-establishing the levying of customs duties on citric acid falling within CN code 2918 14 00 originating in Indonesia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of citric acid falling within CN code 2918 14 00 the individual ceiling was fixed at ECU 350 000; whereas, on 16 October 1989, imports of these products into the Community originating in Indonesia reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 November 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in Indonesia:

Order No	CN code	Description
10.0210	2918 14 00	Citric acid

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, 30 October 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 3268/89
of 30 October 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 22 000 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, 30 October 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⁾:** 534/89
2. **Programme:** 1989
3. **Recipient:** Peru
4. **Representative of the recipient⁽²⁾:** Oficina Nacional de Apoyo Alimentario (ONAA), Natalio Sánchez n° 220, Piso 14, Jesus Maria, Lima, Perú; tel. 24 24 64
5. **Place or country of destination:** Peru
6. **Product to be mobilized:** common wheat
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.1)
8. **Total quantity:** 12 000 tonnes
9. **Number of lots:** one
10. **Packaging and marking⁽⁵⁾:**
See list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1E): Marking on bags (at least 5 cm high):
'ACCIÓN N° 534/89 / TRIGO BLANDO / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA A PERÚ / DISTRIBUCIÓN GRATUITA'
11. **Method of mobilization:** the Community market
12. **Stage of supply⁽⁶⁾:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Callao
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:** 1 to 15. 12. 1989
18. **Deadline for the supply:** 31. 1. 1990
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon on 14. 11. 1989
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 28. 11. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 to 31. 12. 1989
 - (c) deadline for the supply: 15. 2. 1990
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⁽⁷⁾:**
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⁽⁸⁾:**
Refund applicable on 1. 10. 1989 fixed by Commission Regulation (EEC) No 2936/89 in OJ No L 281, 30. 9. 1989, p. 37.

ANNEX II

1. **Operation No** (1): 616/89
2. **Programme**: 1989
3. **Recipient**: M. Pirlot, UNHCR, Case Postale 2500, CH-1211 Geneva 2 Depot; tel. 739 81 11, telex 415740 UNHCR CH
4. **Representative of the recipient** (2) (3): HCR-Office, Lingadzi House, Robert Mugabe Crescent, City Centre, Lilongwe 3; tel. 63 41 71
5. **Place or country of destination**: Malawi
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**: 5 200 tonnes (10 000 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 (c))
Marking on the bags (in letters at least 5 cm high):
'ACTION No 616/89 / MAIZE MEAL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNHCR ASSISTANCE PROGRAMME / FOR REFUGEES IN MALAWI / FOR FREE DISTRIBUTION / BLANTYRE'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination — Blantyre
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**: UNHCR, c/o Casalee cargo Ltd, Kidney Crescent, Blantyre
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 12. 1989 to 15. 1. 1990
18. **Deadline for the supply**: 28. 2. 1990
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders**: 14. 11. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 28. 11. 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: 1 to 31. 1. 1990
 - (c) deadline for the supply: 15. 3. 1990
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 1. 10. 1989 fixed by Commission Regulation (EEC) No 2936/89 (OJ No L 281, 30. 9. 1989, p. 37)

Notes :

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to be contacted by the successful tenderer :
I : M. Boselli, Délégation CCE, Calle Orinoco, Las Mercedes, Ap. 768076, Las Americas 1061A, Caracas, Venezuela, Tel. (58-2) 91 51 33, Telex 27298 COMEU VC, Fax (58-2) 91 88 76 ;
II : see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (3) The successful tenderer shall supply 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 must indicate the caesium — 134 and — 137 levels.
- (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) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32,
236 10 97,
235 01 30,
236 20 05.
- (6) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) 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) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
— phytosanitary certificate,
— certificate of origin.
- (8) Where the goods are placed in containers on the initiative of the successful tenderer, the latter must bear the costs of carriage to the port store where emptying takes place.
- (9) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
-

COMMISSION REGULATION (EEC) No 3269/89
of 30 October 1989
on the supply of refined sunflower oil to Peru as food aid

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

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

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

Whereas, by its Decision of 26 July 1989 on the supply of food aid to Peru the Commission allocated to this country 600 tonnes of refined sunflower oil;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 20. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation Nos** ⁽¹⁾: 431/89
2. **Programme**: 1988
3. **Recipient**: Peru
4. **Representative of the recipient** ⁽²⁾: Oficina Nacional de Apoyo Alimentario (ONAA), Natalio Sanchez n. 220, Piso 14, Jesus Maria, Lima, Peru Tel. 24 24 64
5. **Place or country of destination**: Peru
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.2)
8. **Total quantity**: 600 tonnes net
9. **Number of lots**: 1
10. **Packaging and marking**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - Metal cans of not more than 5 kg
 - the cans must carry the following wording:
« ACCIÓN N° 431/89 / ACEITE DE GIRASOL / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA AL PERÚ / DISTRIBUCIÓN GRATUITA »
11. **Method of mobilization**: 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**: Callao
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment stage where the supply is awarded at the port of shipment stage**: 1. 1 to 31. 1. 1990
18. **Deadline for the supply**: 12. 2. 1990
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 14. 11. 1989, not later than 12 noon. Tenders shall be valid until 12 midnight on 15. 11. 1989
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 28. 11. 1989, not later than 12 noon. Tenders shall be considered valid until 12 midnight on 29. 11. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 14. 1. to 14. 2. 1990
 - (c) deadline for the supply: 26. 2. 1990
22. **Amount of the tendering security**: 15 ECU per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer**: —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
M. Boselli, Delegacion CEE, Calle Orinoco, Las Mercedes, AP. 768 076, Las Américas 1061A, Caracas, Venezuela, Tel. : 91 51 33, Telex : 27298 COMEU VC.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
— certificate of origin,
— health certificate.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05.
-

COMMISSION REGULATION (EEC) No 3270/89

of 30 October 1989

fixing the minimum selling price for the purposes of the standing invitation to tender issued by Regulation (EEC) No 2406/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 2860/89⁽²⁾,Having regard to Commission Regulation (EEC) No 2406/89 of 3 August 1989 authorizing certain intervention agencies to put up for sale by tender 530 000 tonnes of durum wheat for export in the form of meal⁽³⁾, as last amended by Regulation (EEC) No 2945/89⁽⁴⁾, and in particular Article 3 thereof,Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽⁵⁾, as last amended by Regulation (EEC) No 195/89⁽⁶⁾, stipulates that when cereals held by intervention agencies are sold, they are to be sold by invitation to tender;Whereas Commission Regulation (EEC) No 1836/82⁽⁷⁾, as last amended by Regulation (EEC) No 2418/87⁽⁸⁾, lays down the procedures and the conditions for the disposal of cereals held by intervention agencies;

Whereas Regulation (EEC) No 2406/89 authorizes certain intervention agencies to put up for sale by 30 November 1989 530 000 tonnes of durum wheat for export in the form of meal; whereas that Regulation provides for a

minimum selling price to be fixed by way of a derogation from Article 5 of Regulation (EEC) No 1836/82;

Whereas Commission Regulation (EEC) No 2407/89⁽⁹⁾ fixes the minimum selling price for the purposes of the standing invitation to tender issued by Regulation (EEC) No 2406/89 for the period 4 August to 31 October 1989; whereas a minimum selling price should accordingly be fixed for November 1989 for the purposes of that invitation to tender;

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

The minimum selling price for the purposes of the standing invitation to tender issued under Regulation (EEC) No 2406/89 shall be ECU 239,84 per tonne for Italy and ECU 204,66 per tonne for Spain for November 1989.

Article 2

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

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

Done at Brussels, 30 October 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 274, 23. 9. 1989, p. 41.

⁽³⁾ OJ No L 227, 4. 8. 1989, p. 49.

⁽⁴⁾ OJ No L 281, 30. 9. 1989, p. 65.

⁽⁵⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁶⁾ OJ No L 25, 28. 1. 1989, p. 22.

⁽⁷⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁸⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁹⁾ OJ No L 227, 4. 8. 1989, p. 51.

COMMISSION REGULATION (EEC) No 3271/89**of 30 October 1989****concerning the prices to be used for calculating the value of agricultural products in intervention storage, to be carried over to the following financial year**

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

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, as last amended by Regulation (EEC) No 787/89 ⁽²⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 2776/88 of 7 September 1988 on data to be sent in by the Member States with a view to the booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽³⁾, as amended by Regulation (EEC) No 2735/89 ⁽⁴⁾, provides for the declaration of expenditure on public storage operations in the form of accounts at present available as at 30 September; whereas the value of stocks at the end of the financial year must accordingly, be calculated on that basis;

Whereas the carry-over prices must be established by the paying agencies for the intervention products stored under their responsibility and for which expenditure is to be declared in the annual accounts referred to in Article 4

(1) of Regulation (EEC) No 1883/78; whereas provision should be made for this information to be forwarded to the Commission;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the European Agricultural Guidance and Guarantee Fund Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The paying agencies shall record the average accounting value (carry-over price) referred to in Article 7 of Regulation (EEC) No 1883/78 for agricultural products in intervention storage under their responsibility and shall notify it to the Commission by 10 November at the latest using the documents determined pursuant to Article 10 of Regulation (EEC) No 2776/88.

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, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.
⁽²⁾ OJ No L 85, 30. 3. 1989, p. 1.
⁽³⁾ OJ No L 249, 8. 9. 1988, p. 9.
⁽⁴⁾ OJ No L 263, 9. 9. 1989, p. 17.

COMMISSION REGULATION (EEC) No 3272/89

of 30 October 1989

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾,Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods⁽³⁾, as amended by Regulation (EEC) No 3788/85⁽⁴⁾, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for oils falling within subheading 1509 90 00 of the combined nomenclature; whereas, however, if the oil

employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of November and December 1989, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- 111,00 ECU per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Spain and Portugal,
- 52,44 ECU per 100 kilograms for olive oil other than that referred to in the preceding indent, utilized in the Member States other than Spain and Portugal,
- 57,93 ECU per 100 kilograms for olive oil utilized in Spain,
- 100,22 ECU per 100 kilograms for olive oil utilized in Portugal.

Article 2

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.⁽³⁾ OJ No L 78, 30. 3. 1979, p. 2.⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 15.

COMMISSION REGULATION (EEC) No 3273/89

of 30 October 1989

introducing a countervailing charge on apples originating in New Zealand

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 3111/89⁽³⁾, introduced a countervailing charge on apples originating in New Zealand;

Whereas for apples originating in New Zealand there were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of apples originating in New Zealand can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3111/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 31 October 1989.

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

Done at Brussels, 30 October 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 298, 17. 10. 1989, p. 21.

COMMISSION REGULATION (EEC) No 3274/89

of 30 October 1989

abolishing the countervailing charge on fresh lemons originating in Uruguay

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 2977/89⁽³⁾,
as amended by Regulation (EEC) No 3065/89⁽⁴⁾, intro-
duced a countervailing charge on fresh lemons originating
in Uruguay;

Whereas for this product originating in Uruguay there
were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation
(EEC) No 1035/72 are therefore fulfilled and the counter-
vailing charge on imports of fresh lemons originating in
Uruguay can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2977/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 31 October
1989.

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

Done at Brussels, 30 October 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 284, 3. 10. 1989, p. 23.

⁽⁴⁾ OJ No L 293, 12. 10. 1989, p. 37.

COMMISSION REGULATION (EEC) No 3275/89

of 30 October 1989

introducing a countervailing charge on tomatoes originating in Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 674/89 of 16 March 1989 fixing for the 1989 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I at ECU 46,18 per 100 kilograms net for the period 1 October to 20 December 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 it is necessary to multiply the prices with the coefficient fixed in the first indent of Article 1 (2) of Regulation (EEC) No 674/89;

Whereas, for tomatoes originating in Romania the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

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 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 3,52 per 100 kilograms net is applied to tomatoes (CN code 0702 00) originating in Romania.

Article 2

This Regulation shall enter into force on 1 November 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 73, 17. 3. 1989, p. 14.

⁽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, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3276/89

of 30 October 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 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 2860/89⁽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 (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⁽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 2893/89⁽⁷⁾, as last amended by Regulation (EEC) No 3254/89⁽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:

— 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 27 October 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 Commission Regulation (EEC) No 1579/74⁽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 2893/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 31 October 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽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 279, 28. 9. 1989, p. 16.

⁽⁸⁾ OJ No L 314, 28. 10. 1989, p. 68.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽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, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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	60,87	197,03	203,07
1103 12 00	60,87	197,03	203,07
1103 29 30	60,87	197,03	203,07
1104 12 10	34,09	111,65	114,67
1104 12 90	66,96	218,92	224,96
1104 22 10*10 (*)	34,09	111,65	114,67
1104 22 10*90 (*)	57,85	197,03	200,05
1104 22 30	57,85	197,03	200,05
1104 22 50	51,76	175,14	178,16
1104 22 90	34,09	111,65	114,67

(*) 6 % *ad valorem*, subject to certain conditions.

(*) TARIC code: clipped oats.

COMMISSION REGULATION (EEC) No 3277/89

of 30 October 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1115/88⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 9 October 1989, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 9

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 9 October 1989, the level of the premium is fixed at ECU 63,605 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 9 October 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 9 October 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 30 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	29,894	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	63,605	0
0204 21 00	63,605	0
0204 50 11		0
0204 22 10	44,524	
0204 22 30	69,966	
0204 22 50	82,687	
0204 22 90	82,687	
0204 23 00	115,761	
0204 30 00	47,704	
0204 41 00	47,704	
0204 42 10	33,393	
0204 42 30	52,474	
0204 42 50	62,015	
0204 42 90	62,015	
0204 43 00	86,821	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	82,687	
0210 90 19	115,761	
1602 90 71		
— unboned (bone-in)	82,687	
— boned or boneless	115,761	

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

COUNCIL REGULATION (EEC) No 3278/89
of 30 October 1989

amending, for the second time, Regulation (EEC) No 4196/88 allocating, for 1989, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 4196/88⁽²⁾, as amended by Regulation (EEC) No 1810/89⁽³⁾, allocates, for 1989, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishery zone around Jan Mayen;

Whereas a catch quota of 5 000 tonnes of 'other species' had been allocated to the Community in Norwegian waters south of 62°N for 1989; whereas the catches by Community vessels might lead to this allocation being exhausted shortly;

Whereas, in accordance with the procedure provided for in Article 2 of the Fisheries Agreement between the European Economic Community and the Kingdom of Norway⁽⁴⁾, the parties have had further consultations on their reciprocal fishing rights for 1989;

Whereas, these consultations have been concluded and, as a result, the abovementioned catch quota allocated to the Community has been increased;

Whereas it is for the Council, pursuant to Article 3 of Regulation (EEC) No 170/83, to determine the conditions subject to which this additional catch quota may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be allocated among the Member States as quotas in accordance with Article 4 of Regulation (EEC) No 170/83,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EEC) No 4196/88, the figures relating to 'other species' in ICES sub-area IV are hereby replaced by those set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 30 October 1989.

For the Council

The President

C. EVIN

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 369, 31. 12. 1988, p. 45.

⁽³⁾ OJ No L 177, 24. 6. 1989, p. 7.

⁽⁴⁾ OJ No L 226, 29. 8. 1980, p. 48.

ANNEX

Allocation for 1989 of Community catch quotas in Norwegian waters, as referred to in Article 1 (2)

(tonnes — fresh round weight)

Species	ICES sub-area	Community catch quotas	Quotas allocated to Member States												
Other species	IV	6 500	<table><tr><td>Denmark</td><td>3 250</td></tr><tr><td>United Kingdom</td><td>2 435</td></tr><tr><td>Germany</td><td rowspan="3">}</td><td rowspan="3">815</td></tr><tr><td>Belgium</td></tr><tr><td>France</td></tr><tr><td>Netherlands</td><td></td><td></td></tr></table>	Denmark	3 250	United Kingdom	2 435	Germany	}	815	Belgium	France	Netherlands		
Denmark	3 250														
United Kingdom	2 435														
Germany	}	815													
Belgium															
France															
Netherlands															

COUNCIL REGULATION (EEC) No 3279/89
of 30 October 1989

**amending Regulation (EEC) No 4195/88 laying down for 1989 certain measures
for the conservation and management of fishery resources applicable to vessels
flying the flag of Norway**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 4195/88 ⁽¹⁾ lays down, for 1989, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway;

Whereas, in accordance with the procedure provided for in Article 2 of the Fisheries Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, the Community and Norway have held further consultations concerning mutual fishing rights in 1989;

Whereas these consultations have been concluded and, as a result, the delegations agreed to recommend, *inter alia*,

to their respective authorities that the Norwegian catch quota for ling and tusk for 1989 should be increased;

Whereas, pursuant to the terms of Article 3 of Regulation (EEC) No 170/83, it is for the Council to fix the total catches allocated to third countries and to lay down the specific conditions under which such catches must be taken,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EEC) No 4195/88, the figure relating to ling and tusk (ICES IV, V b, VI, VII and II a) is hereby replaced by the one set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 30 October 1989.

For the Council

The President

C. EVIN

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 369, 31. 12. 1988, p. 38.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 48.

ANNEX

Norwegian catch quotas for 1989

(tonnes — fresh round weight)

Species	Area within which fishing is authorized	Quantity
Ling and tusk	ICES IV, V b, VI, VII, II a	24 000 ^(*) ⁽⁷⁾

^(*) Of which an incidental catch of other species of 20 % per ship, at any moment, is authorized in ICES sub-areas VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in ICES sub-areas VI and VII should not exceed 2 500 tonnes.

⁽⁷⁾ Of which ling may be a maximum of 18 000 tonnes and tusk a maximum of 10 000 tonnes.

COURT OF JUSTICE

DECISION OF THE PRESIDENT OF THE COURT

THE PRESIDENT OF THE COURT OF JUSTICE,

Having regard to Article 32d of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 168a of the Treaty establishing the European Economic Community,

Having regard to Article 140a of the Treaty establishing the European Atomic Energy Community,

Having regard to the Council Decision of 24 October 1988 establishing a Court of First Instance of the European Communities, and in particular Article 13 thereof,

Whereas the Members of the Court of First Instance, appointed by common accord of the Governments of the Member States, have taken the oath before the Court of Justice;

Whereas the Court of First Instance is in a position to exercise the judicial functions entrusted to it,

HEREBY DECLARES:

The Court of First Instance of the European Communities is constituted in accordance with law.

Article 3 of the Council Decision of 24 October 1988 establishing a Court of First Instance of the European Communities shall enter into force on the day of the publication of this Decision in the *Official Journal of the European Communities*.

Luxembourg, 11 October 1989.

The President of the Court of Justice

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 October 1989

terminating the investigation concerning imports of dicumyl peroxide originating in Taiwan and accepting an undertaking offered in the context of the review concerning imports of dicumyl peroxide originating in Japan and terminating the proceeding

(89/573/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Articles 9 and 10 thereof,

After consultation within the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

- (1) In 1983 the Commission initiated an anti-dumping proceeding concerning imports of dicumyl peroxide in Japan⁽²⁾, and imposed a provisional anti-dumping duty on this product⁽³⁾. The Council later accepted the undertakings offered by the Japanese exporters of the product concerned⁽⁴⁾.
- (2) In November 1988, pursuant to Article 15 of Regulation (EEC) No 2423/88, the Commission received requests from the European Council of Chemical Manufacturers' Federations (CEFIC) for a

review of the measures taken against the Japanese exporter and for the initiation of an anti-dumping proceeding concerning imports of dicumyl peroxide originating in Taiwan.

The requests contained what was judged to be sufficient evidence of dumping and of resulting material injury to warrant the initiation of an anti-dumping proceeding.

- (3) Consequently, in a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the Commission announced a review and the initiation of an anti-dumping proceeding concerning imports of dicumyl peroxide originating in Japan and Taiwan respectively. The Commission also pointed out that pursuant to Article 15 (3) of Regulation (EEC) No 2423/88 the undertakings given by the Japanese exporters covered by the review would remain in force pending the outcome of the review.
- (4) The Commission officially advised the exporters/producers and importers known to be concerned. Japan's representatives and the complainants and gave the parties directly concerned an opportunity to make known their views in writing and request a hearing.
- (5) The Community, the exporters/producers and some importers made known their views in writing. One exporter requested and obtained a hearing.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 46, 17. 2. 1983, p. 21.

⁽³⁾ OJ No L 203, 27. 7. 1983, p. 13.

⁽⁴⁾ OJ No L 329, 25. 11. 1983, p. 19.

⁽⁵⁾ OJ No C 39, 16. 2. 1989, p. 4.

- (6) The Commission sought and verified all the information it deemed necessary for the purposes of making a preliminary determination of dumping and carried out inspections at the premises of:

(a) **Community producers:**

- N.V. Hercules Europe SA, Brussels, Belgium,
- Montefluos, Milan, Italy;

(b) **producers/exporters in non-member countries:**

- Concord Chemical industrial Co., Taipei, Taiwan,
- Nippon Oils and Fats Co. Ltd (NOF), Tokyo, Japan.

- (7) The investigation covered the period from 1 January 1988 to 31 December 1988.

B. PRODUCT

- (8) This proceeding concerns imports of dicumyl peroxide falling within CN code 2909 60 10 (formerly Nimex code 29 08 91). The product is used to vulcanize rubber and as an additive in fireproofed polystyrene.

- (9) In order to assess the effect on the Community industry of imports of dicumyl peroxide originating in Japan or Taiwan, the Commission examined the degree to which the chemical and physical characteristics of the imported products and those from Community producers were comparable, and concluded that these characteristics and the use to which the product was put were identical.

C. INITIATION OF ANTI-DUMPING PROCEEDING AND TERMINATION — TAIWAN

1. Dumping

(a) *Normal value*

- (10) Normal value was calculated on the basis of the prices charged each month in transactions on the domestic market by the Concord Chemical Industrial Co., which exported the product to the Community and provided satisfactory evidence.

(b) *Export price*

- (11) Export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

(c) *Comparison*

- (12) In comparing normal value with export prices the Commission, in accordance with Article 2 (10) (c) of Regulation (EEC) No 2423/88, took account where appropriate of differences affecting price comparability, such as transport, commissions and credit terms. Monthly normal value figures were compared with export prices for the corresponding month on an ex works basis, transaction by transaction.

(d) *Dumping margins*

- (13) The dumping margin was calculated as being the difference between the normal value established and the duly adjusted export price in the Community. On the basis of the free-at-Community-frontier price no dumping margin emerged.

2. Injury

- (14) In the light of this failure to find that dumping was taking place, the Commission considered that there were no grounds for determining whether or not injury had occurred as a result of the imports in question and thus whether or not there was a threat of injury.

3. Termination of the proceeding

- (15) In the light of the above, notably the absence of dumping, the Commission considers that no protective measures are needed and that the proceeding should be terminated.

D. REVIEW (SUNSET) — JAPAN

1. Dumping

(a) *Normal value*

- (16) Normal value was calculated on the basis of the prices charged each month in transactions on the domestic market by NOF, which exported the product to the Community and provided satisfactory evidence.

(b) *Export price*

- (17) Export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

(c) *Comparison*

- (18) In comparing normal value with export prices the Commission, in accordance with Article 2 (10) (c) of Regulation (EEC) No 2423/88, took account where appropriate of differences affecting price comparability, such as transport, commissions and credit terms. Monthly normal value figures were compared with export prices for the corresponding month on an ex-works basis, transaction by transaction.

(d) *Dumping margins*

- (19) The dumping margin was calculated as being the difference between the normal value established and the duly adjusted export price in the Community. On the basis of the free-at-Community-frontier price the weighted average margin was 52 % for NOF.

2. Injury over the period covered by the investigation

- (20) In order to determine whether the dumped imports had injured the Community industry, the Commission took account of the following factors.

(a) *Volume of dumped imports*

- (21) The Commission observed that between 1985 and 1988 imports of dicumyl peroxide originating in Japan remained stable at the level of the quantitative undertaking given by the Japanese producer.
- (22) Japan's market share has fallen from 14 % to 8 % as a result of the growth in the consumption of dicumyl peroxide in the Community, which has risen by 79 %, from 880 tonnes to 1 576 tonnes.

(b) *Difference in prices*

- (23) As regards the import prices, the evidence in the Commission's possession reveals no undercutting of the Community industry's prices during the reference period. It should be noted that over 60 % of the Japanese exports go to Belgium, where their only buyer, for reasons of security of supply, purchases at the same price from all its suppliers, whether these be from within the Community or not. The price is quite substantially higher than that paid by other customers.
- (24) Given the specific nature of this situation, the Commission examined the impact of the price of Japanese imports in relation to production costs in the Community, with a profit level of 15 % added, this being considered reasonable and usual in the industry in order to ensure its development. The Commission established that the prices of the Japanese imports were 32 % lower on the German market, the only representative one in this case, since the Japanese exporter's sales on the Spanish market are low and the Belgian market is influenced by the dominant position of the user.

(c) *Impact on the Community industry*

- (25) The Commission noted the following:

— Community production

Between 1985 and 1988 Community production of dicumyl peroxide rose from 590 tonnes to 1 403 tonnes, an increase of approximately 138 %.

— Utilization of capacity

Utilization of Community production capacity has risen from 39 % to 62 %. Though this is not an insignificant rise, utilization of production capacity remains far below what it should be, particularly in comparison with that of the producers in the non-member countries covered by the investigation.

— Sales and market share

Between 1985 and 1988 Community producers' sales of dicumyl peroxide rose both on the

Community market (up 128 %) and on export markets (up 193 %). Their market share in the Community therefore rose from 52 % to 66 %.

— Price reductions

An examination of the information obtained showed an appreciable drop in prices on the Community market between 1985 and 1988.

— Profitability

The profitability of Community producers has deteriorated substantially in the last two years. Within the Community industry since 1987, one producer's losses have risen considerably, and the profits of another decreased drastically.

- (26) On the basis of the figures given above the Commission has come to the following conclusions:

- a situation of contrast emerges; while some negative points, such as under-utilization of production capacity and particularly a deterioration of financial performance, are apparent, other aspects show a degree of buoyancy. Community production has risen considerably over the last four years, sales inside and outside the Community have increased sharply and the market share of Community producers has improved substantially.

in addition to these factors, the following were considered:

- imports from the Japanese exporter have remained stable in quantity terms. Its market share has decreased, as it has been unable to profit from the increase in Community consumption of dicumyl peroxide because of the quantity undertaking. Moreover, no price undercutting on its part could be found (see point 23), although some instances of prices lower than those prevailing on the Community market were found (see point 24),

- in addition, it should be noted that the drop in prices which occurred on the Community market can be put down partly to competition from Taiwanese imports and partly to technical progress in production processes.

- (27) The considerations set out above led the Commission to conclude that even if the Community industry's situation is not flourishing the difficulties confronting it are not a result of the impact of dumped Japanese imports.

3. Threat of injury as a result of the expiry of the measures in force

- (28) It should none the less be determined whether the expiry of the anti-dumping measures in force is likely to cause or threaten to cause injury.

In this connection the Commission has taken the following into account:

- the Japanese producer, which already produces substantially more than any of the Community producers, anticipates a rise in its dicumyl peroxide production of 16 % by 1990. Given the situation of the Community market this can be regarded as a significant increase,
- considering that its exports to the Community in 1988 accounted for less than 7 % of its sales, there is a high probability that the exporter in question will be led to increase its share of the Community market in the near future, since its prospects on its domestic market and the markets of non-Community countries seem limited,
- the Commission also took account of the fact that a dumping margin of 52 % had been calculated for 1988. Although the difficulties the Community industry is facing are largely attributable to other factors it is very likely that a serious distortion of the Community market would occur if the restrictions currently in force were lifted. The reason is that the exporter concerned would see an advantage in dumping products on the Community market: the exporter can rely on substantial profits from the domestic market, and would be able to align prices on those of other producers or even undercut them.

This would expose the Community producers to unfair competition from the Japanese exporter, something which would be likely to increase their financial losses and thus cause considerable injury.

E. COMMUNITY INTEREST

- (29) In the light of the observations set out above, and considering particularly the size of the dumping margin, the genuine threat of injury and the absence of representations from users and consumers, the Commission takes the view that a failure to institute measures would in time lead to the disappearance of the Community industry; this in turn would make the downstream industries, notably the cable industry, more vulnerable from the point of view of supply.

In this connection, the Japanese exporter expressed the opinion that it would not be in the Community's interest to institute measures solely against Japan. According to the exporter, Japan itself would then not be in a position to compete against its competitors, particularly the Taiwanese, which charged very low prices; it would as a result be excluded from the Community market, to the profit of its competitor.

- (30) The Commission regards this argument as unfounded in so far as the retention of protective measures against Japan should not have any substantial effect on the present state of competition between the two countries, considering the destination of Japanese exports. Whatever the case, the Commission considers that the protective measure it intends to take will ensure fair competition on the Community market.
- (31) In the light of the above, the Commission confirms that it is in the interest of the Community to retain protective measures against the imports concerned.

F. UNDERTAKING AND TERMINATION OF THE REVIEW

- (32) Having been notified of the main conclusions, NOF, the Japanese exporter, offered an undertaking on the price of its exports of dicumyl peroxide to the Community.
- This undertaking will bring the price of exports to the Community to a level which the Commission considers sufficient to prevent the injury which the expiry of the anti-dumping measures currently in force would otherwise inevitably have brought about.
- (33) In these circumstances the undertaking should be considered acceptable, and since the Advisory Committee has expressed no objection to the proposals the investigation may therefore be terminated.

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by the Nippon Oils and Fats Co. Ltd (NOF) in the context of a review concerning imports of dicumyl peroxide falling within CN code 2909 60 10 originating in Japan is hereby accepted.

Article 2

The review procedure referred to in Article 1 is hereby terminated.

Article 3

The investigation concerning imports of dicumyl peroxide falling within CN code 2909 60 10 originating in Taiwan is hereby terminated.

Done at Brussels, 30 October 1989.

For the Commission

Frans ANDRIESEN

Vice-President