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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3514/89
of 20 November 1989**

**fixing the basic and buying-in prices for certain fruit and vegetables to be
applied in Spain from 1 January 1990 until the end of the 1989/90 marketing year**

THE COUNCIL 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, and in particular Article 89 (1) thereof,

Having regard to the proposal from the Commission,

Whereas 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⁾, lays down in particular in Article 16 thereof the general rules governing the fixing of the basic and buying-in prices for fruit and vegetables; whereas those provisions apply in Spain from the beginning of the second phase of accession, subject to the rules on price alignment pursuant to Articles 147 *et seq.*, of the Act of Accession; whereas in accordance with Article 148 of the Act of Accession, the prices to be

applied in that Member State from 1 January 1990 until the end of the 1989/90 marketing year should be fixed at the level of the prices fixed at the end of the first phase,

HAS ADOPTED THIS REGULATION:

Article 1

The basic and buying-in prices for fruit and vegetables to be applied in Spain from 1 January 1990 until the end of the 1989/90 marketing year, the periods during which they are to apply and the standard qualities to which they refer are hereby fixed as indicated in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 20 November 1989.

For the Council

The President

H. NALLET

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

ANNEX

BASIC AND BUYING-IN PRICES

CAULIFLOWERS

For the period 1 January to 30 April 1990

(ECU/100 kg net)

	Basic prices	Buying-in prices
January	22,49	9,73
February	20,99	9,05
March	22,07	9,46
April	22,34	9,73

These prices refer to trimmed cauliflowers belonging to Class I, put up in packaging.

LEMONS

For the period 1 January to 31 May 1990

(ECU/100 kg net)

	Basic prices	Buying-in prices
January	21,54	12,63
February	20,83	12,27
March	21,62	12,63
April	22,55	13,20
May	23,05	13,49

These prices refer to lemons belonging to Class I, size 53 to 62 mm, put up in packaging.

PEARS

(other than perry pears)

For the period 1 January to 30 April 1990

(ECU/100 kg net)

	Basic prices	Buying-in prices
January to April	17,72	9,37

These prices refer :

- to pear varieties Beurré Hardy, Bon Chrétien, Williams, Conference, Coscia (Ercolini), Crystallis (Beurré Napoléon, Blanquilla, Tsakonika) Dr Jules Guyot (Limonara), Class I, size 60 mm or more,
 - to pear varieties Empereur Alexandre (Kaiser Alexandre Bosc), Class I, size 70 mm or more,
- put up in packaging.

APPLES

(other than cider apples)

For the period 1 January to 31 May 1990

(ECU/100 kg net)

	Basic price	Buying-in price
January to May	20,97	10,66

These prices refer :

- to apple varieties Reine des Reinettes and Verde Doncella, Class 1, size 65 mm or more,
 - to apple varieties Delicious Pilafa, Golden Delicious, James Grieve, Red Delicious, Reinette grise du Canada and Starking Delicious, Class 1, size 70 mm or more,
- put up in packaging.

MANDARINS

For the period 1 January to 28 February 1990

	(ECU/100 kg net)	
	Basic prices	Buying-in prices
January	28,39	17,67
February	27,33	17,35

These prices refer to mandarins in Class 1, size 54 to 69 mm, put up in packaging.

SATSUMAS

For the period 1 to 15 January 1990

	(ECU/100 kg net)	
	Basic price	Buying-in price
January (1 to 15)	27,45	12,49

These prices refer to Unshiu (owari) satsumas in Class 1, size 54 to 69 mm, put up in packaging.

CLEMENTINES

For the period 1 January to 15 February 1990

	(ECU/100 kg net)	
	Basic prices	Buying-in prices
January	32,77	18,02
February (1 to 15)	37,53	18,77

These prices refer to clementines (*Citrus reticulata Blanco*) in Class 1, size 43 to 60 mm, put up in packaging.

SWEET ORANGES

For the period 1 January to 31 May 1990

	(ECU/100 kg net)	
	Basic prices	Buying-in prices
January	30,45	19,63
February	30,96	20,04
March	32,51	20,24
April and May	33,01	20,45

These prices refer to orange varieties Moro, Navel, Navellina, Salustiana, Sanguinello and Valencia late, Class I, size 67 to 80 mm, put up in packaging.

NB: The prices shown in this Annex do not include the effect of the cost of the packaging in which the product is put up.

COMMISSION REGULATION (EEC) No 3515/89

of 24 November 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 23 November 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 25 November 1989.

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

Done at Brussels, 24 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 24 November 1989 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	23,05	119,71
0712 90 19	23,05	119,71
1001 10 10	27,26	166,36 ⁽¹⁾ ⁽²⁾
1001 10 90	27,26	166,36 ⁽¹⁾ ⁽²⁾
1001 90 91	23,07	116,44
1001 90 99	23,07	116,44
1002 00 00	49,93	115,79 ⁽³⁾
1003 00 10	40,77	114,22
1003 00 90	40,77	114,22
1004 00 10	32,17	111,91
1004 00 90	32,17	111,91
1005 10 90	23,05	119,71 ⁽²⁾ ⁽³⁾
1005 90 00	23,05	119,71 ⁽²⁾ ⁽³⁾
1007 00 90	40,77	127,19 ⁽⁴⁾
1008 10 00	40,77	5,49
1008 20 00	40,77	64,08 ⁽⁴⁾
1008 30 00	40,77	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	40,77	0,00
1101 00 00	46,85	175,81
1102 10 00	84,22	176,59
1103 11 10	56,78	271,52
1103 11 90	49,97	189,25

⁽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 3516/89

of 24 November 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 23 November 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 25 November 1989.

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

Done at Brussels, 24 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 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 24 November 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 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0,64	0,64	0,95
0712 90 19	0	0,64	0,64	0,95
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	3,58
1001 90 99	0	0	0	3,58
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0,64	0,64	0,95
1005 90 00	0	0,64	0,64	0,95
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	5,02

B. Malt

CN code	(ECU/tonne)				
	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	0	6,37	6,37
1107 10 19	0	0	0	4,76	4,76
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 3517/89
of 24 November 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 3458/89⁽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 27 November 1989.

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

Done at Brussels, 24 November 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 334, 18. 11. 1989, p. 5.

ANNEX

to the Commission Regulation of 24 November 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	—	217,67	141,51	290,22
1006 10 25	—	217,67	141,51	290,22
1006 10 27	—	217,67	141,51	290,22
1006 10 92	—	—	140,97	289,14
1006 10 94	—	217,67	141,51	290,22
1006 10 96	—	217,67	141,51	290,22
1006 10 98	—	217,67	141,51	290,22
1006 20 11	—	—	177,11	361,42
1006 20 13	—	272,09	177,79	362,78
1006 20 15	—	272,09	177,79	362,78
1006 20 17	—	272,09	177,79	362,78
1006 20 92	—	—	177,11	361,42
1006 20 94	—	272,09	177,79	362,78
1006 20 96	—	272,09	177,79	362,78
1006 20 98	—	272,09	177,79	362,78
1006 30 21	13,05	—	229,37	482,60
1006 30 23	12,97	414,47	264,43	552,63
1006 30 25	12,97	414,47	264,43	552,63
1006 30 27	12,97	414,47	264,43	552,63
1006 30 42	13,05	—	229,37	482,60
1006 30 44	12,97	414,47	264,43	552,63
1006 30 46	12,97	414,47	264,43	552,63
1006 30 48	12,97	414,47	264,43	552,63
1006 30 61	13,90	—	244,63	513,97
1006 30 63	13,90	444,32	283,86	592,42
1006 30 65	13,90	444,32	283,86	592,42
1006 30 67	13,90	444,32	283,86	592,42
1006 30 92	13,90	—	244,63	513,97
1006 30 94	13,90	444,32	283,86	592,42
1006 30 96	13,90	444,32	283,86	592,42
1006 30 98	13,90	444,32	283,86	592,42
1006 40 00	0	—	77,82	161,65

(⁽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 3518/89

of 24 November 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 3459/89⁽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 27 November 1989.

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

Done at Brussels, 24 November 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 334, 18. 11. 1989, p. 7.

ANNEX

to the Commission Regulation of 24 November 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 3519/89**of 24 November 1989****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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⁾, and in particular the first paragraph of Article 11 thereof,

Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EEC) No 4026/88 ⁽³⁾, as last amended by Regulation (EEC) No 3191/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4026/88 to the quota-

tions and other information 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 on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1989.

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

Done at Brussels, 24 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 355, 23. 12. 1988, p. 19.

⁽⁴⁾ OJ No L 309, 26. 10. 1989, p. 11.

ANNEX

to the Commission Regulation of 24 November 1989 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 49 from 4 to 10 December 1989	Week No 50 from 11 to 17 December 1989	Week No 51 from 18 to 24 December 1989	Week No 52 from 25 to 31 December 1989
0104 10 90 ⁽¹⁾	98,742	102,747	106,746	109,811
0104 20 90 ⁽¹⁾	98,742	102,747	106,746	109,811
0204 10 00 ⁽²⁾	210,090	218,610	227,120	233,640
0204 21 00 ⁽²⁾	210,090	218,610	227,120	233,640
0204 22 10 ⁽²⁾	147,063	153,027	158,984	163,548
0204 22 30 ⁽²⁾	231,099	240,471	249,832	257,004
0204 22 50 ⁽²⁾	273,117	284,193	295,256	303,732
0204 22 90 ⁽²⁾	273,117	284,193	295,256	303,732
0204 23 00 ⁽²⁾	382,364	397,870	413,358	425,225
0204 50 11 ⁽²⁾	210,090	218,610	227,120	233,640
0204 50 13 ⁽²⁾	147,063	153,027	158,984	163,548
0204 50 15 ⁽²⁾	231,099	240,471	249,832	257,004
0204 50 19 ⁽²⁾	273,117	284,193	295,256	303,732
0204 50 31 ⁽²⁾	273,117	284,193	295,256	303,732
0204 50 39 ⁽²⁾	382,364	397,870	413,358	425,225
0210 90 11 ⁽²⁾	273,117	284,193	295,256	303,732
0210 90 19 ⁽²⁾	382,364	397,870	413,358	425,225

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 3520/89
of 24 November 1989
fixing the import levies on frozen sheepmeat and goatmeat

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⁾, and in particular the first paragraph of Article 11 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 4025/88 ⁽³⁾, as last amended by Regulation (EEC) No 3192/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4025/88 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 December 1989.

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

Done at Brussels, 24 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 355, 23. 12. 1988, p. 16.

⁽⁴⁾ OJ No L 309, 26. 10. 1989, p. 13.

ANNEX

to the Commission Regulation of 24 November 1989 fixing the import levies on frozen
sheepmeat and goatmeat ⁽¹⁾

(ECU/100 kg)

CN code	Week No 49 from 4 to 10 December 1989	Week No 50 from 11 to 17 December 1989	Week No 51 from 18 to 24 December 1989	Week No 52 from 25 to 31 December 1989
0204 30 00	158,318	164,708	171,090	175,980
0204 41 00	158,318	164,708	171,090	175,980
0204 42 10	110,823	115,296	119,763	123,186
0204 42 30	174,150	181,179	188,199	193,578
0204 42 50	205,813	214,120	222,417	228,774
0204 42 90	205,813	214,120	222,417	228,774
0204 43 00	288,139	299,769	311,384	320,284
0204 50 51	158,318	164,708	171,090	175,980
0204 50 53	110,823	115,296	119,763	123,186
0204 50 55	174,150	181,179	188,199	193,578
0204 50 59	205,813	214,120	222,417	228,774
0204 50 71	205,813	214,120	222,417	228,774
0204 50 79	288,139	299,769	311,384	320,284

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 3521/89
of 23 November 1989
on the supply of various lots of butteroil 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 295 tonnes of butteroil;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in Annex I 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, 23 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 20. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOTS A — B

1. **Operation Nos⁽¹⁾**: 746/89 to 747/89 — Commission Decision of 29. 5. 1989
2. **Programme**: 1989
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, 00145 Rome; Telex 626675 i wfp
4. **Representative of the recipient⁽²⁾**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Pakistan
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods⁽³⁾ ⁽⁴⁾ ⁽⁵⁾**: to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, I.3.1 and I.3.2)
8. **Total quantity**: 83 tonnes
9. **Number of lots**: two (Lot A: 23 tonnes; Lot B: 60 tonnes)
10. **Packaging and marking**: 5 kg and OJ No C 216, 14. 8. 1987, p. 7 and 8 (I.3.3. and I.3.4.)
 Supplementary markings on the packaging:
 — Lot A:
 'ACTION No 746/89 / PAKISTAN 0278100 / BUTTEROIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / KARACHI'
 — Lot B:
 'ACTION No 747/89 / PAKISTAN 0214901 / BUTTEROIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / KARACHI'
 and OJ No 216, 14. 8. 1987, p. 8 (I.3.4.)
11. **Method of mobilization**: purchase of butter from:
 Voedselvoorzieningsin- en verkoopbureau (V.I.B.),
 Burg Kessenplein 3 — 6431 KM Hoensbroek,
 Postbus 960 — 6430 AZ Hoensbroek;
 Tel. 045 — 23 83 83,
 Telex 56396+,
 Telefax 045 — 22 27 35
 The addresses of the places of storage are given in Annex II
 Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76 (OJ No L 261, 25. 9. 1976, p. 12), as last amended by Regulation (EEC) No 343/89 (OJ No 39, 11. 2. 1989, p. 20)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 — 15. 1. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders⁽⁶⁾**: 11. 12. 1989, 12 noon
21. **In the case of a second invitation to tender**:
 (a) deadline for the submission of tenders: 18. 12. 1989, 12 noon
 (b) period for making the goods available at the port of shipment: 7 — 22. 1. 1990
 (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
 Bureau de l'aide alimentaire,
 à l'attention de Monsieur N. Arend,
 Bâtiment Loi 120, bureau 7/58,
 200, rue de la Loi,
 B-1049 Brussels
 telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁷⁾**: refund applicable on 27. 10. 1989, fixed by Commission Regulation (EEC) No 3220/89 (OJ No L 312, 27. 10. 1989, p. 22)

LOT C

1. **Operation No** (1): 699/89 — Commission Decision of 29. 5. 1989
2. **Programme**: 1989
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, 00145 Rome; Telex 626675 i wfp
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Nepal
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** (3) (4) (5) (6): to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, I.3.1 and I.3.2)
8. **Total quantity**: 212 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kg and OJ No C 216, 14. 8. 1987, p. 7 and 8 (I.3.3. and I.3.4.)
Supplementary markings on the packaging:
'ACTION No 699/89 / NEPAL 0371800 / BUTTEROIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / CALCUTTA IN TRANSIT TO KATHMANDU, NEPAL'
and OJ No 216, 14. 8. 1987, p. 8 (I.3.4.)
11. **Method of mobilization**: purchase of butter from:
Voedselvoorzieningsin- en verkoopbureau (V.I.B.),
Burg Kessenplein 3 — 6431 KM Hoensbroek,
Postbus 960 — 6430 AZ Hoensbroek;
Tel. 045 — 23 83 83,
Telex 56396 +,
Telefax 045 — 22 27 35
The addresses of the places of storage are given in Annex II
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76 (OJ No L 261, 25. 9. 1976, p. 12), as last amended by Regulation (EEC) No 343/89 (OJ No 39, 11. 2. 1989, p. 20)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 — 15. 1. 1990
18. **Deadline for the supply**: —
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** (7): 11. 12. 1989, 12 noon
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 18. 12. 1989, 12 noon
(b) period for making the goods available at the port of shipment: 7 — 22. 1. 1990
(c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Brussels
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (8): refund applicable on 27. 10. 1989, fixed by Commission Regulation (EEC) No 3220/89 (OJ No L 312, 27. 10. 1989, p. 22)

Footnotes

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (³) Commission delegate to be contact by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the Office referred to in point 24 of this Annex ;
 - or say telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
- (⁷) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
- (⁸) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate in English stating that the butteroil does not contain any pork fat (lard).
- (⁹) Radiation certificate must be provided declaring that 'consignment has been tested for radionuclide contamination and has been found fit for human consumption'.
-

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

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Cantidad Mængde Menge Τόνοι Quantity Quantité Quantità Hoeveelheid Quantidade	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e endereço do armazenista
A 746/89	28 075 kg	Opslagbedrijven Zuid-Nederland BV Middelkampseweg 1 5311 PC Gameren
B 747/89	73 200 kg	Opslagbedrijven Zuid-Nederland BV Middelkampseweg 1 5311 PC Gameren
C 699/89	258 650 kg	Holland Coldstores Kruisbroeksestraat 8 5281 RT Boxtel

COMMISSION REGULATION (EEC) No 3522/89**of 23 November 1989****amending Regulation (EEC) No 2406/89 authorizing certain intervention agencies to put up for sale by tender 530 000 tonnes of durum wheat for export in the form of meal**

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⁾;

Whereas, in the present situation, it is appropriate to extend the period with this invitation to tender remains open;

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

In the first paragraph of Article 2 of Regulation (EEC) No 2406/89, '30 November 1989' is replaced by '31 December 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, 23 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 227, 4. 8. 1989, p. 49.

⁽⁴⁾ OJ No L 281, 30. 9. 1989, p. 65.

COMMISSION REGULATION (EEC) No 3523/89**of 23 November 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 3522/89 ⁽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 31 December

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 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 241,62 per tonne for Italy and ECU 206,44 per tonne for Spain for December 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, 23 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 227, 4. 8. 1989, p. 49.
⁽⁴⁾ See page 21 of this Official Journal.
⁽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.

COMMISSION REGULATION (EEC) No 3524/89

of 24 November 1989

correcting Regulation (EEC) No 3460/89 on the supply of various lots of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Commission Regulation (EEC) No 3460/89 ⁽³⁾ issued an invitation to tender for the supply, as food aid, of 8 935 tonnes of skimmed-milk powder for Euronaid;

Whereas a mistake has crept into that Regulation; whereas the Regulation in question should be corrected accordingly,

Article 1

In Annex II to Regulation (EEC) No 3460/89 the partial quantity '30' opposite M 7 in lot M is hereby replaced by '330'.

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, 24 November 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 334, 18. 11. 1989, p. 9.

COMMISSION REGULATION (EEC) No 3525/89

of 24 November 1989

amending Regulation (EEC) No 3460/89 on the supply of various lots of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Commission Regulation (EEC) No 3460/89 ⁽³⁾, as amended by Regulation (EEC) No 3524/89 ⁽⁴⁾, issued an invitation to tender for the supply, as food aid, of 8 935 tonnes of skimmed-milk powder for Euronaid; whereas, following a request by the beneficiary, some of the conditions specified in the Annex to the Regulation should be altered,

Article 1

Annex I to Regulation (EEC) No 3460/89 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 November 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 334, 18. 11. 1989, p. 9.

⁽⁴⁾ See page 23 of this Official Journal.

ANNEX

ANNEX I

LOTS A, B, C, D, E, F, G, H, I, K, L, M, N, O, P and Q

1. **Operation No** ⁽¹⁾: see Annex II — Commission Decision of 3. 3. 1989
2. **Programme**: Lots A, B, C, G, H, I, K, L, M, N, O and Q: 1989; Lots D, E, F and P: 1988
3. **Recipient**: Euronaid, PO box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 216, 14. 8. 1987, p. 4 (under I.1.B.1 to I.1.B.3). Lot C: ⁽⁹⁾ ⁽¹⁰⁾
8. **Total quantity**: 8 935 tonnes
9. **Number of lots**: 16
10. **Packaging and marking**: 25 kilograms (see OJ No C 216, 14. 8. 1987, pp. 4 and 6 (under I.1.B.4 and I.1.B.4.3). Lots A, D, E, F, G, H, I, K, L, M, N, O, P and Q ⁽²⁾
Supplementary markings on the packaging: see Annex II (see OJ No C 216, 14. 8. 1987, p. 6 (under I.1.B.5))
11. **Method of mobilization** ⁽¹²⁾: the Community market. Lots A, D, E, F, G, H, I, K, L, M, N, O, P and Q ⁽¹¹⁾
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 26. 12. 1989 — 24. 1. 1990
18. **Deadline for the supply**: —
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** ⁽⁴⁾: 4. 12. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 11. 12. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 16 — 30. 1. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾: refund applicable on 27. 10. 1989, fixed in Commission Regulation (EEC) No 3220/89 (OJ No L 312, 27. 10. 1989, p. 27)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Shipment to take place in 20-foot containers, conditions FCL/LCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 3 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
- (³) Commission delegate to be contracted by the successful tenderer : see list in OJ No C 227, 7. 9. 1985, p. 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) At the request of the beneficiary the successful tenderer shall deliver, for each action number/shipping number, 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.
- (⁷) The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a health certificate for each action number/shipping number.
- (⁸) The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a certificate of origin for each action number/shipping number.
- (⁹) Radiation certificate must be issued by official authorities and be legalized for Sudan.
- (¹⁰) The radiation certificate must indicate the levels of :
 - caesium-134 and -137,
 - iodine 131.
- (¹¹) The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender. The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (¹²) The supplier should send a duplicate of the original invoice to :
MM. De Keyzer and Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.

COMMISSION REGULATION (EEC) No 3526/89
of 24 November 1989
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 3512/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 November 1989.

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

Done at Brussels, 24 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 342, 24. 11. 1989, p. 24.

ANNEX

to the Commission Regulation of 24 November 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,03 ⁽¹⁾
1701 11 90	26,03 ⁽¹⁾
1701 12 10	26,03 ⁽¹⁾
1701 12 90	26,03 ⁽¹⁾
1701 91 00	34,06
1701 99 10	34,06
1701 99 90	34,06 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 3527/89

of 24 November 1989

fixing the refunds applicable for December 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;

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 December 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 December 1989.

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

Done at Brussels, 24 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 24 November 1989 fixing the refunds applicable for December 1989 to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	119,00
1001 90 99 000	49,00
1002 00 00 000	34,00
1003 00 90 000	65,00
1004 00 90 000	57,00
1005 90 00 000	74,00
1006 20 92 000	150,55
1006 20 94 000	150,55
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 000	188,19
1006 30 94 100	188,19
1006 30 94 900	188,19
1006 30 96 100	188,19
1006 30 96 900	188,19
1006 40 00 000	—
1007 00 90 000	74,00
1101 00 00 110	64,00
1101 00 00 120	64,00
1101 00 00 130	64,00
1102 20 10 100	108,30
1102 30 00 000	—
1102 90 10 100	95,37
1103 11 10 500	177,00
1103 11 90 100	70,00
1103 13 19 100	139,25
1103 14 00 000	—
1104 12 90 100	149,90
1104 21 50 100	127,16

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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 November 1989

approving derogations provided for by Greece, Italy and Portugal from certain provisions of Council Directive 77/93/EEC in respect of seed potatoes originating in Canada

(Only the Greek, Italian and Portuguese texts are authentic)

(89/599/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 89/439/EEC⁽²⁾, and in particular Article 14 (2) and Annex IV, part A (24), thereof,

Whereas, pursuant to Directive 77/93/EEC, potato tubers originating in the American continent may not, in principle, be brought into the Community unless their faculty of germination has been suppressed, in view of the risk of the introduction of potato spindle tuber viroid, and unless — if they originate in a country where *Corynebacterium sepedonicum* is known to occur — provisions recognized as equivalent to the Community provisions on combating this harmful organism have been complied with in the country of origin;

Whereas, nevertheless, Article 14 (1) (c) (iii) of the abovementioned Directive permits Member States to provide for derogations with regard to the rule relating to the suppression of the faculty of germination, provided that there is no risk of harmful organisms spreading; whereas these derogations are subject to approval, under

certain conditions, in accordance with Article 14 (2) and must also comply with the conditions laid down in Annex IV, part A (24);

Whereas in Greece, Italy and Portugal the growing of potatoes of certain North American varieties has been an established practice; whereas part of the supply of seed potatoes of these varieties has been ensured by imports from Canada;

Whereas, by Decisions 86/120/EEC⁽³⁾, 87/154/EEC⁽⁴⁾ as amended by Decision 87/311/EEC⁽⁵⁾, 88/176/EEC⁽⁶⁾ as amended by Decision 88/496/EEC⁽⁷⁾, and 89/32/EEC⁽⁸⁾, the Commission approved derogations based on the concept of 'areal freedom', subject to certain technical conditions to prevent the risk of harmful organisms spreading; whereas that approval expired on 31 March 1989; whereas the Commission also provided that those derogations would provide for the opportunity to seek confirmation of the proper functioning of the concept of 'areal freedom';

Whereas Greece, Italy and Portugal have stated that they intend to provide for derogations for the next two seed-potato marketing seasons;

⁽¹⁾ OJ No L 99, 15. 4. 1986, p. 31.

⁽²⁾ OJ No L 65, 10. 3. 1987, p. 12.

⁽³⁾ OJ No L 159, 19. 6. 1987, p. 19.

⁽⁴⁾ OJ No L 80, 25. 3. 1988, p. 48.

⁽⁵⁾ OJ No L 266, 27. 9. 1988, p. 39.

⁽⁶⁾ OJ No L 15, 19. 1. 1989, p. 21.

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 212, 22. 7. 1989, p. 106.

Whereas it is known that Canada is still not free from potato spindle tuber viroid or from *Corynebacterium sepedonicum*;

Whereas Canada has further developed its programme to eradicate these harmful organisms in the provinces of New Brunswick and Prince Edward Island; whereas there are good reasons to believe that the programme to eradicate potato spindle tuber viroid has become fully effective in those provinces, and that the programme to eradicate *Corynebacterium sepedonicum* has become fully effective in certain areas of these provinces; whereas there have been no findings of the disease on samples drawn from seed potatoes imported pursuant to Decision 89/32/EEC; whereas it has not been established that there are sufficient elements which would militate against the proper functioning of the aforementioned concept of 'areal freedom' and therefore against the recognition of the provisions implemented there as equivalent to the Community provisions on combating *Corynebacterium sepedonicum*;

Whereas it can therefore be established that there is no risk of the harmful organisms in question spreading, provided that the seed potatoes originate in areas declared, on scientific evidence, free from both potato spindle tuber viroid and from *Corynebacterium sepedonicum*, and that certain improved special technical conditions are complied with; whereas the Commission will ensure that Canada makes all technical information available which is necessary to monitor the functioning of the protective measures required under the aforementioned technical conditions and to assess the functioning of the aforementioned concept of 'areal freedom';

Whereas, therefore, the derogations provided for by Greece, Italy and Portugal should be approved for the next two seed-potato marketing seasons, provided that they include the aforementioned conditions and without prejudice to Council Directive 66/403/EEC⁽¹⁾, as last amended by Directive 89/366/EEC⁽²⁾, and to Council Directive 70/457/EEC⁽³⁾, as last amended by Directive 88/380/EEC⁽⁴⁾;

Whereas provisions should be made for this approval to be revoked if it is established that the specified conditions have not been met satisfactorily;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Approval is hereby granted, under the conditions laid down in paragraph 2, and without prejudice to Directives 66/403/EEC and 70/457/EEC, to Greece, Italy and Portugal to provide, in accordance with Article 14 (1) (c) (iii) of Directive 77/93/EEC, and in connection with the third indent of part A (24) of Annex IV thereto, for derogations from Article 5 (1) and the third indent of Article 12 (1) (a) of that Directive as regards the requirements referred to in part A (25) of Annex IV thereto, in respect of seed potatoes of the varieties Donna, Kennebec, Russet Burbank, Sebago and Shepody originating in Canada.

2. For the purposes of paragraph 1, the following conditions shall apply:

(a) the seed potatoes shall have been produced in fields located in areas of New Brunswick or Prince Edward Island which have been officially declared, by 'Agriculture Canada', free from both potato spindle tuber viroid and from *Corynebacterium sepedonicum* and which satisfy the following conditions, irrespective of whether the fields are operated by establishments inside or outside the area:

(i) the areas comprise:

- either fields owned by at least three distinct potato-growing establishments, whether or not these establishments operate rented land located outside,
- or, alternatively, a surface of at least four square kilometres,

and are surrounded entirely by water, or by land other than that of fields where the organisms concerned have occurred within the previous three years; and

(ii) all potatoes produced in the area are the first direct progeny of seed potatoes of the category 'Pre-elite', 'Elite I', 'Elite II' or 'Elite III' which were produced in establishments qualified to produce seed potatoes of the 'Pre-elite' or 'Elite I' categories and which are either official establishments or officially designated and controlled for that purpose; and

(iii) the surface used for the production of potatoes which are not finally certified as seed potatoes does not exceed one-fifth of that used for the production of potatoes certified as seed potatoes; and

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2320/66.

⁽²⁾ OJ No L 159, 10. 6. 1989, p. 59.

⁽³⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽⁴⁾ OJ No L 187, 16. 7. 1988, p. 31.

- (iv) systematic and representative annual surveys which have been carried out over at least the previous five years under appropriate conditions for the detection of the organisms concerned, on all potato fields located in the area and on potatoes harvested there, including appropriate laboratory testing, did not show any positive finding, or any other element which could militate against the recognition as disease-free;
- and
- (v) legislative, administrative or other arrangements have been made to ensure that:
- no potatoes originating in areas of Canada other than those declared disease-free, or in countries where the organisms concerned are known to occur, can be introduced into such areas, and
 - neither potatoes originating in such areas nor any containers, packaging material, vehicles and handling, grading and preparation equipment used there can be brought into contact with potatoes originating, or material or equipment as specified used, in areas other than those declared disease-free.
- This provision shall also apply to cases where fields located inside the areas declared disease-free are operated by establishments outside such areas or where establishments inside such areas operate fields located outside them;
- (b) the seed potatoes shall be certified officially as seed potatoes meeting at least the conditions laid down for the 'Foundation' category. However, no seed potatoes originating in the areas where, in 1985, the lots which showed infection by *Corynebacterium sepedonicum* on samples drawn in the Community were produced and the areas where the seed potatoes which produced these lots were produced shall be officially certified for export to the Community;
- (c) samples shall be taken officially in respect of each lot intended for Greece, Italy and Portugal; a lot may consist only of tubers of one single variety which have been produced on one single establishment; the samples shall be examined by official laboratories in order to detect any presence of potato spindle tuber viroid or *Corynebacterium sepedonicum*; the samples for the detection of potato spindle tuber viroid shall be tubers, or leaves taken from the crop which produced the lot; for the detection of *Corynebacterium sepedonicum* two samples of tubers shall be taken per lot, each of which shall be approximately 1 % of the tubers in the lot, up to 1 000 tubers; examinations shall be carried out on the entire samples, using the following methods:
- as regards potato spindle tuber viroid: the 'reverse-page' method, or c-DNA hybridization procedure, and
 - as regards *Corynebacterium sepedonicum*: at least that set out in the *Scheme for the detection and diagnosis of the ring rot bacterium in batches of potato tubers* (EUR 11288 EN) (ISBN 92-825-7760-0) or an equivalent IF method;
- (d) the lots shall be kept separate in all operations including transport;
- (e) the plant health certificate required shall be made out separately for each consignment and only if it has been established by the scientists involved that the examinations referred to in (c) did not give rise to suspicions or to the detection of the presence of potato spindle tuber viroid or *Corynebacterium sepedonicum* in the consignment and that in particular the IF-testing was shown to be negative. It shall state, under 'Additional Declaration', that the conditions laid down in (a), (b) and (c) have been complied with, and shall give the name of the establishment or establishments which have produced the seed potato lots and the relevant seed potato certification lot numbers, as well as the name of the area referred to in (a) and of the establishment referred to in (a) (ii);
- (f) in Greece, Italy and Portugal a representative sample shall be taken officially from each of the lots imported pursuant to this Decision for official examination in respect of *Corynebacterium sepedonicum* in accordance with the Community established method for the detection and diagnosis of *Corynebacterium sepedonicum*; the lots shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Corynebacterium sepedonicum* was not suspected or detected in those examinations; sub-samples shall be kept available for subsequent examination by other Member States, and the Greek, Italian and Portuguese authorities respectively shall by 15 April 1990 and again by 15 April 1991 inform the Commission, with a view to organizing that examination and the recording thereof; the total of lots imported shall not exceed an amount which is adequate for the abovementioned examinations, taking into account the facilities available for that purpose;
- (g) potatoes grown from seed potatoes imported pursuant to this Decision shall not be certified as seed potatoes and shall be used only in Greece, Italy and Portugal, and only as potatoes for consumption;
- (h) buildings, containers, packaging material, vehicles and handling, grading and preparation equipment which have been in contact with seed potatoes imported pursuant to this Decision shall be cleaned and disinfected before being brought into contact with other potatoes.

Article 2

Greece, Italy and Portugal shall provide the Commission and the other Member States, before 1 June 1990 and again before 1 June 1991, with information on the amounts imported pursuant to this Decision and with a detailed technical report on the official examination referred to in Article 1 (2) (e); copies of each plant health certificate shall be transmitted to the Commission.

Article 3

The approval granted in Article 1 shall apply from 1 November 1989 until 31 March 1990 and from 1 November 1990 until 31 March 1991. It shall be revoked prior to 31 March 1991 if it is found that the conditions laid down in Article 1 (2) have been insufficient to

prevent the introduction of the harmful organisms in question or have not been complied with. It may be revoked prior to that date if it is found that there are elements which would militate against the proper functioning of the 'areal freedom' concept in Canada.

Article 4

This Decision is addressed to the Hellenic Republic, to the Italian Republic and to the Portuguese Republic.

Done at Brussels, 9 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 10 November 1989

authorizing Belgium provisionally to provide for derogations from certain provisions of Council Directive 77/93/EEC, in respect of plants of *Juniperus* L. and *Pinus* L., originating in Japan

(Only the French and Dutch texts are authentic)

(89/600/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products ⁽¹⁾, as last amended by Directive 89/439/EEC ⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the request made by Belgium,

Whereas, under the provisions of Directive 77/93/EEC, plants of *Juniperus* L. and of *Pinus* L., other than fruit and seeds, originating in non-European countries, may not in principle be introduced into the Community;

Whereas, however, Article 14 (3) of the abovementioned Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas by Decisions 89/279/EEC ⁽³⁾ and 89/380/EEC ⁽⁴⁾, the Commission authorized certain Member States, including Belgium, to provide for such derogations in relation to certain plants of, respectively, *Juniperus* L. and of *Pinus* L. of the bonsai type, originating in Japan, subject to certain technical conditions;

Whereas Belgium wishes to import such plants for a limited period for the purposes of an exhibition at the Botanical Garden at Meise, in circumstances in which it is not possible to apply all the above technical conditions; whereas, for this limited period and in the circumstances of the exhibition, it is nevertheless possible to obviate the risk of spreading harmful organisms by the application of certain special technical conditions;

Whereas Belgium should therefore be authorized to provide for derogations in respect of certain plants of *Juniperus* L. and *Pinus* L. subject to certain special technical conditions and only for a period necessary for the purposes of the exhibition;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS REGULATION:

Article 1

1. Belgium is hereby authorized to provide, under the conditions laid down in paragraph 2, for derogations from Article 4 (1) of Directive 77/93/EEC:

- with regard to Annex III (A) (4a), for plants of *Juniperus* L. of the bonsai type, other than fruits and seeds, originating in Japan and
- with regard to Annex III (A) (1), for plants of *Pinus* L. of the bonsai type, other than fruits and seeds, originating in Japan.

2. For the purposes of paragraph 1, the following conditions shall be satisfied:

- (a) the plants shall be used solely for the purposes of exhibition in the Botanical Garden at Meise;
- (b) the plants shall be of the genus *Juniperus* or in the case of *Pinus* either entirely of the species *Pinus parviflora* Sieb. Zucc. (*Pinus pentaphylla* Mayr.), or grafted on a rootstock of a *Pinus* species other than *Pinus parviflora*. In the latter case, the rootstock shall not bear any shoots;
- (c) the plants and the adhering or associated growing medium (hereinafter referred to as 'the material') shall be accompanied by a phytosanitary certificate issued in Japan in accordance with Article 7 of Directive 77/93/EEC, on the basis of the examination laid down in Article 6 of the said Directive relating to the conditions laid down therein, in particular freedom from the following harmful organisms of concern:

on *Juniperus* L.

- *Aschistonyx eppoi* Inouye,
- *Gymnosporangium* spp.,
- *Popillia japonica* Newman,
- *Oligonychus perditus* Prit. and Baker,
- any other harmful organism which is not known to occur in the Community,

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 212, 22. 7. 1989, p. 106.

⁽³⁾ OJ No L 110, 21. 4. 1989, p. 47.

⁽⁴⁾ OJ No L 180, 27. 6. 1989, p. 56.

- on *Pinus* L.
- *Bursaphelenchus xylophilus* (Steiner & Bührer) Nickle et al.,
 - *Cercospora pini-densiflorae* Hori & Nambue,
 - *Coleosporium paederiae*,
 - *Coleosporium phellodendri* Komr.,
 - *Cronartium quercuum* (Berk.) Miyabe ex Shirai,
 - *Dendrolimus spectabilis* Butler,
 - *Peridermium kurilense* Dietel,
 - *Popillia japonica* Newman,
 - *Thecodiplosis japonensis* Uchida & Inouye,
 - any other harmful organism which is not known to occur in the Community;
- (d) the material shall be packed in closed containers which have been officially sealed and bear a distinguishing mark to be reproduced on the phytosanitary certificate, enabling the consignments to be identified;
- (e) the material may be imported into the Community only via the port of unloading of Brussels;
- (f) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by officials specially instructed or trained for the purposes of this Decision, either in the port mentioned in subparagraph (e) or at the place of storage (or exhibition) referred to in subparagraph (h);
- (g) the inspections referred to in subparagraph (f) shall also comprise:
- a thorough examination of each phytosanitary certificate,
 - an identity check consisting of comparing the marking on each container and the number of containers with the information given in the related phytosanitary certificate;
- (h) the material shall be stored and exhibited only at places which have been notified to the official plant protection organization of Belgium and which isolate them from any other plant material;
- (i) during the storage and exhibition period, the material shall:
- be supervised by the official plant-protection organization of Belgium, by officially approved and trained staff,
 - be visually examined for harmful organisms or symptoms caused by any harmful organism and appropriate tests shall be carried out on any symptom observed in the visual examination in order to identify the harmful organisms having caused such symptoms;
- (j) any material which has not been found free from harmful organisms of concern shall be immediately destroyed;
- (k) Belgium shall notify, to the Commission and to the other Member States, any contamination by harmful organisms of concern which has been confirmed;
- (l) Belgium shall remove the material imported pursuant to paragraph 1 from the Community as soon as possible after the end of the exhibition, under conditions of complete isolation from any other plant material.

Article 2

Belgium shall provide the Commission and the other Member States, before 1 February 1990, with information on amounts imported pursuant to this Decision and with a detailed technical report of the official inspections and examinations referred to in Article 1 (2) (f) and (i).

Article 3

The authorization granted in Article 1 shall apply from 15 September to 31 December 1989.

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 10 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission