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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3528/89**of 23 November 1989****amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas, in the light of the recent decision of the Court of Justice on the scope of Articles 28 and 113 of the Treaty, it appears that Regulation (EEC) No 2658/87⁽²⁾ was adopted on an erroneous legal basis since the Council added to the legal basis proposed by the Commission, namely Articles 28, 43 and 113 of the Treaty, Article 235 of the Treaty, which calls for a different decision-making procedure; whereas the Commission consequently referred the matter to the Court of Justice for proceedings for annulment of the said Regulation;

Whereas, to enable the Commission to withdraw its action and to prevent the act in question being declared

void, the reference to Article 235 of the Treaty as a legal basis for Regulation (EEC) No 2658/87 should be deleted,

HAS ADOPTED THIS REGULATION:

Article 1

The first citation in Regulation (EEC) No 2658/87 is hereby replaced by the following:

'Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43 and 113 thereof'.

Article 2

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 10 September 1987.

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

Done at Brussels, 23 November 1989.

For the Council

The President

E. CRESSON

⁽¹⁾ Opinion delivered on 13 October 1989 (not yet published in the Official Journal).

⁽²⁾ OJ No L 256, 7. 9. 1987, p. 1.

COUNCIL REGULATION (EEC) No 3529/89**of 23 November 1989****increasing the volume of the Community tariff quotas opened for 1989 for
polyvinyl butyral and magnetrons**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulations (EEC) Nos 3984/88 ⁽¹⁾ and 1878/89 ⁽²⁾ opened for 1989, or for the second six month period only, Community tariff quotas at zero duty for polyvinyl butyral and magnetrons, which volumes have provisionally been fixed respectively at 1 500 tonnes and 600 000 pieces; whereas, on the basis of the data currently available, it would appear that these volumes will be insufficient to cover the needs of the Community until 31 December 1989 and that it is in the Community's interest to allow supplies to the customer industry to be made under favourable conditions; whereas it is appropriate to amend the abovementioned regulations with a view to increasing the volumes of the tariff quotas to the levels of real needs that have been ascertained,

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 3984/88 for polyvinyl butyral in the form of powder, for the production of film for laminated safety glass, shall be increased from 1 500 tonnes to 4 000 tonnes.

Article 2

The volume of the Community tariff quota opened by Regulation (EEC) No 1878/89 for magnetrons with a power output of less than 1 000 W, for the manufacture of microwave ovens, shall be increased from 600 000 pieces to 1 000 000 pieces.

Article 3

This Regulation shall enter into force on the seventh day following 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 Council

The President

E. CRESSON

⁽¹⁾ OJ No L 354, 22. 12. 1988, p. 6.

⁽²⁾ OJ No L 182, 29. 6. 1989, p. 2.

COUNCIL REGULATION (EEC) No 3530/89

of 23 November 1989

amending Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 967/89 ⁽²⁾, provides for the total or partial exemption from import duties for the products in question;

Whereas molasses account for a significant proportion of exports from the ACP States; whereas Article 130 of the Third ACP-EEC Convention provides for more favourable treatment for products originating in the ACP States than that granted to third countries benefiting from the most-favoured-nation clause; whereas such treatment should be extended to molasses; whereas provision should accordingly be made, within the limit of the

annual quantity corresponding to current actual exports to the Community, for either a reduction in, or total exemption from, the levy on the product in question,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is hereby added to Title XIII of Regulation (EEC) No 486/85:

Article 19a

The levy applicable to imports of molasses falling within CN code 1703 shall be reduced by ECU 0,5 per 100 kilograms. The levy shall not be collected where it is less than, or equal to, ECU 0,5 per 100 kilograms. These provisions shall apply within the framework of an overall limit of 600 000 tonnes per marketing year.'

Article 2

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

It shall apply from 2 June 1989.

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

Done at Brussels, 23 November 1989.

For the Council

The President

E. CRESSON

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

COMMISSION REGULATION (EEC) No 3531/89
of 24 November 1989
amending Annexes III en IV bis to Council Regulation (EEC) No 4136/86 with
regard to certain textile products originating in Hong Kong

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries ⁽¹⁾, as last amended by Regulation (EEC) No 694/89 ⁽²⁾, and in particular Article 17,

Whereas, with a view to the introduction of the combined nomenclature, the Community has negotiated with Hong Kong an Agreed Minute modifying the quantitative limits for categories 10, products provided for in the Agreement between the EEC and Hong Kong on trade in textiles ;

Whereas according to Council Decision 89/538/EEC ⁽³⁾, that this Agreement Minute should be applied provisionally from 1 January 1988 pending its formal conclusion ;

Whereas it is therefore necessary to amend Annexes III and IV bis to Regulation (EEC) No 4136/86 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Annexes III and IV bis to Regulation (EEC) No 4136/86 are hereby amended for Hong Kong accordance with the Annex hereto.

Article 2

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 1 January 1988.

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

Done at Brussels, 24 November 1989.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 42.

⁽²⁾ OJ No L 268, 15. 9. 1989, p. 18.

⁽³⁾ OJ No L 286, 4. 10. 1989, p. 20.

ANNEX

1. Annex III is amended as follows:

— in group III B (category 10 — Hong Kong), the table is replaced by the following table:

'Category	CN codes	Description	Third country	Units	Years	Annals quantitative limits
10	6111 10 10	Gloves, mittens and mitts, knitted or crocheted	Hong Kong	1 000 pieces	1988	78 482
	6111 20 10				1989	80 052
	6111 30 10				1990	81 653
	ex 6111 90 00				1991	83 285'
	6116 10 10					
	6116 10 90					
	6116 91 00					
	6116 92 00					
	6116 93 00					
	6116 99 00					

2. Annex IV *bis* is amended as followed:

— in Group III B (category 10 — Hong Kong) the table is replaced by the following table:

'Cate- gory	CN codes	Description	Third country	Member States	Units	Quantitative limite from 1 January to 31 December			
						1988	1989	1990	1991
10	6111 10 10	Gloves, mittens and mitts, knitted or crocheted	Hong Kong	D	1 000 pieces	18 542	19 071	19 665	20 270
	6111 20 10			F		3 502	3 735	3 998	4 274
	6111 30 10			I		2 908	3 141	3 361	3 592
	ex 6111 90 00			BNL		6 573	6 798	7 038	7 256
				UK		43 634	43 726	43 770	43 814
	6116 10 10			IRL		336	354	374	394
	6116 10 90			DK		1 948	2 007	2 070	2 134
	6116 91 00			GR		170	186	208	232
	6116 92 00			ES		782	931	1 042	1 163
	6116 93 00			PT		87	103	127	156
	6116 99 00			EEC		78 482	80 052	81 653	83 285'

COMMISSION REGULATION (EEC) No 3532/89

of 27 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 24 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 28 November 1989.

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

Done at Brussels, 27 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 27 November 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	23,05	120,84
0712 90 19	23,05	120,84
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	116,81 ⁽⁴⁾
1003 00 10	40,77	112,14
1003 00 90	40,77	112,14
1004 00 10	32,17	112,88
1004 00 90	32,17	112,88
1005 10 90	23,05	120,84 ⁽²⁾ ⁽³⁾
1005 90 00	23,05	120,84 ⁽²⁾ ⁽³⁾
1007 00 90	40,77	128,10 ⁽⁴⁾
1008 10 00	40,77	7,05
1008 20 00	40,77	64,08 ⁽⁴⁾
1008 30 00	40,77	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	40,77	0,00
1101 00 00	46,85	177,32
1102 10 00	84,22	176,59
1103 11 10	56,78	273,18
1103 11 90	49,97	190,88

⁽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 3533/89

of 27 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 24 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 28 November 1989.

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

Done at Brussels, 27 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 27 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	0	0,55
0712 90 19	0	0	0	0,55
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	1,21
1001 90 99	0	0	0	1,21
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,55
1005 90 00	0	0	0	0,55
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	1,69

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	2,15	2,15
1107 10 19	0	0	0	1,61	1,61
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 3534/89**of 27 November 1989****on the supply of various consignments of cereals and rice to Angola 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 amended by Regulation (EEC) No 1750/89⁽²⁾, and in particular Article 6 (1) (c) thereof,

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

Whereas, by its Decision of 8 June 1989 on the supply of food aid to Angola, the Commission allocated to that country 10 400 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

A tendering procedure is hereby initiated for the award of a contract for the supply of milled long-grain rice and cereals to Angola in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexes 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, 27 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 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. Operation No (1): 436/89
2. Programme : 1988
3. Recipient : Edimba UEE, Ministerio do Comercio Interno, CP 1404, Luanda ; tel. 33 79 84
4. Representative of the recipient (2) : SEM Emilio Guerra, Ambassade d'Angola, 182, Rue Franz Merjay, 1180 Bruxelles ; tel. 344 49 86, telex 63170 EMBRUX B)
5. Place or country of destination : Angola
6. Product to be mobilized : Milled rice (product code 1006 30 94 900 or 1006 30 96 900)
7. Characteristics and quality of the goods (3) : see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.10)
8. Total quantity : 1 167 tonnes (2 802 tonnes of cereals)
9. Number of lots : one
10. Packaging and marking (4) : see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 a) :
Marking on the bags (in letters at least 5 cm high):
'ACÇÃO Nº 436/89 / ARROZ / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA A ANGOLA'
11. Method of mobilization : the Community market
12. Stage of supply : free at destination
13. Port of shipment : —
14. Port of landing specified by the recipient : —
15. Port of landing : —
16. Address of the warehouse and, if appropriate, port of landing (5) (6) : Edimba — Luanda :
Mulemba, Estrada de Cacuo, Frente à Induve ;
— if appropriate : Edimba — Lobito
Armazéns Ami, Término da Linha Férrea do Porto, —
— or : Edimba — Namibe
Armazéns Kadeve (Junto à Direcção da Edimba)
17. Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 20. 12. 1989 — 15. 1. 1990
18. Deadline for the supply : 28. 2. 1990
19. Procedure for determining the costs of supply : invitation to tender
20. Date of expiry of the period allowed for submission of tenders : 12. 12. 1989 at 12 noon
21. In the case of a second invitation to tender :
 - (a) deadline for the submission of tenders : 19. 12. 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 — 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 (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 Brussels
telex : AGREC 22037 B
25. Refund payable on request by the successful tenderer (8) : refund applicable on 9. 11. 1989, fixed by Commission Regulation (EEC) No 3261/89 (OJ No L 317, 31. 10. 1989, p. 14)

ANNEX II

1. **Operation No** (1): 437/89
2. **Programme**: 1988
3. **Recipient**: Transapro UEE, CP 5816, Luanda; (tel.: 345 55, telex 3371 ANSAPRO AN — 3337 COMANG AN)
4. **Representative of the recipient** (2): SE M. Emilio Guerra, Ambassade d'Angola, 182 r. Franz Merjay, 1180 Bruxelles; (tel.: 344 49 80; telex 62635 EMBRUX B)
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.6)
8. **Total quantity**: 5 546 tonnes (7 598 tonnes of cereals)
9. **Number of lots**: one (three parts: part A: 1 000 tonnes (= 1 370 tonnes cereals) Lobito, part B: 1 046 tonnes (= 1 433 tonnes cereals) Namibe, part C: 3 500 tonnes (= 4 795 tonnes cereals) Luanda)
10. **Packaging and marking** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2.d — marking on the bags in letters at least 5 cm high:
'ACÇÃO Nº 437/89 / FARINHA DE TRIGO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA A ANGOLA')
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing** (5) (6):
 - part A: Edimba — Lobito Armazens Ami, Termino da Ferrea Do Porto
 - part B: Edimba — Namibe Armazens Kadeve (Junto A Direcção Da Edimba)
 - part C: Transapro — Luanda Kinaxixi, Estrada de Catete ou Sta. Filomena, Ex Avenida General Carmona
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20. 12. 1989 — 15. 1. 1990
18. **Deadline for the supply**: 28. 2. 1990
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12. 12. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19. 12. 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. — 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** (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 9. 11. 1989 fixed by Regulation (EEC) No 3261/89 in OJ No L 317, 31. 10. 1989, p. 14

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
M. Gil Renaux, Délégation CEE, 6 rua Rainha Jínga, Luanda ; tel. 39 30 38, telex 3397 DELCEE AN
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must 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) 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.
- (⁷) The unloading is programmed for Luanda. Nevertheless an option between the ports of Luanda, Lobito and Namibe will remain open at the latest until the entry of the vessel into Angolan waters (at Cabinda).
- (⁸) The following rates of unloading are reported at present :
Luanda : it may be hoped that between 100 and 400 tonnes will be unloaded per day.
Vessels of 9 000 tonnes maximum.
6 wharves.
Lobito : unloading of between 200 and 600 tonnes per day.
Vessels of 9 000 tonnes maximum.
4 wharves.
Namibe : unloading of between 100 and 300 tonnes per day.
Vessels of 8 000 tonnes maximum.
3 wharves.
- (⁹) The allocation of the quantities between the three destinations is subject to review. One destination may be cancelled and another chosen. The choice will remain open at the latest until the entry of the vessel into Angolan water (at Cabinda).

COMMISSION REGULATION (EEC) No 3535/89

of 27 November 1989

on the supply of refined rapeseed oil to the the Republic of Cape Verde as food aid

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

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

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

Whereas, by its Decision of 15 April 1987 on the supply of food aid to Cape Verde, the Commission allocated to that country 200 tonnes of refined rapeseed 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 rapeseed oil to Cape Verde 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, 27 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 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No⁽¹⁾:** 621/89
2. **Programme:** 1989
3. **Recipient:** Republic of Cape Verde
4. **Representative of the recipient⁽²⁾:** Empresa Publica de Abastecimento (EMPA), Praia, CP 104; tel. 249 305, telex 54 EMPA CV. Mindelo, CP 148; tel. 2369 — 2781, telegram EMPA, S. Vincente.
5. **Place or country of destination:** Cape Verde
6. **Product to be mobilized:** refined rapeseed oil
7. **Characteristics and quality of the goods⁽³⁾ (7):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity:** 200 tonnes net
9. **Number of lots:** one
10. **Packaging and marking⁽⁶⁾:** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
— the containers and cartons must carry the following wording:
‘ACÇÃO Nº 621/89 / OLEO-DOM DA COMUNIDADE ECONÓMICA EUROPEIA A REPUBLICA DE CABO VERDE’
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Mindelo
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 15. — 28. 1. 1990
18. **Deadline for the supply:** 11. 2. 1990
19. **Procedure for determining the costs of supply⁽⁴⁾:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon on 12. 12. 1989. Tenders shall be valid until 12 midnight on 13. 12. 1989
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 19. 12. 1989. Tenders shall be considered valid until 12 midnight on 20. 12. 89
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 22. 1 — 4. 2. 1990
 - (c) deadline for the supply: 18. 2. 1990
22. **Amount of the tendering security:** ECU 15 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽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. Meloni, CP 122, Praia; tel. 61 37 50, telex 6071 DELCE CV.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (4) 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 the Annexes, 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 the 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) The vegetable oil is packaged in hermetically sealed high density polyethylene containers which have the following characteristics:
- content: 5 litres,
 - type of material: Lupolen 5661 B or equivalent,
 - weight: 230 g minimum,
 - resistance to compression: 350 N minimum, 460 N maximum.
- The containers must be stackable, with two flat sides, with an integrated handle and a sealed screw top.
- The containers must in turn be packed in groups of four in a carton.
- Carton: see OJ No C 216, 14. 8. 1987, p. 3 (under I.3.1) with, in addition, an interlocking fitment with slot in the middle.
- (7) The successful tenderer is to 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 3536/89
of 27 November 1989
on the supply of various consignments of cereals to Sri Lanka as food aid

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

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

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

Whereas, by its Decision of 20 July 1989 on the supply of food aid to Sri Lanka, the Commission allocated to that country 20 000 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

A tendering procedure is hereby initiated for the award of a contract for the supply of cereals to Sri Lanka 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, 27 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 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No (¹):** 720/89
2. **Programme:** 1989
3. **Recipient:** Sri Lanka (Chairman of the Cooperative Wholesale Establishment)
4. **Representative of the recipient (²):** Mr Ariyaratne, Embassy of Sri Lanka, avenue des Arts 21-22, B-1040 Bruxelles, tel. 230 48 90; Sri-Lanka: Cooperative Wholesale Establishment, telex 21141 SATHOSA CE
5. **Place or country of destination:** Sri Lanka
6. **Product to be mobilized:** common wheat
7. **Characteristics and quality of the goods (³):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.1); specific characteristics: moisture content: 13,5 % maximum
8. **Total quantity:** 20 000
9. **Number of lots:** one
10. **Packaging and marking:** in bulk
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Trincomalee
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:** 20. 12. 1989 — 15. 1. 1990
18. **Deadline for the supply:** 15. 2. 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 12. 12. 1989
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 19. 12. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 — 20. 1. 1990
 - (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 (⁴):** 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 or 25670 B
25. **Refund payable on request by the successful tenderer (⁵):** refund applicable on 21. 11. 1989, fixed by Regulation (EEC) No 3261/89 in OJ No L 317, 31. 10. 1989, p. 14

Notes :

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

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

Mr Houlston, YMCA, Cultural Centre Building, Jai Singh Road, New Dehli 1 ; tel. 34 42 22, 35 04 30, telex 3161315.

(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) 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) 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.

COMMISSION REGULATION (EEC) No 3537/89

of 27 November 1989

on the marketing stage to which the average price for pig carcasses refers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 4 (6) thereof,

Whereas the representative markets comprise, for each country, all the markets listed in the Annex to Commission Regulation (EEC) No 2123/89⁽³⁾;

Whereas, pursuant to Article 4 (2) of Regulation (EEC) No 2759/75, the weighted average price for pig carcasses on the representative markets of the Community must be determined in order to assess whether the market situation warrants intervention measures;

Whereas, in order to determine such an average price for pig carcasses, comparable Community prices must be available; whereas, to that end, a single quality of pig carcasses corresponding to the standard quality referred to in Article 4 (1) of Regulation (EEC) No 2759/75 and a clearly defined marketing stage should be used; whereas, since pig carcasses are generally marketed at the slaughterhouse stage, that stage should be the one adopted;

Whereas quotations for pig carcasses are to be determined henceforth throughout the Community using the Community scale for grading pig carcasses as laid down by Council Regulation (EEC) No 3220/84⁽⁴⁾, as amended by Regulation (EEC) No 3530/86⁽⁵⁾, and the detailed rules for application as laid down in Commission Regulation (EEC) No 2967/85⁽⁶⁾; whereas the definition of the standard quality in accordance with Article 2 (2) and (3) of Regulation (EEC) No 3220/84 was simplified by Council Regulation (EEC) No 1250/89 of 3 May 1989 fixing the basic price and the standard quality for slaughtered pigs for the period 1 July 1989 to 30 June 1990⁽⁷⁾; whereas, in addition, the list of representative markets for pigmeat in the Community, as laid down in Council Regulation (EEC) No 43/81⁽⁸⁾, as last amended by Regulation (EEC)

No 3553/88⁽⁹⁾, was replaced by that in Regulation (EEC) No 2123/89; whereas, for those reasons, the rules on the marketing stage to which the average price for pig carcasses refers should be amended;

Whereas for the sake of clarity a new regulation combining all the rules on the marketing stage to which the average price for pig carcasses refers should be adopted; whereas Commission Regulation (EEC) No 2342/86⁽¹⁰⁾, as amended by Regulation (EEC) No 2847/87⁽¹¹⁾, should accordingly be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community market price for pig carcasses referred to in Article 4 (2) of Regulation (EEC) No 2759/75 shall be determined on the basis of the prices on entry into the slaughterhouse, excluding value added tax, paid to suppliers of live pigs.

2. The prices referred to in paragraph 1 shall include the value of the unprocessed offal and animal residues and shall be expressed in respect of 100 kg of cold pig carcasses:

— presented in accordance with the reference presentation laid down in Article 2 (1) of Regulation (EEC) No 3220/84,

and

— weighed and classified on the slaughterhouse hook, the weight recorded being converted into cold carcase weight in accordance with the methods laid down in Article 2 of Regulation (EEC) No 2967/85.

Article 2

1. The market price for pig carcasses in a Member State shall be equal to the average of the quotations for pig carcasses recorded on the markets or quotation centres of that Member State listed in the Annex to Regulation (EEC) No 2123/89.

⁽¹⁾ OJ No L 311, 17. 11. 1988, p. 4.

⁽¹⁰⁾ OJ No L 203, 26. 7. 1986, p. 18.

⁽¹¹⁾ OJ No L 272, 25. 9. 1987, p. 12.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 203, 15. 7. 1989, p. 23.

⁽⁴⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽⁵⁾ OJ No L 326, 21. 11. 1986, p. 8.

⁽⁶⁾ OJ No L 285, 25. 10. 1985, p. 39.

⁽⁷⁾ OJ No L 129, 11. 5. 1989, p. 14.

⁽⁸⁾ OJ No L 3, 1. 1. 1981, p. 15.

2. The price referred to in paragraph 1 shall be determined using the quotations recorded for carcasses weighing:

- 60 to less than 120 kg of grade U,
- 120 to less than 180 kg of grade R.

The choice of weight categories and any weighting thereof shall be left to the Member State concerned; the latter shall inform the Commission thereof.

Article 3

1. Regulation (EEC) No 2342/86 is hereby repealed.
2. References to Regulation (EEC) No 2342/86 shall be construed as referring to this Regulation.

Article 4

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, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3538/89

of 27 November 1989

fixing, for 1990 the quota for imports into Spain of meat of domestic rabbits from third countries and certain detailed rules for the application thereof and repealing Regulation (EEC) No 3868/88

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 491/86 of 25 February 1986 laying down detailed rules concerning quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾ and in particular Article 3 thereof,

Whereas the 1989 quota for imports into Spain of meat of domestic rabbits from third countries is set out in Article 1 of Commission Regulation (EEC) No 3868/88⁽³⁾; whereas this quota should be increased for 1990 by the minimum rate of increase of 10 % laid down in Article 3 of the said Regulation;

Whereas to ensure proper management of the quota, applications for import authorizations should be subject to the lodging of a security to cover, as a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽⁴⁾, as amended by Regulation (EEC) No 1181/87⁽⁵⁾ the effective importation of the goods; whereas provision should also be made for the quotas to be staggered over the year;

Whereas provision should be made for Spain to communicate information to the Commission on the application of the quota;

Whereas this Regulation replaces certain provisions of Regulation (EEC) No 3868/88 whereas for the sake of clarity the said Regulation should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quota for 1990 that the Kingdom of Spain may apply, pursuant to Article 77 of the Act of Accession, to imports of meat and edible meat offal of rabbits falling

within CN code 0208 10 10 from third countries shall be 585 tonnes.

Article 2

1. The Spanish authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between the applicants.

The quota shall be staggered over the year as follows:

- 50 % during the period from 1 January to 30 June 1990,
- 50 % during the period from 1 July to 31 December 1990.

2. Applications for import authorizations shall be subject to the lodging of a security. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 covered by the security shall consist in the effective importation of the goods.

Article 3

The minimum rate of progressive increase in the quota shall be 10 % applicable at the beginning of each year.

The increase shall be added to each quota and the next increase calculated on the basis of the figure thus obtained.

Article 4

1. The Spanish authorities shall inform the Commission of the measures which they adopt for the implementation of Article 2 above.

2. They shall transmit, not later than the 15th of each month, the following information concerning the import authorizations issued in the preceding months:

- the quantities covered by the import authorizations issued, by country of provenance,
- the quantities imported, by country of provenance.

Article 5

Regulation (EEC) No 3868/88 is hereby repealed.

Article 6

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 1 January 1990.

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 345, 14. 12. 1988, p. 18.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁵⁾ OJ No L 113, 30. 4. 1987, p. 31.

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

Done at Brussels, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3539/89

of 27 November 1989

extending Regulation (EEC) No 1836/85 laying down transitional measures for
peas, field beans and sweet lupins during the 1985/86 marketing year

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

Having regard to Council Regulation (EEC) No 1431/82
of 18 May 1982 laying down special measures for peas,
field beans and sweet lupins⁽¹⁾, as last amended by
Regulation (EEC) No 1104/88⁽²⁾,

Having regard to Council Regulation (EEC) No 2904/89
of 25 September 1989 extending Regulation (EEC) No
1832/85 amending Regulation (EEC) No 2036/82
adopting general rules concerning special measures for
peas, field beans and sweet lupins⁽³⁾, and in particular
Article 1 thereof,

Whereas Council Regulation (EEC) No 1832/85⁽⁴⁾
amending Regulation (EEC) No 2036/85⁽⁵⁾, as last
amended by Regulation (EEC) No 1789/89⁽⁶⁾, introduces
in Regulation (EEC) No 2036/82 the new concept of
identification and the procedures and time limits for that
operation; whereas those provisions substantially amend
the existing procedures, thereby justifying the authori-
zation, granted to the Commission in Article 2 of
abovementioned Regulation (EEC) No 1832/85, to adopt
the necessary transitional measures; whereas Article 2 of
Commission Regulation (EEC) No 1836/85⁽⁷⁾ lays down
those measures and limits their validity to 31 December
1985; whereas it has transpired that after that date
operators have continued to experience difficulties in
adapting to the new rules in circumstances where the
control measures have shown that the operators
concerned were not at fault, apart from a failure to
comply with the time limit laid down for the submission
of applications for the identification of the products;
whereas those difficulties may have been aggravated by
the entry into force on 1 January 1986 of Commission
Regulation (EEC) No 3540/85 of 5 December 1985 laying

down detailed rules for the application of the special
measures for peas, field beans and sweet lupins⁽⁸⁾, as last
amended by Regulation (EEC) No 3870/88⁽⁹⁾, in
particular as regards the arrangements for identification
laid down by abovementioned Regulation (EEC) No
1832/85; whereas a measure derogating from the rules
laid down in Article 32 of Regulation (EEC) No 3450/85,
pursuant to the new arrangements on identification
provided for in Regulation (EEC) No 1832/85 was
adopted in Article 1 (12) of Commission Regulation
(EEC) No 2462/86 of 31 July 1986⁽¹⁰⁾ amending
Regulation (EEC) No 3540/85 as regards January,
February and March 1986; whereas, however, difficulties
of this type continued to arise until the end of 1987;
whereas, as a consequence, in accordance with the
authorization pursuant to Council Regulation (EEC) No
2904/89 to extend the transitional measures provided for
in Article 2 of Regulation (EEC) No 1832/85, the period
during which the application for identification may be
deemed to have been submitted on the day of entry of the
products into the undertaking should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 1836/85, '31
December 1985' is hereby replaced by '31 December
1987'.

Article 2

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 1 January 1986.

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

Done at Brussels, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 280, 29. 9. 1989, p. 4.

⁽⁴⁾ OJ No L 173, 3. 7. 1985, p. 3.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 176, 23. 6. 1989, p. 11.

⁽⁷⁾ OJ No L 173, 3. 7. 1985, p. 13.

⁽⁸⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁹⁾ OJ No L 345, 14. 12. 1988, p. 21.

⁽¹⁰⁾ OJ No L 211, 1. 8. 1986, p. 4.

COMMISSION REGULATION (EEC) No 3540/89

of 27 November 1989

laying down supplementary provisions on preventive distillation of wine for the 1989/90 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Article 38 (5) thereof,

Whereas, with a view to applying Commission Regulation (EEC) No 2485/89 of 14 August 1989 introducing preventive distillation as provided for in Article 38 of Regulation (EEC) No 822/87 for the 1989/90 wine year ⁽³⁾, it is necessary to know the areas cultivated for production, in order to determine the quantity which producers may have distilled; whereas a high number of Greek producers do not have the necessary data owing to the administration's delay in introducing the planned administrative structures; whereas, so that the abovementioned producers are not prevented from qualifying under the measure, provision should be made for the reference areas to be determined on the basis of a flat-rate yield for Greece as a whole;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following supplementary provisions shall apply in Greece to preventive distillation introduced by Regulation (EEC) No 2485/89:

The area to be used when calculating the quantity of table wine or wine suitable for yielding table wine which Greek producers may have distilled shall be obtained by dividing the quantity given as wine in the table wine column of the production declaration which they have presented pursuant to Commission Regulation (EEC) No 3929/87 ⁽⁴⁾ by 65.

Article 2

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

It shall apply with effect from 1 September 1989.

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

Done at Brussels, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 238, 15. 8. 1989, p. 21.

⁽⁴⁾ OJ No L 369, 29. 12. 1987, p. 59.

COMMISSION REGULATION (EEC) No 3541/89

of 27 November 1989

reducing for the 1989/90 wine year the quantities of concentrated grape must in approved contracts for use in feedingstuffs as provided for in Regulation (EEC) No 2635/88

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Article 45 (9) thereof,

Whereas Article 3 (4) of Commission Regulation (EEC) No 2635/88 of 24 August 1988 laying down detailed rules for implementing an aid scheme for the use of concentrated grape must in feedingstuffs ⁽³⁾, as last amended by Regulation (EEC) No 3522/88 ⁽⁴⁾, provides for a mechanism enabling the total quantity laid down for the Community as a whole of concentrated grape must which may be delivered for use in such feedingstuffs to be kept within a given annual maximum quantity;

Whereas information forwarded to the Commission by the Member States shows that, on expiry of the time limit laid down for the presentation of the contracts, the total quantity of concentrated grape must in such contracts exceeds by approximately 367 700 hectolitres the quantity provided for in Article 45 (7) of Regulation (EEC) No 822/87 as estimated for the 1989/90 wine year; whereas, under those circumstances, pursuant to Article 3 (4) of

Regulation (EEC) No 2635/88, use in animal feedingstuffs of the quantity laid down should be limited and the quantities shown in each contract should be reduced accordingly in the same proportion;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 wine year the quantity of concentrated grape must which may be used in feedingstuffs as provided for in Regulation (EEC) No 2635/88 shall be 21,5 % of the quantity in each contract submitted for approval.

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, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 236, 26. 8. 1988, p. 8.

⁽⁴⁾ OJ No L 307, 12. 11. 1988, p. 32.

COMMISSION REGULATION (EEC) No 3542/89**of 27 November 1989****fixing the maximum buying-in price and the quantities of beef bought in for the
12th 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 3020/89 ⁽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 12th 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 bought in should be fixed;

Whereas the price differences recorded result in different maximum buying-in prices being set in Ireland and Northern Ireland in accordance with Article 11 (1) of Regulation (EEC) No 859/89;

Whereas the scale of the quantities awarded warrants the application of the possibility provided for in Article 13 (2) of Regulation (EEC) No 859/89 of extending the period

during which the intervention products are to be delivered by one week;

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 12th 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 55 tonnes;

(b) For category C:

- the maximum buying-in price is hereby fixed at ECU 277 in Ireland and ECU 279 in Northern Ireland per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted is hereby fixed at 17 411 tonnes.

Article 2

By way of derogation from the first sentence of Article 13 (2) of Regulation (EEC) No 859/89, the delivery period for the intervention products is hereby extended by one week.

Article 3

This Regulation shall enter into force on 28 November 1989.

⁽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 289, 7. 10. 1989, p. 26.

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

Done at Brussels, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3543/89
of 27 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 3526/89 ⁽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 28 November 1989.

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

Done at Brussels, 27 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 344, 25. 11. 1989, p. 27.

ANNEX

to the Commission Regulation of 27 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	33,69
1701 99 10	33,69
1701 99 90	33,69 ⁽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 3544/89

of 27 November 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 3251/89⁽⁷⁾, as last amended by Regulation (EEC) No 3464/89⁽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 24 November 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 3251/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 28 November 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 314, 28. 10. 1989, p. 59.
(⁸) OJ No L 334, 18. 11. 1989, p. 28.
(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, 27 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 November 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	61,82	203,11	209,15
1103 12 00	61,82	203,11	209,15
1103 29 30	61,82	203,11	209,15
1104 12 10	34,63	115,10	118,12
1104 12 90	68,02	225,68	231,72
1104 22 10 10 (*)	34,63	115,10	118,12
1104 22 10 90 (10)	58,80	203,11	206,13
1104 22 30	58,80	203,11	206,13
1104 22 50	52,60	180,54	183,56
1104 22 90	34,63	115,10	118,12

(*) TARIC code: clipped oats.

(10) TARIC code: CN code 1104 22 10, other than 'clipped oats'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 November 1989

amending Decision 89/53/EEC authorizing methods for grading pig carcasses in Italy

(Only the Italian text is authentic)

(89/602/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 4 (6) thereof,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses⁽³⁾, as amended by Regulation (EEC) No 3530/86⁽⁴⁾, and in particular Article 5 (2) thereof,

Whereas Commission Decision 89/53/EEC⁽⁵⁾ authorizes three methods for grading pig carcasses in Italy; whereas the practical application of those methods has shown that slight differences in the operating distances of the probes laid down for the apparatus termed 'Fat-O-Meater' ('FOM') impede the introduction of such apparatus in slaughterhouses although the measurements obtained using such probes are practically identical; whereas, in addition, the diameter of the 'FOM' probes is 6 mm and not 7 mm as indicated in Decision 89/53/EEC; whereas, with a view to the early introduction of the new measures for grading pig carcasses in Italy, provision should be made for a

single identical probe for use with the apparatus termed 'FOM';

Whereas at the same time two coefficients in the equation formulae for apparatus termed 'FOM' and 'DEST' for carcasses between 120 and 180 kilograms, which were correctly submitted to the Commission but incorrectly stated in the Decision, should be corrected;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 89/53/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 20 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽⁴⁾ OJ No L 326, 21. 11. 1986, p. 8.

⁽⁵⁾ OJ No L 20, 25. 1. 1989, p. 35.

ANNEX

ANNEX

Methods for grading pig carcasses in Italy

PART 1

Fat-O-Meater (FOM)

1. Grading of pig carcasses shall be carried out by means of the apparatus termed "Fat-O-Meater" ("FOM").
2. The apparatus shall be equipped with a probe of 6 mm diameter containing a photodiode of the Siemens SFH 950 type and a photodetector (type SFH 960), having an operating distance of between 5 and 115 mm. The results of the measurements are converted into estimated lean meat content by means of a computer.
3. The lean meat content of the carcase shall be calculated according to one of the following two formulae :

(a) carcasses weighing between 60 and 120 kg

$$\hat{y} = 67,11 - 0,492 x_1 - 0,539 x_2 + 0,0726 x_3 + 0,00838 x_4$$

(b) carcasses weighing between 120,1 and 180 kg

$$\hat{y} = 67,18 - 0,528 x_1 - 0,559 x_2 + 0,123 x_3 + 0,00829 x_4$$

where

$\hat{y}$ = the estimated percentage of lean meat in the carcase,

x_1 = the thickness of back fat (including rind) in millimetres, measured at 8 cm off the midline of the carcase at the level placed between the third and fourth lumbar vertebrae,

x_2 = the thickness of the back fat (including rind) in millimetres, measured at 8 cm off the midline of the carcase, between the third and fourth last ribs,

x_3 = the thickness of the *longissimus dorsi* muscle between the third and fourth last ribs, in millimetres, measured at the same time and in the same place as x_2 ,

$$x_4 = \left(\frac{x_1 + x_2}{2} \right)^2$$

PART 2

Destron PG 100 (DEST)

1. Grading of pig carcasses shall be carried out by means of the apparatus termed "Destron PG 100" ("DEST").
2. The apparatus shall be equipped with a probe of 7 mm diameter containing a photodiode (type Texas SL 2018) and a photodetector (type Texas LS 608 D), having an operating distance of between 0 and 120 mm. The results of the measurements are converted into estimated lean meat content by means of a computer.
3. The lean meat content of the carcase shall be calculated according to one of the following two formulae :

(a) carcasses weighing between 60 and 120 kg

$$\hat{y} = 70,24 - 0,433 x_1 - 0,795 x_2 + 0,0413 x_3 + 0,0126 x_4$$

(b) carcasses weighing between 120,1 and 180 kg

$$\hat{y} = 67,12 - 0,440 x_1 - 0,512 x_2 + 0,0693 x_3 + 0,00672 x_4$$

where

$\hat{y}$ = the estimated percentage of lean meat in the carcase,

x_1 = the thickness of back fat (including rind) in millimetres, measured at 8 cm off the midline of the carcase at the level placed between the third and fourth lumbar vertebrae,

x_2 = the thickness of the back fat (including rind) in millimetres, measured at 8 cm off the midline of the carcase, between the third and fourth last ribs,

x_3 = the thickness of the *longissimus dorsi* muscle between the third and fourth last ribs in millimetres, measured at the same time and in the same place as x_2 ,

$$x_4 = \left(\frac{x_1 + x_2}{2} \right)^2$$

PART 3

Intrascopes (Optical Probe)

1. Grading of pig carcasses shall be carried out by means of the apparatus termed "Intrascopes (Optical Probe)".
2. The apparatus shall be equipped with a hexagonal shaped probe of a maximum width of 12 mm (and of 19 mm at the blade at the top of the probe) containing a viewing window and a light source, a sliding barrel calibrated in millimetres and having an operating distance of between 8 and 50 mm.
3. The lean meat content of the carcass shall be calculated according to one of the following two formulae:

- (a) carcasses weighing between 60 and 120 kg

$$\hat{y} = 68,14 - 0,517 x_1 - 0,425 x_2 + 0,00831 x_3$$

- (b) carcasses weighing between 120,1 and 180 kg

$$\hat{y} = 72,82 - 0,573 x_1 - 0,464 x_2 + 0,00758 x_3$$

where

$\hat{y}$ = the estimated percentage of lean meat in the carcass,

x_1 = the thickness of back fat (including rind) in millimetres, measured at 8 cm off the midline of the carcass, between the third and fourth last ribs,

x_2 = the thickness of back fat (including rind) in millimetres, measured at the level of the *gluteus medius* muscle,

$$x_3 = \left(\frac{x_1 + x_2}{2} \right)^2$$

COMMISSION DECISION

of 20 November 1989

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

(89/603/EEC)

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

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

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

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

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

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

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

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection

problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁵⁾, as last amended by Directive 89/227/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

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

United Kingdom

205,0 tonnes originating in Botswana,

Germany

75,0 tonnes originating in Botswana,

Netherlands

225,0 tonnes originating in Botswana.

Article 2

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

Botswana	10 134,262 tonnes,
Kenya	142,00 tonnes,
Madagascar	7 579,00 tonnes,
Swaziland	3 363,00 tonnes,
Zimbabwe	6 252,17 tonnes.

Article 3

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

Done at Brussels, 20 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 93, 6. 4. 1989, p. 25.

CORRIGENDA

Corrigendum to Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs

(Official Journal of the European Communities No L 40 of 11 February 1989)

Page 40, Article 6(3), first line:—

for: '....in paragraph 1...',

read: '....in paragraph 1 (a)...'.

Corrigendum to Council Regulation (EEC) No 2045/89 of 19 June 1989 amending Regulation (EEC) No 3309/85 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

(Official Journal of the European Communities No L 202 of 14 July 1989)

This corrigendum cancels and replaces the Corrigendum published in *Official Journal of the European Communities* No L 286 of 4 October 1989, page 27.

On page 13, Article 1 (2) (c) should read as follows:

(c) the following paragraph shall be inserted:

"5a. In the case of quality sparkling wines psr which fulfil the conditions laid down in the second subparagraph of paragraph 4:

(a) the term 'Winzersekt' shall be reserved for quality sparkling wines psr produced in the Federal Republic of Germany which are:

- produced from grapes harvested in the same vineyard, including producer groups, where the producer, as defined in Article 5 (4), makes into wine grapes intended for the preparation of quality sparkling wines psr,
- marketed by the producer referred to in the first indent and made available with labels indicating the vineyard, the vine variety and the year.

On the basis of the procedure laid down in Article 83 of Regulation (EEC) No 822/87 additional conditions may be imposed on use of the term 'Winzersekt' and on use of equivalent terms in other Community languages.

In accordance with the same procedure a Member State may be authorized to lay down special and, in particular, more restrictive arrangements.

The terms referred to in the preceding subparagraphs may be used only in the language of origin.

(b) the term 'crémant' shall be reserved for quality sparkling wines psr made in France or Luxembourg:

- to which this term has been applied, in combination with the name of the specified region, by the Member State in which the wine was made, and
- which were produced in accordance with special rules laid down for their manufacture by the abovementioned Member States.

However, for five wine-growing years the term 'crémant', in French or in translation, may be used to describe a sparkling wine which was traditionally thus described on 1 September 1989."