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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3636/89**of 5 December 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 4 December 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 6 December 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 5 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 5 December 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	27,61	126,77 ⁽³⁾
0712 90 19	27,61	126,77 ⁽³⁾
1001 10 10	32,83	168,95 ⁽¹⁾ ⁽³⁾
1001 10 90	32,83	168,95 ⁽¹⁾ ⁽³⁾
1001 90 91	27,99	121,88
1001 90 99	27,99	121,88
1002 00 00	54,03	119,37 ⁽⁴⁾
1003 00 10	45,03	112,73
1003 00 90	45,03	112,73
1004 00 10	36,43	115,39
1004 00 90	36,43	115,39
1005 10 90	27,61	126,77 ⁽³⁾ ⁽³⁾
1005 90 00	27,61	126,77 ⁽³⁾ ⁽³⁾
1007 00 90	45,03	133,03 ⁽⁴⁾
1008 10 00	45,03	10,73
1008 20 00	45,03	67,84 ⁽⁴⁾
1008 30 00	45,03	0,00 ⁽⁷⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	45,03	0,00
1101 00 00	52,92	184,28
1102 10 00	89,37	180,85
1103 11 10	65,47	277,06
1103 11 90	56,37	198,24

⁽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 3637/89

of 5 December 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 4 December 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 6 December 1989.

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

Done at Brussels, 5 December 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 5 December 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 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,85	3,85	3,85
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3638/89
of 5 December 1989

amending Regulation (EEC) No 3190/89 increasing to 200 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

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 Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾;

Whereas Commission Regulation (EEC) No 3190/89 ⁽⁵⁾ opened a standing invitation to tender for the export of 100 000 tonnes of barley held by the French intervention agency; whereas, in a communication of 30 November 1989, France informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency, for which a standing invitation to tender for export has been opened, should be increased to 200 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 3190/89 must therefore be amended;

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

Article 2 of Regulation (EEC) No 3190/89 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 200 000 tonnes of barley to be exported to all third countries.

2. The regions in which the 200 000 tonnes of barley are stored are listed in Annex I hereto.'

Article 2

Annex I to Regulation (EEC) No 3190/89 is replaced by the Annex hereto.

Article 3

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, 5 December 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 309, 26. 10. 1989, p. 9.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	6 700
Bordeaux	15 700
Châlons-sur-Marne	56 000
Dijon	10 000
Nancy	51 000
Orléans	30 000
Paris	28 000
Rouen	2 600

COMMISSION REGULATION (EEC) No 3639/89
of 5 December 1989
concerning the stopping of fishing for deepwater prawns by vessels flying the
flag of Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3950/88 of 11 December 1988 allocating, for 1989, Community catch quotas in Greenland waters⁽³⁾, as last amended by Regulation (EEC) No 2370/89⁽⁴⁾, provides for deepwater prawn quotas for 1989;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of deepwater prawns in the

waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of deepwater prawns in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1989.

Fishing for deepwater prawns in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

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, 5 December 1989.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 352, 21. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 225, 3. 8. 1989, p. 7.

COMMISSION REGULATION (EEC) No 3640/89**of 5 December 1989****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

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 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 December 1989 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EEC) No 3592/89 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 3592/89 to the infor-

mation at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 3592/89 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 December 1989.

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

Done at Brussels, 5 December 1989.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 350, 1. 12. 1989, p. 57.

ANNEX

to the Commission Regulation of 5 December 1989 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:

White sugar :	28,42	
Raw sugar :	24,80	
Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$28,42 \times \frac{S^{(1)}}{100}$	or
If those syrups are obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :		
The rate fixed above for 100 kg of white or raw sugar used for the dissolution		
Molasses :	—	
Isoglucose ⁽²⁾ :	28,42 ⁽³⁾	

(¹) 'S' represents per 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 3641/89
of 5 December 1989
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3480/89⁽³⁾, as last amended by Regulation (EEC) No 3598/89⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3480/89 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 3480/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 December 1989.

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

Done at Brussels, 5 December 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 338, 22. 11. 1989, p. 5.

⁽⁴⁾ OJ No L 350, 1. 12. 1989, p. 68.

ANNEX

to the Commission Regulation of 5 December 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	26,14 ⁽¹⁾	...
1701 11 90 910	24,80 ⁽¹⁾	...
1701 11 90 950	⁽²⁾	...
1701 12 90 100	26,14 ⁽¹⁾	...
1701 12 90 910	24,80 ⁽¹⁾	...
1701 12 90 950	⁽²⁾	...
1701 91 00 000		0,2842
1701 99 10 100	28,42	
1701 99 10 910	28,42	
1701 99 10 950	28,42	
1701 99 90 100		0,2842

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 3642/89
of 5 December 1989
altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 18 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 19 (4) thereof,

Whereas the refunds on syrups and certain other sugar products were fixed by Regulation (EEC) No 3580/89 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EEC) No 3580/89 to the information at present available to the

Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3580/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 December 1989.

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

Done at Brussels, 5 December 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 350, 1. 12. 1989, p. 15.

ANNEX

to the Commission Regulation of 5 December 1989 altering the export refunds on syrups
and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		28,42
1702 60 10 000		28,42
1702 60 90 000	0,2842	
1702 90 30 000		28,42
1702 90 60 000	0,2842	
1702 90 71 000	0,2842	
1702 90 90 900	0,2842	
2106 90 30 000		28,42
2106 90 59 000	0,2842	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 3643/89**of 5 December 1989****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 3579/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3579/89 to the information known to the Commission that the basic amount

of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 3579/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 December 1989.

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

Done at Brussels, 5 December 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 350, 1. 12. 1989, p. 13.

ANNEX

to the Commission Regulation of 5 December 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3597	—
1702 20 90	0,3597	—
1702 30 10	—	44,87
1702 40 10	—	44,87
1702 60 10	—	44,87
1702 60 90	0,3597	—
1702 90 30	—	44,87
1702 90 60	0,3597	—
1702 90 71	0,3597	—
1702 90 90	0,3597	—
2106 90 30	—	44,87
2106 90 59	0,3597	—

COMMISSION REGULATION (EEC) No 3644/89
of 5 December 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 3635/89 ⁽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 6 December 1989.

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

Done at Brussels, 5 December 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 355, 5. 12. 1989, p. 24.

ANNEX

to the Commission Regulation of 5 December 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	29,93 ⁽¹⁾
1701 11 90	29,93 ⁽¹⁾
1701 12 10	29,93 ⁽¹⁾
1701 12 90	29,93 ⁽¹⁾
1701 91 00	35,97
1701 99 10	35,97
1701 99 90	35,97 ⁽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 3645/89

of 5 December 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 3548/89⁽⁷⁾, as amended by Regulation (EEC) No 3601/89⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

(¹) OJ No L 281, 1. 11. 1975, p. 1.
(²) OJ No L 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 348, 29. 11. 1989, p. 8.
(⁸) OJ No L 350, 1. 12. 1989, p. 75.
(⁹) OJ No L 182, 3. 7. 1987, p. 49.
(¹⁰) OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 4 December 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 3548/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 6 December 1989.

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

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

Done at Brussels, 5 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 5 December 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 90	45,94	135,59	138,61
1103 19 90	45,94	135,59	138,61
1103 29 90	45,94	135,59	138,61
1104 19 99	81,78	239,27	245,31
1104 29 10*30 (*)	70,35	212,69	215,71
1104 29 10*40 (7)	70,35	212,69	215,71
1104 29 10*90 (*)	70,35	212,69	215,71
1104 29 30*30 (*)	70,35	212,69	215,71
1104 29 30*40 (7)	70,35	212,69	215,71
1104 29 30*90 (*)	70,35	212,69	215,71
1104 29 99	45,94	135,59	138,61

(*) TARIC code : millet.

(7) TARIC code : sorghum.

(*) TARIC code : others.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 1989

adjusting the weightings applicable from 1 November 1989 to the remuneration of officials of the European Communities serving in non-member countries

(89/619/EEC, Euratom, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 2187/89 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EEC, Euratom, ECSC) No 2899/89 ⁽³⁾ laid down the weightings to be applied from 1 July 1989 to the remuneration of officials serving in non-member countries payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas some of these weightings should be adjusted with effect from 1 November 1989 given that the statistics available to the Commission show that in certain non-member countries the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 November 1989 the weightings applicable to the remuneration of officials serving in non-member countries payable in the currency of their country of employment are adjusted as shown in the Annex.

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 209, 21. 7. 1989, p. 1.

⁽³⁾ OJ No L 279, 28. 9. 1989, p. 30.

⁽⁴⁾ OJ No L 203, 15. 7. 1989, p. 55; OJ No L 324, 9. 11. 1989, p. 31 and OJ No L 331, 6. 11. 1989, p. 49.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 29 November 1989.

For the Commission:

António CARDOSO E CUNHA

Member of the Commission

ANNEX

Country of employment	Weighting
Botswana	56,24
Brazil	55,19
Burundi	82,62
Jordan	69,08
Lebanon	36,05
Uganda	138,81
Sierra Leone	86,05
Somalia	35,90
Sudan	148,83
Syria	207,55
Uruguay	59,00
Venezuela	48,56
Yugoslavia	25,79
Zambia	70,27

COMMISSION DECISION

of 30 November 1989

concerning measures to assist the Belgian inland waterway fleet contained in the plan to restructure the Belgian inland waterway fleet

(Only the French and Dutch texts are authentic)

(89/620/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 93 (2) thereof,

Having given notice to the interested parties to submit their comments in accordance with the abovementioned Article,

Whereas,

I

The Belgian Government is considering introducing, for the period 1987 to 1991, an aid regime for its inland waterway fleet under a plan to restructure the Belgian inland waterway fleet.

This regime provides for state aid in the form of interest relief on loans for boat-building, buying second-hand vessels and modernization; it also provides for boat-scrapping premiums, social benefits for early retirement or leaving the industry, and certain other benefits of a fiscal nature. An overall budget of Bfrs 775 million has been provided for, which does not, however, include the cost of financing the social measures.

Having been notified of this regime, the Commission proceeded to examine it under Article 92 of the EEC Treaty, as a result of which it decided that the aid in question, essentially aimed at renewing and modernizing the Belgian inland waterway fleet, without requiring of its recipients any definite reciprocation in terms of restructuring the sector, would constitute aid likely to affect trade and distort competition in a manner incompatible with the common market, and did not seem to meet the conditions for any of the derogations in Article 92 (3) of the EEC Treaty. Consequently, the Commission decided to open the procedure provided for in the first paragraph of Article 93 (2), and to this end gave the Belgian Government notice to submit its comments in letter SG(88)D O3370 of 15 March 1988; the other Member States were informed on 25 April 1988 and other interested parties on 29 April 1988.

In letter P11/91/553/12.688 of 29 September 1988 from its Permanent Representative, the Belgian Government submitted its comments under the procedure provided for in Article 93 (2) of the EEC Treaty.

According to the Belgian Government the planned restructuring of the fleet was only to prevent its further decline so that the Belgian fleet could improve its competitiveness *vis-à-vis* the fleets of other Member States. This aid was indispensable to the sector's survival; the decline in both the quantity and quality of the Belgian fleet, which had deteriorated further since the plan was presented to the Commission, proved this.

The Belgian Government also stated that it was abandoning aid for building new boats and redirecting the sums earmarked for this to bolstering other types of aid envisaged in the plan. The plan's other components remained unchanged.

During the procedure, some Member States and a trade organization submitted their comments to the Commission, which then transmitted them to the Belgian Government.

III

The plan to restructure the Belgian inland waterway fleet would enable it, according to the Belgian Government, to become more competitive *vis-à-vis* other Member States' fleets operating in the same transport markets. The Belgian fleet's position in relation to its competitors was to be improved by modernizing existing vessels. This modernization would raise the productivity of these vessels, leading to an increase in capacity.

It should be noted that the inland waterway market is afflicted by a pronounced structural imbalance between transport supply and demand, due mainly to an overcapacity estimated at 20 % of the deadweight tonnage of the Member States' fleets. Moreover, the evolution of the market shows that, despite measures taken at national level by the countries affected, the current imbalance is not being corrected. It must be said also that the existing overcapacity is economically damaging to inland waterway freight carriers.

Aid for modernization should also be assessed in terms of the system introduced by Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport⁽¹⁾. This Regulation is aimed at reducing structural overcapacity by coordinating scrapping schemes in Belgium, Germany, France and the Netherlands and includes provisions to prevent existing overcapacity increasing or extra overcapacity entering service. With regard to this last aspect of the Regulation, modernizing measures are incompatible with the Community Regulation if they increase capacity. Since 28 April 1989 any carrier increasing capacity has been obliged to scrap an equivalent tonnage or to pay a special contribution to one of the national scrapping funds.

With regard to the interest subsidies for the purchase of second-hand vessels by Belgian carriers, this aid constitutes a distortion of competition detrimental to other Member States' carriers, because they are operating in the same transport markets as Belgian boatmen.

In view of these considerations, the aid in question is likely to affect trade between Member States and to distort competition, within the meaning of Article 92 (1) of the EEC Treaty, by discriminating against the other fleets concerned and in favour of the Belgian fleet.

IV

The plan submitted by the Belgian Government envisages measures to scrap inland waterway vessels which should in principle lead to a reduction in current overcapacity. However, this reduction is not guaranteed because the plan includes no measures to prevent the effects of scrapping being cancelled out by increases in capacity.

The scrapping schemes provided for in Regulation (EEC) No 1101/89, include procedures different from those envisaged by the Belgian Government. They will become operational from 1 January 1990 and Regulation (EEC) No 1101/89 imposes their cost on the carriers themselves. In view of this, financing scrapping schemes by State aid will be incompatible with the provisions of the abovementioned Regulation after 1 January.

V

Article 92 (1) of the EEC Treaty states that in principle, certain types of aid are incompatible with the common market. The derogations from this principle enumerated

in Article 92 (2) of the Treaty are not applicable to this case in view of the nature and purpose of the aid envisaged.

Under Article 92 (3) of the Treaty, aid which may be considered to be compatible with the common market shall be assessed in terms of the Community and not of an individual Member State. In the interests of the sound working of the common market and taking into account the principles stated in Article 3 (f) of the Treaty, derogations from the principle of Article 92 (1) of the EEC Treaty enumerated in the third paragraph of that Article must be interpreted restrictively when any aid scheme or individual aid measure is being examined.

In particular, derogations can only be permitted if the Commission recognizes that the free play of market forces alone, in the absence of aid, is insufficient to prompt the aid's potential recipients to act to achieve the desired objectives.

Applying these derogations in cases where they do not contribute to such an objective or where they are not essential to its achievement, would give unfair advantages to industries or firms in some Member States, who would find their financial position artificially bolstered and would affect trade between Member States and distort competition, without being justified by the common interest referred to in Article 92 (3).

The Belgian Government has been unable to furnish, and the Commission unable to discern, any reason for classing the aid in question under any of the categories of derogations listed in Article 92 (3) of the EEC Treaty.

With regard to the derogations under Article 92 (3) (b), it is evident that the aid in question is not designed to promote a project of common European interest or to remedy a serious disturbance in the Belgian economy.

The Belgian Government has not even attempted to invoke such motives to justify the aid in question.

With regard to derogation under (c), the aid planned by the Belgian Government is not such that it would facilitate the development of certain economic areas within the meaning of this provision.

Finally, as regards the derogation provided for under Article 92 (3) (c), for aid to facilitate the development of certain economic activities, it should be borne in mind that the aid in question, although facilitating the development of the Belgian fleet, does not facilitate the development of the inland waterway sector of Community

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

level and affects trade within the Community in a manner contrary to the common interest given that sector's current overcapacity.

To be covered by this derogation, restructuring of the Belgian fleet to meet the requirements of the inland waterway market should only involve measures guaranteeing that this restructuring would be accompanied by a reduction in current overcapacity. No such guarantee is to be found in the present plan.

Furthermore, it should be added that Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport envisages a common European approach to remedy the present overcapacity in the inland waterway sector, and that the Belgian plan is incompatible with the Regulation's provisions concerning the financing of scrapping.

VI

The plan submitted by the Belgian authorities also included aid for cessation of activity for boatmen who are at least 55 years of age and renounce all activity, both direct and indirect, in the industry. This aid could be paid, until the legal retirement age, in the form of a monthly allowance with a ceiling of Bfrs 30 000 per month, minus any early retirement pension. This measure of a social nature, even taken in isolation, is admissible on the basis of the derogation in Article 92 (3) (c), of the EEC Treaty. In effect, the cessation of activity by some boatmen, who will no longer be competing within the industry, could be regarded as contributing to the general improvement of conditions in the sector at both national and Community level.

The aid in question would not adversely affect trading conditions in a manner contrary to the common interest. Moreover, the social measures envisaged by the Belgian Government are covered by the provisions of Regulation (EEC) No 1101/89 concerning the measures which Member States may take to make it easier for inland waterway carriers leaving the industry to obtain an early retirement pension or transfer to another economic activity.

To conclude, the aid for Belgian boatmen envisaged in the plan to restructure the Belgian inland waterway fleet is, except for aid to leaving the occupation, incompatible with the common market and cannot be implemented,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium shall not implement the plan to restructure the Belgian inland waterway fleet, this plan being incompatible with the common market under Article 92 of the EEC Treaty.

Article 2

The aid for the cessation of activity of certain categories of Belgian boatmen, contained in the said plan, may nevertheless be regarded as compatible with the common market. This aid may therefore be implemented in isolation.

Article 3

The Belgian Government shall inform the Commission within two months of the date of this Decision at the latest of the measures taken to comply with it.

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 30 November 1989.

For the Commission

Karel VAN MIERT

Member of the Commission