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Contents

I Acts whose publication is obligatory

- * Council Regulation (EEC) No 3707/89 of 4 December 1989 amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals** 1
- * Council Regulation (EEC) No 3708/89 of 4 December 1989 amending Regulation (EEC) No 1188/81 laying down general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages and the criteria for fixing the amount of such refunds** 2
- * Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating in Spain** 3
- * Council Regulation (EEC) No 3710/89 of 4 December 1989 opening, allocating and providing for the administration of a Community tariff quota for frozen peas originating in Sweden (1990)** 6
- Commission Regulation (EEC) No 3711/89 of 12 December 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal 8
- Commission Regulation (EEC) No 3712/89 of 12 December 1989 fixing the premiums to be added to the import levies on cereals, flour and malt 10
- Commission Regulation (EEC) No 3713/89 of 12 December 1989 fixing the export refunds on eggs 12
- * Commission Regulation (EEC) No 3714/89 of 11 December 1989 introducing retrospective surveillance of the reimportation after outward processing of certain textile products originating in Malta, Morocco, Tunisia and Turkey** 14
- * Commission Regulation (EEC) No 3715/89 of 11 December 1989 concerning the stopping of fishing for whiting by vessels flying the flag of France** 18

* Commission Regulation (EEC) No 3716/89 of 11 December 1989 concerning the stopping of fishing for mackerel by vessels flying the flag of France	19
* Commission Regulation (EEC) No 3717/89 of 11 December 1989 concerning the stopping of fishing for mackerel by vessels flying the flag of a Member State	20
* Commission Regulation (EEC) No 3718/89 of 11 December 1989 concerning the stopping of fishing for common sole by vessels flying the flag of a Member State	21
Commission Regulation (EEC) No 3719/89 of 12 December 1989 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty	22
Commission Regulation (EEC) No 3720/89 of 12 December 1989 fixing the import levies on white sugar and raw sugar	24
Commission Regulation (EEC) No 3721/89 of 12 December 1989 repealing Regulation (EEC) No 3566/89 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus	26

II Acts whose publication is not obligatory

Council

89/629/EEC :

* Council Directive of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes	27
---	----

89/630/EEC :

* Council Decision of 7 December 1989 on the common action to be taken by the Member States with respect to the adoption of a single world-wide high-definition television production standard by the Plenary Assembly of the International Radio Consultative Committee (CCIR) in 1990	30
---	----

Corrigenda

* Corrigendum to Commission Regulation (EEC) No 2455/89 of 27 July 1989 fixing for the 1988/89 marketing year the yields of olives and olive oil (OJ No L 236 of 14. 8. 1989)	31
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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3707/89
of 4 December 1989
amending Regulation (EEC) No 2727/75 on the common organization of the
market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

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

Whereas the stabilizer arrangements referred to in Article 4b of Regulation (EEC) No 2727/75⁽¹⁾, as last amended by Regulation (EEC) No 2860/89⁽²⁾, provide for the application of an additional co-responsibility levy where production in a marketing year exceeds the maximum guaranteed quantity; whereas those arrangements can only be applied by means of administrative measures for the collection and reimbursement of that levy; whereas, for the sake of administrative simplification, provision has been made for the possibility of not reimbursing the additional co-responsibility levy where the amount to be reimbursed is very small; whereas, for the sake of consistency, provision should also be made for the levy not to be collected where the overrun in the maximum guaranteed quantity results in the collection of a very small amount; whereas, moreover, such a decision must result in the reimbursement in full of the additional

co-responsibility levy collected provisionally; whereas the aforesaid provision must be amended accordingly;

Whereas the Council, acting on a proposal from the Commission, is currently reviewing the detailed rules for the operation of the additional co-responsibility levy with a view to its administrative simplification; whereas, pending a decision, the amendment in question should be confined to the current marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

The following sentence is hereby added to the end of Article 4b (2) of Regulation (EEC) No 2727/75:

'In accordance with the same procedure, it may be decided for the 1989/90 marketing year that in the case of a very slight overrun in the maximum guaranteed quantity, the additional co-responsibility levy shall not be collected and that the additional co-responsibility levy already collected for the marketing year in question shall be reimbursed in full'.

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, 4 December 1989.

For the Council:

The President

M. DELEBARRE

⁽¹⁾ Opinion delivered on 24 November 1989 (not yet published in Official Journal).

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 274, 23. 9. 1989, p. 41.

**COUNCIL REGULATION (EEC) No 3708/89
of 4 December 1989**

**amending Regulation (EEC) No 1188/81 laying down general rules for granting
refunds adjusted in the case of cereals exported in the form of certain spirituous
beverages and the criteria for fixing the amount of such refunds**

THE COUNCIL 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 3707/89⁽²⁾, and in particular Article 16 (4a) and (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 16 (4a) of Regulation (EEC) No 2727/75 provides that, where necessary in order to take account of the special features of the production of certain spirituous beverages obtained from cereals, the rules on the granting of export refunds may be adjusted; whereas such adjustment has proved necessary in the case of spirituous beverages which in their final state are a blend of numerous components and for which prolonged ageing is compulsory, since it is impossible to trace the identity of the cereals incorporated in the final product exported;

Whereas Article 2 of Regulation (EEC) No 1188/81 of 28 April 1981 laying down general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages and the criteria for fixing the amount of such refunds and amending Regulation (EEC) No 3035/80 concerning certain products not covered by Annex II to the Treaty⁽³⁾ lists the spirituous beverages production of which meets these criteria;

Whereas Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽⁴⁾ lays down

Community standards for the production and marketing of spirit drinks covered by Regulation (EEC) No 1188/81; whereas the latter Regulation should be adjusted accordingly by means of an appropriate redrafting of Article 2 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1188/81 is hereby replaced by the following:

Article 2

The refunds referred to in Article 1 may be granted for cereals fulfilling the conditions laid down in Article 9 (2) of the Treaty and used in the production of the spirit drinks falling within CN codes 2208 30 91 and 2208 30 99 and complying with the provisions of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽⁵⁾.

(⁵) OJ No L 160, 12. 6. 1989, p. 1.

Article 2

This Regulation shall enter into force on 15 December 1989.

It shall apply to cereals placed under control within the meaning of Article 3 (5) of Regulation (EEC) No 1188/81 and used for the manufacture of whisky/whiskey exported as from that date.

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

Done at Brussels, 4 December 1989.

For the Council
The President
M. DELEBARRE

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 121, 5. 5. 1981, p. 3.

⁽⁴⁾ OJ No L 160, 12. 6. 1989, p. 1.

COUNCIL REGULATION (EEC) No 3709/89

of 4 December 1989

laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating in Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

for several consecutive market days, and the method to be applied should be defined,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

Article 1

Having regard to the Commission proposal,

Whereas Article 152 of the Act of Accession of Spain and Portugal, hereinafter referred to as the 'Act of Accession', provides that from the beginning of the second phase of the transitional period for Spain a compensation mechanism is to be introduced on imports into the Community, as constituted on 31 December 1985, hereinafter referred to as the 'Community of Ten', for fruit and vegetables for which a reference price is fixed with regard to third countries;

Whereas among the measures necessary for implementing the mechanism, rules should be laid down in particular for recording the producer prices for products or varieties representative of the production marketed for the purpose of calculating the Community offer price; whereas it should be borne in mind that the prices listed concern products packaged for transportation;

Whereas for the purpose of determining the Spanish offer price calculated each marketing day on the basis of the representative rates recorded, the rates to be regarded as such should be defined; whereas in order to obtain a realistic overview of the market situation, the rates to be used should relate to a significant proportion of the goods presented on the markets; whereas consequently the nature of the rates and the quantity of products to be taken into consideration for calculating the Spanish offer price should be specified;

Whereas where the offer price of the Spanish product is lower than the Community offer price, compensation is to be achieved by levying a correcting amount in accordance with Article 152 (2) (d) and (e) of the Act of Accession; whereas in order to enable the compensation mechanism to operate satisfactorily under sound conditions and to ensure that Spanish products are not subject to more stringent arrangements than those applying to products originating in third countries, provision should be made for the fixing or discontinuance of a correcting amount to be based on the prices recorded

1. The Community offer price, referred to in Article 152 (2) (a) of the Act of Accession, applicable to the whole Community of Ten, shall be fixed for each marketing year or for each of the periods into which the year may be subdivided on the basis of seasonal price variations. It shall be fixed before the beginning of the marketing year. However, for the period from 1 January 1990 to the end of the 1989/90 marketing year, it shall be fixed before 1 January 1990.

2. The producer prices to be used for determining the Community offer price shall be those for a home-grown product with defined commercial characteristics, recorded on the representative market or markets situated in the production areas where prices are lowest, for the products or varieties which represent a considerable proportion of production marketed for part of the year or throughout the year and which fall within quality class I and satisfy specified requirements as regards market preparation.

When the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on the market shall be disregarded. Moreover, if the average price for a Member State shows excessive variations with respect to normal price fluctuations, it shall not be taken into account.

3. The transport costs referred to in Article 152 (2) (a) of the Act of Accession may be calculated on a flat-rate basis.

Article 2

For the purpose of calculating the Spanish offer price referred to in Article 152 (2) (b) of the Act of Accession, the Commission shall, on the basis of information supplied by Member States or data gathered by the Commission itself, regularly follow, for a product with defined commercial characteristics, the trend of average prices for products coming from Spain on all the

representative markets of the Community of Ten for which prices are available, namely the average prices on the most representative import markets of the Member States and significant prices recorded on other markets for large quantities of those products or, if there are no prices on the most representative markets, significant prices recorded on other markets for large quantities.

The following shall be regarded as representative :

- the prices of class I products, provided that the quantities of this class represent not less than 50 % of the total quantity marketed,
- the prices of class I products, together with, where the products in this class represent less than 50 % of the total quantity, the prices, used as they stand, of class II products in respect of the quantity that will cover 50 % of the total quantity marketed,
- the prices, used as they stand, of class II products, in cases where there are no class I products, unless a decision is taken to multiply them by a conversion factor if, by reason of production conditions in Spain, such products have not, because of their quality, been normally or traditionally marketed in class I. Where the prices are multiplied by a conversion factor, customs duties shall first be deducted.

Article 3

For the purpose of implementing Article 152 (2) (d) and (e) of the Act of Accession, the following procedure shall be applied :

1. If the Spanish offer price remains at least ECU 0,6 below the Community offer price for two consecutive market days, a correcting amount shall be introduced, save in exceptional circumstances. This amount shall be equal to the difference between the Community offer price and the arithmetic mean of the last two Spanish offer prices available.
2. Where the Spanish offer price recorded during a period of five to seven consecutive market days is alternatively higher and lower than the Community offer price, and where Spanish offer prices higher or lower than the Community offer price are recorded during two consecutive market days without the provision contained in paragraph 1 being applied, a correcting amount shall be introduced, save in exceptional circumstances, in derogation from that paragraph and under the conditions laid down below :
 - the correcting amount shall be introduced where three Spanish offer prices lower than the Community offer price are recorded and where one of the Spanish offer prices is at least ECU 0,6 lower than the Community offer price,

- the correcting amount shall be equal to the difference between the Community offer price and the last available Spanish offer price at least ECU 0,6 lower than the Community offer price.

3. The correcting amount introduced pursuant to paragraphs 1 and 2 shall be the same for all Member States of the Community of Ten and shall be levied in addition to the customs duties in force.
 4. The correcting amount introduced in accordance with paragraph 1 shall not be adjusted unless a change in the factors used in its calculation gives rise from the time of its actual application, during three consecutive market days, to an adjustment in its amount of more than ECU 1,2.
- A decision to abolish the correcting amount shall be taken where, from the time of actual application of that amount, the Spanish offer prices for two consecutive market days are at least equal to the Community offer price or if there are no prices during six consecutive working days. Such decision shall be taken also if the application of the first subparagraph results in a correcting amount of zero.
5. The correcting amount introduced in accordance with paragraph 2 shall be levied during six days.

It shall be abolished prior to the expiry of that period only if :

- the application of paragraph 1 results in the fixing of a new higher correcting amount, or
- from the time of actual application of the correcting amount the Spanish offer prices during three consecutive market days are at least equal to the Community offer price.

Article 4

1. Detailed rules for the application of this Regulation and the Community offer price shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 (1).
2. A decision to introduce, adjust or abolish the correcting amount shall be taken by the Commission.

Article 5

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

(1) OJ No L 118, 20. 5. 1972, p. 1.

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

Done at Brussels, 4 December 1989.

For the Council

The President

M. DELEBARRE

COUNCIL REGULATION (EEC) No 3710/89

of 4 December 1989

opening, allocating and providing for the administration of a Community tariff
quota for frozen peas originating in Sweden (1990)

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 Act of Accession of Spain and
Portugal;

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic
Community and the Kingdom of Sweden was concluded
on 22 July 1972; whereas following the accession of
Spain and Portugal to the Community, an Agreement in
the form of an Exchange of Letters has been concluded
and approved by Council Decision 86/558/EEC⁽¹⁾;

Whereas the said Agreement provides for the opening of
a 6 000-tonne Community tariff quota at a reduced rate of
duty for frozen peas originating in Sweden, 4 500 tonnes
of which are reserved for Spain; whereas therefore, the
tariff quota in question should be opened for the period
from 1 January to 31 December 1990;

Whereas equal and continuous access to the quota should
be ensured for all Community importers and the rate laid
down for the quota should be applied consistently to all
imports until the quota is exhausted; whereas, during the
period of application of this Regulation, it seems
necessary to keep a certain allocation of the quota in
question among the Member States on account of the
requirement in the Agreement to reserve the major part
of the quota amount for Spain; whereas it is therefore
appropriate to subdivide the quota amount into two parts,
the first one amounting to 4 500 tonnes allocated from
the outset to Spain, the second one amounting to 1 500

tonnes to constitute a reserve from which the other
Member States and where appropriate, the Kingdom of
Spain could, for quantities that may exist on a given date
after the Member State has returned to the first part
unused quantities on that date, draw the necessary
quantities to cover their actual needs; whereas this
method of management requires close cooperation
between the Member States and the Commission, and
requires the Commission in particular to be able to
monitor the extent to which the quota volume has been
used up and inform the Member States accordingly;

Whereas if at a given date in the quota period a
considerable quantity of Spain's initial share remains
unused, it is essential that the Member State concerned
should return any unused quantities in order to prevent
part of the the Community tariff quota from remaining
unused in one Member State when it could be used in
others;

Whereas since the Kingdom of Belgium, the Kingdom of
the Netherlands and the Grand Duchy of Luxembourg
are united within and jointly represented by the Benelux
Economic Union, any operation concerning the adminis-
tration of this quota may be carried out by any one of its
members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1990 the customs
duty applicable to imports of the following products
originating in Sweden, shall be suspended at the level
indicated and within the limits of a Community tariff
quota as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0613	0710 21 00 ex 0710 29 00 ^(*)	Frozen peas originating in Sweden	6 000	4,5 in Spain 6 in the other Member States

^(*) Taric-code No 0710 29 00 * 10.

⁽¹⁾ OJ No L 328, 22. 11. 1986, p. 89.

2. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and the Kingdom of Sweden shall be applicable.

Article 2

1. The tariff quota referred to in Article 1 (1) shall be divided into two parts.

2. The first part of the tariff quota, amounting to 4 500 tonnes, shall be allocated to Spain until the date fixed in Article 4.

3. The second part, amounting to 1 500 tonnes, shall be reserved for the Member States other than Spain, and shall be managed by the Commission, who can take any administrative measure serving to ensure efficient management.

The provisions of Article 3 shall apply for the management of this quantity.

Article 3

If an importer presents, in a Member State, a declaration for release for free circulation, including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements from the quota amount.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declarations for release for free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests, Member States shall be informed by the Commission thereof.

Article 4

The Kingdom of Spain shall, as quickly as possible, return to the second part of the quota the total quantities which, on 15 September 1990, have not been used in the first part which was allocated to the Member State.

It shall, at the same time, inform the Commission what was the total of imports of the product in question up to and including 15 September 1990, charged against the tariff quota and if appropriate the quantity being returned to the second part of the quota.

With effect from 16 September 1990, imports of the product in question in Spain shall only benefit from the tariff quota within the limits of the balance available, and in accordance with the procedures laid down in Article 3.

Article 5

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quota for such time as the residual balance of the quota volume so permits.

Article 6

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

Article 7

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 4 December 1989.

For the Council

The President

M. DELEBARRE

COMMISSION REGULATION (EEC) No 3711/89

of 12 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 3707/89⁽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 11 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 13 December 1989.

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

Done at Brussels, 12 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ See page 1 of this Official Journal.⁽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 12 December 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	27,61	123,79 ⁽¹⁾
0712 90 19	27,61	123,79 ⁽¹⁾
1001 10 10	32,83	170,10 ⁽¹⁾ ⁽²⁾
1001 10 90	32,83	170,10 ⁽¹⁾ ⁽²⁾
1001 90 91	27,99	116,39
1001 90 99	27,99	116,39
1002 00 00	54,03	120,13 ⁽³⁾
1003 00 10	45,03	114,02
1003 00 90	45,03	114,02
1004 00 10	36,43	115,39
1004 00 90	36,43	115,39
1005 10 90	27,61	123,79 ⁽²⁾ ⁽³⁾
1005 90 00	27,61	123,79 ⁽²⁾ ⁽³⁾
1007 00 90	45,03	132,30 ⁽⁴⁾
1008 10 00	45,03	12,29
1008 20 00	45,03	61,35 ⁽⁴⁾
1008 30 00	45,03	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	45,03	0,00
1101 00 00	52,92	176,68
1102 10 00	89,37	181,91
1103 11 10	65,47	278,23
1103 11 90	56,37	190,03

⁽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 3712/89

of 12 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 3707/89 ⁽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 11 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 13 December 1989.

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

Done at Brussels, 12 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽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 12 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	11,57	11,57	11,57
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 3713/89

of 12 December 1989

fixing the export refunds on eggs

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 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75 of 29 October 1975 ⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁵⁾;
- 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 it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas Commission Regulation (EEC) No 633/86 of 28 February 1986 laying down specific rules on export refunds in the egg sector following the accession of Portugal and amending Regulation (EEC) No 188/86 ⁽⁶⁾ established the principle that no Community refund should be granted on egg products originating in Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.
2. The refund referred to in paragraph 1 shall not be granted in respect of exports to Portugal from 1 March 1986.
3. The refund referred to in paragraph 1 shall not be granted in respect of exports of products originating in Portugal.

Article 2

This Regulation shall enter into force on 13 December 1989.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 13.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 12 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 12 December 1989 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 000	02	5,20
0407 00 19 000	04	3,15
	03	4,00
		ECU/100 kg
0407 00 30 000	06	18,00
	05	26,00
0408 11 10 000	01	96,00
0408 19 11 000	01	47,00
0408 19 19 000	01	51,00
0408 91 10 000	01	100,00
0408 99 10 000	01	20,00

(1) The destinations are as follows:

01 All destinations,

02 All destinations except the United States of America,

03 Iraq,

04 All destinations except the United States of America and Iraq,

05 Bahrain, Oman, Qatar, the United Arab Emirates, Kuwait, North Yemen and Hong Kong,

06 All destinations except those of 05 above.

NB: The product codes and the footnotes are defined in amended Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 3714/89

of 11 December 1989

introducing retrospective surveillance of the reimportation after outward processing of certain textile products originating in Malta, Morocco, Tunisia and Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as last amended by Regulation (EEC) No 3365/89 ⁽²⁾, and in particular Articles 10 and 14 thereof,

After consulting the committee set up by Article 5 of that Regulation,

Whereas Commission Regulation (EEC) No 2819/79 ⁽³⁾, as last amended by Regulation (EEC) No 1884/89 ⁽⁴⁾, makes imports of certain textile products originating in certain third countries, among which Malta and Turkey, subject to Community surveillance arrangements;

Whereas Commission Regulation (EEC) No 2985/89 ⁽⁵⁾, makes imports of certain textile products originating in Tunisia and Morocco subject to retrospective Community surveillance;

Whereas products reimported into the Community after outward processing were excluded from the surveillance measures, provided prior authorization had been issued pursuant to Council Regulation (EEC) No 636/82 of 16 March 1982 establishing economic outward processing arrangements applicable to certain textile and clothing products reimported into the Community after working or processing in certain third countries ⁽⁶⁾, as amended by the Act of Accession of Spain and Portugal;

Whereas experience has shown that up-to-date information is needed on the development of trade flows for certain particularly sensitive products under the outward processing arrangements, so that the necessary

measures can be taken in the event of disturbance of the Community market;

Whereas, in order to secure such information, specific retrospective Community surveillance measures should be introduced for such imports; whereas, in respect of some products, such surveillance should apply only to imports into particular regions of the Community;

Whereas this surveillance system shall be without prejudice to the transitional measures adopted by virtue of the Act of Accession of Spain and Portugal with regard to certain third countries,

HAS ADOPTED THIS REGULATION:

Article 1

Reimportation into the Community after outward processing within the meaning of the relevant Community economic outward processing rules of the products listed in the Annex shall, in respect of the third countries and Member States listed in the Annex, be subject to specific retrospective surveillance measures.

Article 2

Member States shall transmit to the Commission by the 20th of the month following the month of importation, particulars of such imports expressed in units broken down by category, combined nomenclature (CN) code and country of origin.

Article 3

The provisions of this Regulation shall be without prejudice to the transitional measures adopted by virtue of the Act of Accession of Portugal and Spain with regard to certain third countries.

Article 4

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

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 325, 10. 11. 1989, p. 1.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ OJ No L 182, 29. 6. 1989, p. 18.

⁽⁵⁾ OJ No L 286, 4. 10. 1989, p. 5.

⁽⁶⁾ OJ No L 76, 20. 3. 1982, p. 1.

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

Done at Brussels, 11 December 1989.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Units	Third countries	Member States
(1)	(2)	(3)	(4)	(5)	(6)
4	6105 10 00 6105 20 10 6105 20 90 6105 90 10 6109 10 00 6109 90 10 6109 90 30 6110 20 10 6110 30 10	Shirts, T-Shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers (other than of wool or fine animal hair), undershirts and the like, knitted or crocheted	1 000 pieces	Turkey	D, F, I
5	6101 10 90 6101 20 90 6101 30 90 6102 10 90 6102 20 90 6102 30 90 6110 10 10 6110 10 31 6110 10 39 6110 10 91 6110 10 99 6110 20 91 6110 20 99 6110 30 91 6110 30 99	Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like	1 000 pieces	Turkey	D, F
6	6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50 6204 61 10 6204 62 31 6204 62 33 6204 62 35 6204 63 19 6204 69 19	Men's or boys' woven breeches, shorts other than swimwear and trousers (including, slacks); women's or girls woven trousers and slacks, of wool, of cotton or of man-made fibres	1 000 pieces	Turkey Malta Morocco Tunisia	D, F, I, BNL, DK D, F, I, BNL D, F, BNL, E D, F, BNL
7	6106 10 00 6106 20 00 6106 90 10 6206 20 00 6206 30 00 6206 40 00	Women's or girls' blouses, shirts and shirt blouses, whether or not knitted or crocheted, of wool, cotton or man made fibres	1 000 pieces	Turkey Morocco	D, F F
8	6205 10 00 6205 20 00 6205 30 00	Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey Morocco	D, F, I F

(1)	(2)	(3)	(4)	(5)	(6)
12	6115 12 00 6115 19 10 6115 19 90 6115 20 11 6115 20 90 6115 91 00 6115 92 00 6115 93 10 6115 93 30 6115 93 99 6115 99 00	Panty-hose and tights, stockings, understockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, other than for babies, including stockings for varicose veins, other than products of category 70	1 000 pieces	Turkey	D
13	6107 11 00 6107 12 00 6107 19 00 6108 21 00 6108 22 00 6108 29 00	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey	D
26	6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	Women's or girls' dresses, of wool, of cotton or man-made fibres	1 000 pieces	Turkey Morocco	D F
73	6112 11 00 6112 12 00 6112 19 00	Track suits knitted or crocheted fabric, of wool, of cotton or of man-made textile fibres	1 000 pieces	Turkey	D

COMMISSION REGULATION (EEC) No 3715/89
of 11 December 1989
concerning the stopping of fishing for whiting by vessels flying the flag of
France

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 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 2278/89⁽⁴⁾, provides for whiting 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 whiting in the waters of ICES divisions VII b, c, d, e, f, g, h, j and k by vessels flying the

flag of France or registered in France have reached the quota allocated for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of whiting in the waters of ICES divisions VII b, c, d, e, f, g, h, j and k by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1989.

Fishing for whiting in the waters of ICES divisions VII b, c, d, e, f, g, h, j and k by vessels flying the flag of France or registered in France 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, 11 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 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3716/89**of 11 December 1989****concerning the stopping of fishing for mackerel by vessels flying the flag of France**

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 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 2278/89⁽⁴⁾, provides for mackerel 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 mackerel in the waters of ICES divisions II (excluding EC zone), V b (EC zone), VI,

VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of France or registered in France have reached the quota allocated for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in the waters of ICES divisions II (excluding EC zone), V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1989.

Fishing for mackerel in the waters of ICES divisions II (excluding EC zone), V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of France or registered in France 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, 11 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 369, 31. 12. 1988, p. 3.⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3717/89

of 11 December 1989

concerning the stopping of fishing for mackerel by vessels flying the flag of a Member State

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 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 2278/89 ⁽⁴⁾, provides for mackerel shares of total allowable catches available to the Community for 1989;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to total allowable catches, 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 share of the total allowable catches available to the Community;

Whereas, according to the information communicated to the Commission, catches of mackerel in the waters of ICES divisions II a (EC zone), III a; III b, c and d (EC zone) and IV by vessels flying the flag of a Member State

or registered in a Member State have reached the share of the total allowable catches available to the Community for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in the waters of ICES divisions II a (EC zone), III a; III b, c and d (EC zone) and IV by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the share of the total allowable catches available to the Community for 1989.

Fishing for mackerel in the waters of ICES divisions II a (EC zone), III a; III b, c and d (EC zone) and IV by vessels flying the flag of a Member State or registered in a Member State 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 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, 11 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 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3718/89**of 11 December 1989****concerning the stopping of fishing for common sole by vessels flying the flag of
a Member State**

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 4194/88 of 21
December 1988 fixing, for certain fish stocks and groups
of fish stocks, the total allowable catches for 1989 and
certain conditions under which they may be fished ⁽³⁾, as
last amended by Regulation (EEC) No 2278/89 ⁽⁴⁾,
provides for common sole total allowable catches for
1989;

Whereas, in order to ensure compliance with the
provisions relating to the quantitative limitations on
catches of stocks subject to total allowable catches, 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 total allowable catches;

Whereas, according to the information communicated to
the Commission, catches of common sole in the waters of
ICES divisions VIII a and b by vessels flying the flag of a

Member State or registered in a Member State have
reached the total allowable catches for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions
VIII a and b by vessels flying the flag of a Member State
or registered in a Member State are deemed to have
exhausted the total allowable catches for 1989.

Fishing for common sole in the waters of ICES divisions
VIII a and b by vessels flying the flag of a Member State
or registered in a Member State 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, 11 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 369, 31. 12. 1988, p. 3.
⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3719/89
of 12 December 1989

fixing the rates of the refunds applicable to eggs and egg yolks 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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3209/88⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance with the second subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas, in accordance with paragraph 2 of that Article, when that rate is being determined particular account should be taken of:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions; and
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 December 1989.

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

Done at Brussels, 12 December 1989.

For the Commission
Martin BANGEMANN
Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 286, 20. 10. 1988, p. 6.

ANNEX

to the Commission Regulation of 12 December 1989 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	— Of poultry :	
0407 00 30	— — Other	18,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	— Egg yolks :	
0408 11	— — Dried :	
ex 0408 11 10	— — — Suitable for human consumption : not sweetened	96,00
0408 19	— — Other :	
	— — — Suitable for human consumption :	
ex 0408 19 11	— — — — Liquid : not sweetened	47,00
ex 0408 19 19	— — — — Frozen : not sweetened	51,00
	— Other :	
0408 91	— — Dried :	
ex 0408 91 10	— — — Suitable for human consumption : not sweetened	100,00
0408 99	— — Other :	
ex 0408 99 10	— — — Suitable for human consumption : not sweetened	25,00

COMMISSION REGULATION (EEC) No 3720/89
of 12 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 3700/89 ⁽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 13 December 1989.

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

Done at Brussels, 12 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 362, 12. 12. 1989, p. 29.

ANNEX

to the Commission Regulation of 12 December 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	30,30 ⁽¹⁾
1701 11 90	30,30 ⁽¹⁾
1701 12 10	30,30 ⁽¹⁾
1701 12 90	30,30 ⁽¹⁾
1701 91 00	36,34
1701 99 10	36,34
1701 99 90	36,34 ⁽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 3721/89

of 12 December 1989

repealing Regulation (EEC) No 3566/89 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 3566/89⁽²⁾ applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 3566/89 should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3566/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 December 1989.

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

Done at Brussels, 12 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.⁽²⁾ OJ No L 349, 30. 11. 1989, p. 18.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 4 December 1989

on the limitation of noise emission from civil subsonic jet aeroplanes

(89/629/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the proposal of the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas the application of noise emission standards to civil subsonic jet aeroplanes has significant consequences for the provision of air transport services, in particular where such standards impose restrictions on the type of aeroplanes that may be operated by airlines, encourage investment in the latest and quietest aeroplanes available and facilitate the better use of existing capacity, including that of airports; whereas Directive 80/51/EEC⁽⁴⁾, as amended by Directive 83/206/EEC⁽⁵⁾, fixes limits on the emission of such noise;

Whereas the priority programme of the Council for the study of air transport questions refers to emission from aeroplanes including noise;

Whereas the programme of action of the European Communities on the environment⁽⁶⁾ shows clearly the importance of the problem of noise and, in particular, the need to take action against noise due to air traffic;

Whereas aeroplane noise should be further reduced, taking into account environmental factors, technical feasibility and economic consequences;

Whereas, therefore, it is appropriate to restrict the addition of civil subsonic jet aeroplanes to Member States' registers to those which comply with the standards specified in Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, 2nd edition, 1988; whereas in conjunction with the creation of an area without internal frontiers, it would be reasonable to exclude from this non-addition rule aeroplanes entered in Member States' national registers on 1 November 1990; whereas, due to the freedom of movement such a rule would allow, it is essential that exemptions be limited and that those granted be closely monitored and restricted in time;

Whereas common rules for this purpose should be introduced on a reasonable time-scale to ensure a harmonized approach throughout the Community supplementing existing rules; whereas this is particularly important in view of the recent impetus given to liberalization of European air traffic;

Whereas the work undertaken by the Community in cooperation with other international bodies has indicated that limiting the addition to Member States' registers of aeroplanes which are unable to meet the noise certification standards specified in Chapter 3 of the abovementioned Annex 16, would in itself be of limited environ-

⁽¹⁾ OJ No C 37, 14. 2. 1989, p. 6.

⁽²⁾ OJ No C 158, 26. 6. 1989, p. 492.

⁽³⁾ OJ No C 221, 28. 8. 1989, p. 1.

⁽⁴⁾ OJ No L 18, 24. 1. 1980, p. 26.

⁽⁵⁾ OJ No L 117, 4. 5. 1983, p. 15.

⁽⁶⁾ OJ No C 328, 7. 12. 1987, p. 1.

mental benefit, and should therefore be considered only as a first stage, to be followed by measures to limit the operation of aeroplanes which do not comply with the standards of Chapter 3 of the said Annex 16,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The objective of this Directive is to lay down stricter rules for the limitation of noise emission from civil subsonic jet aeroplanes.
2. This Directive shall not apply to aeroplanes with a maximum take-off mass of 34 000 kg or less and a capacity of 19 or less seats.

Article 2

1. Member States shall ensure that as from 1 November 1990 civil subsonic jet aeroplanes registered after that date in their territory, may not be operated in their territory or in the territory of another Member State unless granted a noise certificate to the standards at least equal to those specified in Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, 2nd edition 1988.
2. Paragraph 1 shall not apply to aeroplanes entered on Member States' national registers on 1 November 1990.
3. The territory mentioned in paragraph 1 shall not include the overseas departments referred to in Article 227 (2) of the Treaty.

Article 3

Member States shall take the necessary measures to ensure that the objective set out in Article 1 (1) is not circumvented by, for example, any form of leasing agreement.

Article 4

Member States may grant exemptions from Article 2 for:

- (a) aeroplanes of historic interest;
- (b) aeroplanes used by an operator of a Member State before 1 November 1989 under hire purchase or leasing contracts still in effect, and which in this context have been registered in a non-Member State;
- (c) aeroplanes leased to an operator of a non-Member State which for that reason have been temporarily removed from a Member State's register;
- (d) an aeroplane which replaces one which has been accidentally destroyed and which the operator is unable to replace by a comparable aeroplane available

on the market with noise certification as laid down in Article 2 (1), provided that the registration of the replacement aeroplane is carried out within the year following the destruction in question;

- (e) aeroplanes powered by engines with a by-pass ratio of 2 or more.

Article 5

Member States may grant exemptions from Article 2 for an initial period of up to three years renewable for periods of up to two years, providing that such exemptions expire by 31 December 1995 for:

- aeroplanes which are leased from a non-Member State on a short-term basis, provided that the operator demonstrates that this is the normal practice in his sector of the industry and that the pursuit of his operations would otherwise be adversely affected,
- aeroplanes in respect of which an operator demonstrates that the pursuit of his operations would otherwise be adversely affected to an unreasonable extent.

Article 6

1. A Member State granting exemptions shall inform the competent authorities of the Member States and the Commission of the fact.
2. Member States shall recognize the exemptions granted by other Member States pursuant to Articles 4 and 5.

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 30 September 1990.
2. Member States shall communicate to the Commission the text of the provisions which they adopt in the field covered by this Directive.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1989.

For the Council

The President

M. DELEBARRE

Communication from the Government of the Federal Republic of Germany:

The Council has received the following communication from the Government of the Federal Republic of Germany:

When depositing its instruments of ratification of the Treaties establishing the European Communities, the Government of the Federal Republic of Germany declared that these Treaties applied equally to Land Berlin. It declared at the same time that the rights and responsibilities of France, the United Kingdom and the United States in respect of Berlin were unaffected. In view of the fact that civil aviation is one of the areas in which the said States have specifically reserved powers for themselves in Berlin, and following consultations with the Governments of these States, the Government of the Federal Republic of Germany states that Council Directive 89/629/EEC on the limitation of noise emission from civil subsonic jet aeroplanes does not cover Land Berlin.

COUNCIL DECISION

of 7 December 1989

on the common action to be taken by the Member States with respect to the adoption of a single world-wide high-definition television production standard by the Plenary Assembly of the International Radio Consultative Committee (CCIR) in 1990

(89/630/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 116 thereof,

Having regard to the proposal from the Commission,

Whereas high-definition television (HDTV) is of strategic importance for the European consumer electronics industry, its supporting industrial base, and for the European television and film industries;

Whereas a single world-wide high-definition television standard for programme production and for the international exchange of programmes is urgently required for the development and commercialization of equipment and programme material;

Whereas European industry has developed, within the Eureka framework, the relevant parameters for such a single world-wide production standard and prototype equipment built to this standard has been successfully demonstrated at the September 1988 Brighton International Broadcasting Convention;

Whereas the European Council, at its December 1988 meeting in Rhodes, attached great importance to the promotion of the European HDTV system in the context of the Community's emerging audio-visual policy;

Whereas Decision 89/337/EEC⁽¹⁾ sets as a Community objective the promotion of a single world standard for the production of HDTV programmes;

Whereas the recommendation setting the basic parameter values for a single world-wide HDTV production standard will be prepared in particular at meetings of Study Group 11, in preparation for the Session in 1990 of the Plenary Assembly of the International Radio Consultative Committee (CCIR) which will attempt to adopt such a recommendation;

Whereas the Community has the status of observer within the International Telecommunications Union (ITU) and

participates in the activities of the CCIR; whereas it is nevertheless not in a position to participate in the adoption of the recommendation on HDTV by the CCIR;

Whereas HDTV is of economic importance and whereas with regard to HDTV production standard proposals being to be considered, the action of the Member States within the CCIR must be coordinated,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The common action to be taken by the Member States with respect to the adoption of a single world-wide high-definition television production standard by the Plenary Assembly of the International Radio Consultative Committee in 1990 shall be based on the proposal arising from the Eureka 95 project.

2. The common action shall be carried out, after consultation between representatives of the Member States and the Commission, at the meeting to be held to prepare the recommendation concerning a single world-wide high-definition television production standard to be adopted by the Plenary Assembly of the International Radio Consultative Committee.

3. If the consultations referred to in paragraph 2 do not lead to agreement, the points of disagreement shall if necessary be brought before Council bodies.

Done at Brussels, 7 December 1989.

*For the Council**The President*

P. QUILÈS

⁽¹⁾ OJ No L 142, 25. 5. 1989, p. 1.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2455/89 of 27 July 1989 fixing for the 1988/89 marketing year the yields of olives and olive oil

(Official Journal of the European Communities No L 236 of 14 August 1989)

On page 3, in Annex I, Italy, third column 'Olives kg/tree', province 'Ascoli Piceno', zone 1:

for: '19',

read: '9'.
