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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC, EURATOM, ECSC) No 3777/89
of 14 December 1989**

adapting the representation and special-duty allowances for the President and members of the Commission, the President, Judges, Advocates-General and Registrar of the Court of Justice and the President, members and Registrar of the Court of First Instance

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation (EEC) No 422/67/EEC, No 5/67/Euratom of 25 July 1967 determining the emoluments of the President and members of the Commission, of the President, Judges, Advocates-General and Registrar of the Court of Justice and the President, members and Registrar of the Court of First Instance⁽¹⁾, as last amended by Regulation (ECSC, EEC, Euratom) No 4046/88⁽²⁾, and in particular Article 4 (4) thereof,

Having regard to Council Regulation (Euratom, ECSC, EEC) No 4045/88 of 19 December 1988 laying down the emoluments of the President, members and Registrar of the Court of First Instance of the European Communities⁽³⁾ and amending accordingly the above Regulation No 422/67/EEC, No 5/67/Euratom,

Whereas the representation and special-duty allowances provided for under Articles 4 (2) and (3), and 21a (3) of Regulation No 422/67/EEC, No 5/67/Euratom should be increased,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 1989:

- (a) the amounts given in Article 4 (2) of Regulation (EEC) No 422/67/EEC, No 5/67/Euratom are as follows:

— President:	Bfrs 50 955,
— Vice-President:	Bfrs 32 745,
— other members:	Bfrs 21 835;

- (b) the amounts given in the first subparagraph of Article 4 (3) of Regulation (EEC) No 422/67/EEC, No 5/67/Euratom are as follows:

— President:	Bfrs 50 955,
— Judge or Advocate-General:	Bfrs 21 835,
— Registrar:	Bfrs 19 915;

- (c) the amount given in the second subparagraph of Article 4 (3) of Regulation (EEC) No 422/67/EEC, No 5/67/Euratom is replaced by 'Bfrs 29 130'.

Article 2

With effect from 1 July:

- (a) the amounts given in the first subparagraph of Article 21a (3) of Regulation No 422/67/EEC, No 5/67/Euratom are as follows:

— President:	Bfrs 21 835,
— members:	Bfrs 19 915,
— Registrar:	Bfrs 16 935;

- (b) the amount given in the second subparagraph of Article 21a (3) is replaced by 'Bfrs 26 570'.

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, 14 December 1989.

For the Council

The President

L. JOSPIN

⁽¹⁾ OJ No L 187, 8. 8. 1967, p. 1.

⁽²⁾ OJ No L 356, 24. 12. 1988, p. 2.

⁽³⁾ OJ No L 356, 24. 12. 1988, p. 1.

COUNCIL REGULATION (EEC) No 3778/89

of 11 December 1989

laying down derogating provisions as regards storage contracts for olive oil in Greece, Spain and Portugal and as regards the definition of olive oil intended for export

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 36 thereof,

Having regard to the proposal from the Commission,

Whereas Article 20d (3) of Regulation No 136/66/EEC provides that where prices on the Community market for olive oil are close to the intervention price over a period to be determined, it may be decided to permit the conclusion of storage contracts; whereas such contracts may be concluded solely with recognized producer groups or recognized associations thereof within the meaning of Regulation (EEC) No 1360/78⁽³⁾, as last amended by Regulation (EEC) No 3875/88⁽⁴⁾;

Whereas, in the case of Greece, Spain and Portugal, their special structural conditions in recent years have not permitted the setting up of a sufficient number of organizations necessary for the conclusion of storage contracts within the meaning of Regulation (EEC) No 1360/78; whereas, at present, the situation has not changed significantly; whereas, as a consequence, in those Member States a very small number of producers would be able to conclude storage contracts; whereas, until such time as the application of the abovementioned Regulation in Greece, Spain and Portugal achieves its full effects and in order not to prejudice the producers in those Member States, a derogation should be laid down for a limited period from Article 20d of Regulation No 136/66/EEC by providing, in addition, for the possibility of storage contracts to be concluded with bodies other than those laid down in Regulation (EEC) No 1360/78;

Whereas the second indent of Article 35 (3) of Regulation No 136/66/EEC provides that the term 'pure' may be

used until 31 December 1989 for exports to third countries of olive oil as referred to in point 3 of the Annex thereto; whereas, until such time as the terms defined within the framework of the 1986 International Agreement on Olive Oil and Table Olives⁽¹⁾ are amended, and in order not to prejudice Community exporters, the abovementioned derogation should be maintained for a limited period for export to third countries,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 20d (3) of Regulation No 136/66/EEC, for the 1989/90 and 1990/91 marketing years, storage contracts for olive oil may also be concluded in Greece, Spain and Portugal by recognized producers' organizations or recognized associations thereof within the meaning of that Regulation, who hold olive oil of Community origin, produced by their own members and who have suitable facilities for its storage.

Article 2

By way of derogation from the second indent of Article 35 (3) of Regulation No 136/66/EEC, for a period extending to 31 December 1990, the Member States may authorize the use of the expression 'pure olive oil' for oil as referred to in point 3 of the Annex to that Regulation and intended for export.

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, 11 December 1989.

For the Council

The President

H. NALLET

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 166, 23. 6. 1978, p. 1.

⁽⁴⁾ OJ No L 346, 15. 12. 1988, p. 3.

⁽⁵⁾ OJ No L 214, 4. 8. 1987, p. 2.

COMMISSION REGULATION (EEC) No 3779/89

of 15 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 14 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 16 December 1989.

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

Done at Brussels, 15 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 363, 13. 12. 1989, p. 1.

⁽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 15 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	125,36 ⁽³⁾
0712 90 19	27,61	125,36 ⁽³⁾
1001 10 10	32,83	172,58 ⁽¹⁾ ⁽²⁾
1001 10 90	32,83	172,58 ⁽¹⁾ ⁽²⁾
1001 90 91	27,99	119,36
1001 90 99	27,99	119,36
1002 00 00	54,03	122,56 ⁽⁶⁾
1003 00 10	45,03	115,87
1003 00 90	45,03	115,87
1004 00 10	36,43	118,43
1004 00 90	36,43	118,43
1005 10 90	27,61	125,36 ⁽³⁾ ⁽²⁾
1005 90 00	27,61	125,36 ⁽³⁾ ⁽²⁾
1007 00 90	45,03	134,67 ⁽⁴⁾
1008 10 00	45,03	15,69
1008 20 00	45,03	64,09 ⁽⁴⁾
1008 30 00	45,03	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	45,03	0,00
1101 00 00	52,92	180,84
1102 10 00	89,37	184,35
1103 11 10	65,47	282,08
1103 11 90	56,37	194,52

⁽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 3780/89

of 15 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 14 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 16 December 1989.

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

Done at Brussels, 15 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 363, 13. 12. 1989, p. 1.

⁽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 15 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	0	0	18,63
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 3781/89
of 15 December 1989
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2637/89 ⁽⁵⁾, as last amended by Regulation (EEC) No 3680/89 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2637/89 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 1989.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 255, 1. 9. 1989, p. 8.

⁽⁶⁾ OJ No L 360, 9. 12. 1989, p. 7.

ANNEX

to the Commission Regulation of 15 December 1989 fixing the import levies on rice and broken rice

(ECU / tonne)				
CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾) (⁽³⁾)	Third countries (except ACP or OCT) (⁽³⁾)
1006 10 21	—	—	144,55	296,30
1006 10 23	—	223,79	145,59	298,39
1006 10 25	—	223,79	145,59	298,39
1006 10 27	—	223,79	145,59	298,39
1006 10 92	—	—	144,55	296,30
1006 10 94	—	223,79	145,59	298,39
1006 10 96	—	223,79	145,59	298,39
1006 10 98	—	223,79	145,59	298,39
1006 20 11	—	—	181,59	370,38
1006 20 13	—	279,74	182,89	372,99
1006 20 15	—	279,74	182,89	372,99
1006 20 17	—	279,74	182,89	372,99
1006 20 92	—	—	181,59	370,38
1006 20 94	—	279,74	182,89	372,99
1006 20 96	—	279,74	182,89	372,99
1006 20 98	—	279,74	182,89	372,99
1006 30 21	13,05	—	234,54	492,93
1006 30 23	12,97	420,95	268,75	561,27
1006 30 25	12,97	420,95	268,75	561,27
1006 30 27	12,97	420,95	268,75	561,27
1006 30 42	13,05	—	234,54	492,93
1006 30 44	12,97	420,95	268,75	561,27
1006 30 46	12,97	420,95	268,75	561,27
1006 30 48	12,97	420,95	268,75	561,27
1006 30 61	13,90	—	250,13	524,97
1006 30 63	13,90	451,26	288,49	601,68
1006 30 65	13,90	451,26	288,49	601,68
1006 30 67	13,90	451,26	288,49	601,68
1006 30 92	13,90	—	250,13	524,97
1006 30 94	13,90	451,26	288,49	601,68
1006 30 96	13,90	451,26	288,49	601,68
1006 30 98	13,90	451,26	288,49	601,68
1006 40 00	0	—	80,46	166,92

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

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

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

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

COMMISSION REGULATION (EEC) No 3782/89**of 15 December 1989****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89 ⁽³⁾, as last amended by Regulation (EEC) No 3681/89 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which

are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 18 December 1989.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 255, 1. 9. 1989, p. 11.

⁽⁴⁾ OJ No L 360, 9. 12. 1989, p. 9.

ANNEX

to the Commission Regulation of 15 December 1989 fixing the premiums to be added to the import levies on rice and broken rice

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

COMMISSION REGULATION (EEC) No 3783/89

of 15 December 1989

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1104/88 ⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 3870/88 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2904/89 ⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1989/90 marketing year was fixed by Council Regulation (EEC) No 1246/89 ⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Council Regulation (EEC) No 1247/89 ⁽⁸⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82 ⁽⁹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹⁰⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹¹⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas, if the aid 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 moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹²⁾, as last amended by Regulation (EEC) No 1636/87 ⁽¹³⁾,
- 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 correcting factor;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 345, 14. 12. 1988, p. 21.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 280, 29. 9. 1989, p. 4.

⁽⁷⁾ OJ No L 129, 11. 5. 1989, p. 7.

⁽⁸⁾ OJ No L 129, 11. 5. 1989, p. 9.

⁽⁹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹⁰⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹¹⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 153, 13. 6. 1987, p. 1.

products from third countries; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1938/89⁽¹⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has been fixed by Regulation (EEC) No 2656/89⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 December 1989.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 187, 1. 7. 1989, p. 68.

⁽²⁾ OJ No L 255, 1. 9. 1989, p. 71.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Peas used :							
— in Spain	6,175	6,333	6,491	6,649	6,807	6,807	6,807
— in Portugal	6,217	6,375	6,533	6,691	6,849	6,849	6,849
— in antother Member State	6,532	6,690	6,848	7,006	7,164	7,164	7,164
Field beans used :							
— in Spain	6,532	6,690	6,848	7,006	7,164	7,164	7,164
— in Portugal	6,217	6,375	6,533	6,691	6,849	6,849	6,849
— in another Member State	6,532	6,690	6,848	7,006	7,164	7,164	7,164

Products used in animal feed :

(ECU per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
A. Peas used :							
— in Spain	10,301	10,459	10,530	10,688	10,845	11,233	11,233
— in Portugal	10,044	10,202	10,271	10,428	10,586	10,986	10,986
— in another Member State	10,390	10,547	10,620	10,777	10,935	11,319	11,319
B. Field beans used :							
— in Spain	10,301	10,459	10,530	10,688	10,845	11,233	11,233
— in Portugal	10,044	10,202	10,271	10,428	10,586	10,986	10,986
— in another Member State	10,390	10,547	10,620	10,777	10,935	11,319	11,319
C. Sweet lupins harvested in Spain and used :							
— in Spain	12,472	12,472	12,357	12,357	12,357	12,875	12,875
— in Portugal	12,130	12,130	12,011	12,011	12,011	12,546	12,546
— in another Member State	12,591	12,591	12,477	12,477	12,477	12,989	12,989
D. Sweet lupins harvested in another Member State and used :							
— in Spain	12,462	12,462	12,347	12,347	12,347	12,865	12,865
— in Portugal	12,120	12,120	12,001	12,001	12,001	12,536	12,536
— in another Member State	12,581	12,581	12,467	12,467	12,467	12,979	12,979

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	315,41	323,04	330,67	338,30	345,93	345,93	345,93
— Denmark (Dkr)	58,33	59,74	61,15	62,56	63,98	63,98	63,98
— Federal Republic of Germany (DM)	15,42	15,80	16,17	16,54	16,91	16,91	16,91
— Greece (Dr)	738,44	767,00	795,56	824,11	852,67	852,67	852,67
— Spain (Pta)	1 007,32	1 031,68	1 056,05	1 080,42	1 104,78	1 104,78	1 104,78
— France (FF)	50,28	51,50	52,72	53,93	55,15	55,15	55,15
— Ireland (£ Irl)	5,596	5,732	5,867	6,002	6,138	6,138	6,138
— Italy (Lit)	10 987	11 253	11 518	11 784	12 050	12 050	12 050
— Netherlands (Fl)	17,23	17,65	18,06	18,48	18,90	18,90	18,90
— Portugal (Esc)	1 254,16	1 284,49	1 314,83	1 345,17	1 375,50	1 375,50	1 375,50
— United Kingdom (£)	2,929	3,041	3,152	3,264	3,376	3,376	3,376

Amounts to be deducted in the case of :

- Peas used in Spain (Pta): 55,05,
- Peas, and field beans used in Portugal (Esc): 60,48.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	501,70	509,28	512,81	520,39	528,02	546,56	546,56
— Denmark (Dkr)	92,78	94,19	94,84	96,24	97,65	101,08	101,08
— Federal Republic of Germany (DM)	24,53	24,90	25,07	25,45	25,82	26,73	26,73
— Greece (Dr)	1 516,92	1 545,28	1 556,68	1 585,03	1 613,59	1 691,07	1 691,07
— Spain (Pta)	1 602,27	1 626,48	1 637,74	1 661,95	1 686,32	1 745,54	1 745,54
— France (FF)	79,98	81,19	81,75	82,96	84,18	87,13	87,13
— Ireland (£ Irl)	8,902	9,036	9,099	9,233	9,369	9,698	9,698
— Italy (Lit)	17 476	17 740	17 863	18 127	18 393	19 039	19 039
— Netherlands (Fl)	27,41	27,82	28,01	28,43	28,84	29,86	29,86
— Portugal (Esc)	1 994,90	2 025,05	2 039,06	2 069,21	2 099,54	2 173,27	2 173,27
— United Kingdom (£)	5,964	6,075	6,120	6,231	6,343	6,645	6,645
Amounts to be deducted in the case of use :							
— Spain (Pta)	13,72	13,57	13,88	13,72	13,88	13,26	13,26
— Portugal (Esc)	66,43	66,24	67,01	67,01	67,01	63,94	63,94

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (FB/Flux)	0,00	0,00	0,00	48,74	0,00	0,00	0,00	0,00	0,00	0,00	47,67
— Denmark (Dkr)	0,00	0,00	0,00	9,01	0,00	0,00	0,00	0,00	0,00	0,00	8,82
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,38	0,00	0,00	0,00	0,00	0,00	0,00	2,33
— Greece (Dr)	0,00	0,00	0,00	203,68	0,00	0,00	0,00	0,00	0,00	0,00	199,20
— Spain (Pta)	0,00	0,00	0,00	155,67	0,00	0,00	0,00	0,00	0,00	0,00	152,24
— France (FF)	0,00	0,00	0,00	7,77	0,00	0,00	0,00	0,00	0,00	0,00	7,60
— Ireland (£ Irl)	0,000	0,000	0,000	0,865	0,000	0,000	0,000	0,000	0,000	0,000	0,846
— Italy (Lit)	0	0	0	1 698	0	0	0	0	0	0	1 660
— Netherlands (Fl)	0,00	0,00	0,00	2,66	0,00	0,00	0,00	0,00	0,00	0,00	2,60
— Portugal (Esc)	0,00	0,00	0,00	193,81	0,00	0,00	0,00	0,00	0,00	0,00	189,55
— United Kingdom (£)	0,000	0,000	0,000	0,794	0,000	0,000	0,000	0,000	0,000	0,000	0,777

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	501,70	509,28	512,81	520,39	528,02	546,56	546,56
— Denmark (Dkr)	92,78	94,19	94,84	96,24	97,65	101,08	101,08
— Federal Republic of Germany (DM)	24,53	24,90	25,07	25,45	25,82	26,73	26,73
— Greece (Dr)	1 516,92	1 545,28	1 556,68	1 585,03	1 613,59	1 691,07	1 691,07
— Spain (Pta)	1 602,27	1 626,48	1 637,74	1 661,95	1 686,32	1 745,54	1 745,54
— France (FF)	79,98	81,19	81,75	82,96	84,18	87,13	87,13
— Ireland (£ Irl)	8,902	9,036	9,099	9,233	9,369	9,698	9,698
— Italy (Lit)	17 476	17 740	17 863	18 127	18 393	19 039	19 039
— Netherlands (Fl)	27,41	27,82	28,01	28,43	28,84	29,86	29,86
— Portugal (Esc)	1 994,90	2 025,05	2 039,06	2 069,21	2 099,54	2 173,27	2 173,27
— United Kingdom (£)	5,964	6,075	6,120	6,231	6,343	6,645	6,645
Amounts to be deducted in the case of use :							
— Spain (Pta)	13,72	13,57	13,88	13,72	13,88	13,26	13,26
— Portugal (Esc)	66,43	66,24	67,01	67,01	67,01	63,94	63,94

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	48,74	0,00	0,00	0,00	0,00	0,00	0,00	47,67
— Denmark (Dkr)	0,00	0,00	0,00	9,01	0,00	0,00	0,00	0,00	0,00	0,00	8,82
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,38	0,00	0,00	0,00	0,00	0,00	0,00	2,33
— Greece (Dr)	0,00	0,00	0,00	203,68	0,00	0,00	0,00	0,00	0,00	0,00	199,20
— Spain (Pta)	0,00	0,00	0,00	155,67	0,00	0,00	0,00	0,00	0,00	0,00	152,24
— France (FF)	0,00	0,00	0,00	7,77	0,00	0,00	0,00	0,00	0,00	0,00	7,60
— Ireland (£ Irl)	0,000	0,000	0,000	0,865	0,000	0,000	0,000	0,000	0,000	0,000	0,846
— Italy (Lit)	0	0	0	1 698	0	0	0	0	0	0	1 660
— Netherlands (Fl)	0,00	0,00	0,00	2,66	0,00	0,00	0,00	0,00	0,00	0,00	2,60
— Portugal (Esc)	0,00	0,00	0,00	193,81	0,00	0,00	0,00	0,00	0,00	0,00	189,55
— United Kingdom (£)	0,000	0,000	0,000	0,794	0,000	0,000	0,000	0,000	0,000	0,000	0,777

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	607,50	607,50	601,99	601,99	601,99	626,72	626,72
— Denmark (Dkr)	112,35	112,35	111,33	111,33	111,33	115,90	115,90
— Federal Republic of Germany (DM)	29,70	29,70	29,44	29,44	29,44	30,64	30,64
— Greece (Dr)	1 912,33	1 912,33	1 889,33	1 889,33	1 889,33	1 992,64	1 992,64
— Spain (Pta)	1 940,15	1 940,15	1 922,57	1 922,57	1 922,57	2 001,53	2 001,53
— France (FF)	96,85	96,85	95,97	95,97	95,97	99,91	99,91
— Ireland (£ Irl)	10,779	10,779	10,681	10,681	10,681	11,120	11,120
— Italy (Lit)	21 161	21 161	20 969	20 969	20 969	21 831	21 831
— Netherlands (Fl)	33,19	33,19	32,89	32,89	32,89	34,24	34,24
— Portugal (Esc)	2 415,58	2 415,58	2 393,69	2 393,69	2 393,69	2 491,99	2 491,99
— United Kingdom (£)	7,510	7,510	7,421	7,421	7,421	7,823	7,823
Amounts to be deducted in the case of use in :							
— Spain (Pta)	18,35	18,35	18,51	18,51	18,51	17,58	17,58
— Portugal (Esc)	88,51	88,51	89,47	89,47	89,47	85,06	85,06

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	35,45	0,00	0,00	0,00	0,00	0,00	0,00	34,67
— Denmark (Dkr)	0,00	0,00	0,00	6,56	0,00	0,00	0,00	0,00	0,00	0,00	6,41
— Federal Republic of Germany (DM)	0,00	0,00	0,00	1,73	0,00	0,00	0,00	0,00	0,00	0,00	1,70
— Greece (Dr)	0,00	0,00	0,00	148,13	0,00	0,00	0,00	0,00	0,00	0,00	144,87
— Spain (Pta)	0,00	0,00	0,00	113,21	0,00	0,00	0,00	0,00	0,00	0,00	110,72
— France (FF)	0,00	0,00	0,00	5,65	0,00	0,00	0,00	0,00	0,00	0,00	5,53
— Ireland (£ Irl)	0,000	0,000	0,000	0,629	0,000	0,000	0,000	0,000	0,000	0,000	0,615
— Italy (Lit)	0	0	0	1 235	0	0	0	0	0	0	1 208
— Netherlands (Fl)	0,00	0,00	0,00	1,94	0,00	0,00	0,00	0,00	0,00	0,00	1,89
— Portugal (Esc)	0,00	0,00	0,00	140,95	0,00	0,00	0,00	0,00	0,00	0,00	137,85
— United Kingdom (£)	0,000	0,000	0,000	0,578	0,000	0,000	0,000	0,000	0,000	0,000	0,565

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4582	7,85212	2,05853	185,312	129,953	6,90403	0,768411	1 500,72	2,31943	176,721	0,722648

COMMISSION REGULATION (EEC) No 3784/89
of 15 December 1989
fixing the amount of the subsidy on oil seeds

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3756/89⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3010/89⁽⁷⁾, as last amended by Regulation (EEC) No 3654/89⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3010/89 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.

Article 2

This Regulation shall enter into force on 16 December 1989.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 365, 15. 12. 1989, p. 7.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 288, 6. 10. 1989, p. 17.

⁽⁸⁾ OJ No L 357, 7. 12. 1989, p. 17.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	23,511	23,591	23,814	24,092	24,370	24,670
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	55,81	56,00	56,53	57,23	57,89	58,79
— Netherlands (Fl)	62,02	62,23	62,82	63,58	64,31	65,30
— BLEU (Bfrs/Lfrs)	1 135,27	1 139,14	1 149,90	1 163,33	1 176,75	1 191,24
— France (FF)	178,69	179,28	180,99	183,14	185,28	187,60
— Denmark (Dkr)	209,95	210,67	212,66	215,14	217,63	220,30
— Ireland (£ Irl)	19,888	19,953	20,144	20,383	20,622	20,858
— United Kingdom (£)	14,586	14,621	14,768	14,941	15,141	15,281
— Italy (Lit)	38 854	38 983	39 356	39 812	40 279	40 662
— Greece (Dr)	3 731,44	3 719,26	3 705,91	3 733,58	3 784,86	3 749,78
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 340,54	3 353,60	3 379,46	3 409,08	3 451,45	3 466,41
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 589,36	4 593,18	4 609,59	4 639,85	4 686,09	4 698,34

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	3,670	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	26,011	26,091	26,314	26,592	26,870	27,170
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	61,71	61,90	62,43	63,13	63,79	64,69
— Netherlands (Fl)	68,61	68,82	69,41	70,17	70,90	71,90
— BLEU (Bfrs/Lfrs)	1 255,99	1 259,85	1 270,62	1 284,05	1 297,47	1 311,96
— France (FF)	197,93	198,52	200,24	202,38	204,53	206,85
— Denmark (Dkr)	232,28	232,99	234,99	237,47	239,95	242,63
— Ireland (£ Irl)	22,030	22,095	22,286	22,525	22,764	23,000
— United Kingdom (£)	16,339	16,375	16,521	16,694	16,894	17,035
— Italy (Lit)	43 037	43 166	43 538	43 995	44 461	44 845
— Greece (Dr)	4 179,90	4 167,73	4 154,37	4 182,05	4 233,33	4 198,25
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 722,78	3 735,84	3 761,70	3 791,32	3 833,69	3 848,65
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	480,01	480,01	480,01	480,01	480,01	480,01
— in another Member State (Esc)	5 069,37	5 073,19	5 089,60	5 119,85	5 166,10	5 178,34

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1. Gross aids (ECU):					
— Spain	6,890	6,890	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	33,230	33,375	33,577	33,918	34,239
2. Final aids:					
(a) Seed harvested and processed in (!):					
— Federal Republic of Germany (DM)	78,76	79,10	79,58	80,43	81,19
— Netherlands (Fl)	87,66	88,04	88,57	89,50	90,34
— BLEU (Bfrs/Lfrs)	1 604,57	1 611,58	1 621,33	1 637,80	1 653,30
— France (FF)	253,49	254,59	256,13	258,76	261,24
— Denmark (Dkr)	296,75	298,04	299,84	302,89	305,76
— Ireland (£ Irl)	28,214	28,335	28,507	28,800	29,076
— United Kingdom (£)	21,395	21,479	21,602	21,821	22,051
— Italy (Lit)	55 113	55 351	55 686	56 248	56 787
— Greece (Dr)	5 473,06	5 473,11	5 453,34	5 492,81	5 551,69
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	4 129,60	4 152,50	4 175,12	4 213,72	4 262,67
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	7 047,20	7 062,56	7 073,27	7 115,52	7 169,82
— in another Member State (Esc)	6 868,11	6 883,08	6 893,51	6 934,69	6 987,61
3. Compensatory aids:					
— in Spain (Pta)	4 085,16	4 108,06	4 130,67	4 169,28	4 218,23
4. Special aid:					
— in Portugal (Esc)	6 868,11	6 883,08	6 893,51	6 934,69	6 987,61

(!) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
DM	2,035500	2,030990	2,026760	2,022610	2,022610	2,011310
Fl	2,297070	2,292810	2,288410	2,284160	2,284160	2,272340
Bfrs/Lfrs	42,761400	42,727200	42,692500	42,658300	42,658300	42,565400
FF	6,949110	6,947430	6,946360	6,946240	6,946240	6,945250
Dkr	7,902870	7,909760	7,915450	7,919580	7,919580	7,935050
£Irl	0,772170	0,772358	0,773166	0,774079	0,774079	0,777368
£	0,729140	0,731249	0,733298	0,735133	0,735133	0,740501
Lit	1 500,46	1 503,32	1 505,97	1 508,52	1 508,52	1 515,72
Dr	186,49400	188,89100	192,52000	194,14500	194,14500	200,47500
Esc	177,43000	178,47500	179,62900	180,61600	180,61600	183,00900
Pta	131,27000	131,92600	132,39100	133,10300	133,10300	134,83000

COMMISSION REGULATION (EEC) No 3785/89

of 15 December 1989

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 763/89 ⁽²⁾, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

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⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 December 1989.

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

Done at Brussels, 15 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 15 December 1989 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		4,55
0401 10 90 000		4,55
0401 20 11 100		4,55
0401 20 11 500		7,63
0401 20 19 100		4,55
0401 20 19 500		7,63
0401 20 91 100		10,51
0401 20 91 500		12,44
0401 20 99 100		10,51
0401 20 99 500		12,44
0401 30 11 100		16,29
0401 30 11 400		25,72
0401 30 11 700		39,20
0401 30 19 100		16,29
0401 30 19 400		25,72
0401 30 19 700		39,20
0401 30 31 100		46,90
0401 30 31 400		73,85
0401 30 31 700		81,55
0401 30 39 100		46,90
0401 30 39 400		73,85
0401 30 39 700		81,55
0401 30 91 100		93,10
0401 30 91 400		137,37
0401 30 91 700		160,47
0401 30 99 100		93,10
0401 30 99 400		137,37
0401 30 99 700		160,47
0402 10 11 000		50,00
0402 10 19 000		50,00
0402 10 91 000		0,5000
0402 10 99 000		0,5000
0402 21 11 200		50,00
0402 21 11 300		82,38
0402 21 11 500		87,56
0402 21 11 900		95,00
0402 21 17 000		50,00
0402 21 19 300		82,38
0402 21 19 500		87,56
0402 21 19 900		95,00
0402 21 91 100		95,79
0402 21 91 200		96,54
0402 21 91 300		97,91
0402 21 91 400		105,86
0402 21 91 500		108,57
0402 21 91 600		118,92
0402 21 91 700		125,16
0402 21 91 900		132,07
0402 21 99 100		95,79

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		96,54
0402 21 99 300		97,91
0402 21 99 400		105,86
0402 21 99 500		108,57
0402 21 99 600		118,92
0402 21 99 700		125,16
0402 21 99 900		132,07
0402 29 15 200		0,5000
0402 29 15 300		0,8238
0402 29 15 500		0,8756
0402 29 15 900		0,9500
0402 29 19 200		0,5000
0402 29 19 300		0,8238
0402 29 19 500		0,8756
0402 29 19 900		0,9500
0402 29 91 100		0,9579
0402 29 91 500		1,0586
0402 29 99 100		0,9579
0402 29 99 500		1,0586
0402 91 11 110		4,55
0402 91 11 120		10,51
0402 91 11 310		17,83
0402 91 11 350		22,30
0402 91 11 370		27,65
0402 91 19 110		4,55
0402 91 19 120		10,51
0402 91 19 310		17,83
0402 91 19 350		22,30
0402 91 19 370		27,65
0402 91 31 100		21,87
0402 91 31 300		32,67
0402 91 39 100		21,87
0402 91 39 300		32,67
0402 91 51 000		25,72
0402 91 59 000		25,72
0402 91 91 000		93,10
0402 91 99 000		93,10
0402 99 11 110		0,0455
0402 99 11 130		0,1051
0402 99 11 150		0,1796
0402 99 11 310		20,57
0402 99 11 330		25,13
0402 99 11 350		34,08
0402 99 19 110		0,0455
0402 99 19 130		0,1051
0402 99 19 150		0,1796
0402 99 19 310		20,57
0402 99 19 330		25,13
0402 99 19 350		34,08
0402 99 31 110		0,2380
0402 99 31 150		35,55
0402 99 31 300		0,4690
0402 99 31 500		0,8155
0402 99 39 110		0,2380
0402 99 39 150		35,55
0402 99 39 300		0,4690

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8155
0402 99 91 000		0,9310
0402 99 99 000		0,9310
0403 10 11 100		4,55
0403 10 11 300		7,63
0403 10 13 000		10,51
0403 10 19 000		16,29
0403 10 31 100		0,0455
0403 10 31 300		0,0763
0403 10 33 000		0,1051
0403 10 39 000		0,1629
0403 90 11 000		50,00
0403 90 13 000		50,00
0403 90 19 000		95,79
0403 90 31 000		0,5000
0403 90 33 000		0,5000
0403 90 39 000		0,9579
0403 90 51 100		4,55
0403 90 51 300		7,63
0403 90 53 000		10,51
0403 90 59 110		16,29
0403 90 59 140		25,72
0403 90 59 170		39,20
0403 90 59 310		46,90
0403 90 59 340		73,85
0403 90 59 370		81,55
0403 90 59 510		93,01
0403 90 59 540		137,37
0403 90 59 570		160,47
0403 90 61 100		0,0455
0403 90 61 300		0,0763
0403 90 63 000		0,1051
0403 90 69 000		0,1629
0404 90 11 100		50,00
0404 90 11 910		4,55
0404 90 11 950		17,83
0404 90 13 120		50,00
0404 90 13 130		82,38
0404 90 13 140		87,56
0404 90 13 150		95,00
0404 90 13 911		4,55
0404 90 13 913		10,51
0404 90 13 915		16,29
0404 90 13 917		25,72
0404 90 13 919		39,20
0404 90 13 931		17,83
0404 90 13 933		22,30
0404 90 13 935		27,65
0404 90 13 937		32,67
0404 90 13 939		34,19
0404 90 19 110		95,79
0404 90 19 115		96,54
0404 90 19 120		97,91
0404 90 19 130		105,86
0404 90 19 135		108,57

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		118,92
0404 90 19 160		125,16
0404 90 19 180		132,07
0404 90 19 900		—
0404 90 31 100		50,00
0404 90 31 910		4,55
0404 90 31 950		17,83
0404 90 33 120		50,00
0404 90 33 130		82,38
0404 90 33 140		87,56
0404 90 33 150		95,00
0404 90 33 911		4,55
0404 90 33 913		10,51
0404 90 33 915		16,29
0404 90 33 917		25,72
0404 90 33 919		39,20
0404 90 33 931		17,83
0404 90 33 933		22,30
0404 90 33 935		27,65
0404 90 33 937		32,67
0404 90 33 939		34,19
0404 90 39 110		95,79
0404 90 39 115		96,54
0404 90 39 120		97,91
0404 90 39 130		105,86
0404 90 39 150		108,57
0404 90 39 900		—
0404 90 51 100		0,5000
0404 90 51 910		0,0455
0404 90 51 950		20,57
0404 90 53 110		0,5000
0404 90 53 130		0,8238
0404 90 53 150		0,8756
0404 90 53 170		0,9500
0404 90 53 911		0,0455
0404 90 53 913		0,1051
0404 90 53 915		0,1629
0404 90 53 917		0,2572
0404 90 53 919		0,3920
0404 90 53 931		20,57
0404 90 53 933		25,13
0404 90 53 935		34,08
0404 90 53 937		35,55
0404 90 53 939		—
0404 90 59 130		0,9579
0404 90 59 150		1,0586
0404 90 59 930		0,5652
0404 90 59 950		0,8155
0404 90 59 990		0,9310
0404 90 91 100		0,5000
0404 90 91 910		0,0455
0404 90 91 950		20,57
0404 90 93 110		0,5000
0404 90 93 130		0,8238
0404 90 93 150		0,8756

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		0,9500
0404 90 93 911		0,0455
0404 90 93 913		0,1051
0404 90 93 915		0,1629
0404 90 93 917		0,2572
0404 90 93 919		0,3920
0404 90 93 931		20,57
0404 90 93 933		25,13
0404 90 93 935		34,08
0404 90 93 937		35,55
0404 90 93 939		—
0404 90 99 130		0,9579
0404 90 99 150		1,0586
0404 90 99 930		0,5652
0404 90 99 950		0,8155
0404 90 99 990		0,9310
0405 00 10 100		—
0405 00 10 200		117,20
0405 00 10 300		147,44
0405 00 10 500		151,22
0405 00 10 700		155,00
0405 00 90 100		155,00
0405 00 90 900		196,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

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

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 900		—

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

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	732	123,35
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		15,00
2309 10 15 300		20,00
2309 10 15 400		25,00
2309 10 15 500		30,00
2309 10 15 700		35,00

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		15,00
2309 10 19 300		20,00
2309 10 19 400		25,00
2309 10 19 500		30,00
2309 10 19 600		35,00
2309 10 19 700		37,50
2309 10 19 800		40,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		15,00
2309 10 70 200		20,00
2309 10 70 300		25,00
2309 10 70 500		30,00
2309 10 70 600		35,00
2309 10 70 700		40,00
2309 10 70 800		44,00
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		15,00
2309 90 35 300		20,00
2309 90 35 400		25,00
2309 90 35 500		30,00
2309 90 35 700		35,00
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		15,00
2309 90 39 300		20,00
2309 90 39 400		25,00
2309 90 39 500		30,00
2309 90 39 600		35,00
2309 90 39 700		37,50
2309 90 39 800		40,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		15,00
2309 90 70 200		20,00
2309 90 70 300		25,00
2309 90 70 500		30,00
2309 90 70 600		35,00
2309 90 70 700		40,00
2309 90 70 800		44,00
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

COMMISSION REGULATION (EEC) No 3786/89

of 15 December 1989

authorizing Portugal to abolish import duties on oil cake from other Member States and to apply Common Customs Tariff duties to imports of oil cake from third countries

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, and in particular Article 243 (4) thereof,

Whereas the first indent of Article 243 (4) (a) of the Act of Accession provides that Portugal may, at its request, abolish the customs duties on oil seeds, oleaginous fruit and products derived therefrom or move towards their alignment;

Whereas Commission Regulation (EEC) No 566/87⁽¹⁾ authorizes Portugal to suspend partially the import duties on oil cake until 31 December 1987; whereas Commission Regulation (EEC) No 1692/88⁽²⁾ provides for the same authorization until 31 December 1988; whereas the aim of that measure was to facilitate the supply of oil cake to the Portuguese feedingstuffs industry; whereas, since then, the factors which justified that measure have remained valid; whereas Portugal has requested authorization to abolish, pursuant to Article 243 mentioned above, the customs duties on oil cake *vis-à-vis* the rest of the Community and to apply the Common Customs Tariff *vis-à-vis* third countries from 1 January 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

Portugal is hereby authorized to abolish duties applicable to imports of oil cake and other solid residues falling within CN codes 2304 00 00, 2305 00 00 and 2306, with the exception of CN codes 2306 90 11 and 2306 90 19, originating in the other Member States and to apply the Common Customs Tariff duties to imports of those products originating in third countries.

Article 2

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

It shall apply from 1 January 1990.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 57, 27. 2. 1987, p. 17.

⁽²⁾ OJ No L 151, 17. 6. 1988, p. 35.

COMMISSION REGULATION (EEC) No 3787/89

of 15 December 1989

repealing Regulation (EEC) No 2806/71 laying down additional rules for granting export refunds on certain products processed from cereals and from rice

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 3707/89 ⁽²⁾, and in particular Article 16 (6) 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 17 (6) thereof,Whereas Commission Regulation (EEC) No 2806/71 of 23 December 1971 laying down additional rules for granting export refunds on certain products processed from cereals and from rice ⁽⁵⁾ discontinues the granting of export refunds on flour the starch of which has been subjected to heat treatment in view of the Community's small share of world trade in such products;

Whereas, for the same reasons and on account of the premium for incorporation in animal feedingsuffs granted at that time for denatured cereals, the said Regulation also discontinues the granting of export

refunds on products processed from cereals and from rice and derived from a denatured basic product;

Whereas it has become apparent in the meanwhile that there is some economic interest in exporting flour the starch of which has been subjected to heat treatment; whereas the premium for the incorporation of denatured cereals in animal feedingsuffs no longer exists;

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

Regulation (EEC) No 2806/71 is hereby repealed.

*Article 2*This Regulation shall enter into force on the second 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, 15 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 363, 13. 12. 1989, p. 1.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 284, 28. 12. 1971, p. 9.

COMMISSION REGULATION (EEC) No 3788/89

of 15 December 1989

amending Regulation (EEC) No 314/88 laying down detailed rules for the implementation of the olive oil storage contract arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2902/89 ⁽²⁾, and in particular Article 20d ⁽⁴⁾ thereof,Whereas Commission Regulation (EEC) No 314/88 ⁽³⁾ lays down detailed rules on the implementation of the storage contract arrangements;

Whereas, in view of experience gained, the conditions laid down for the conclusion of storage contracts should be eased in order to obtain quicker activation of the measures in question; whereas the arrangements should also be adapted more closely to the specific situation of each producer Member State;

Whereas Regulation (EEC) No 314/88 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The first paragraph of Article 1 of Regulation (EEC) No 314/88 is hereby replaced by the following:

'Where prices to producers on the main markets of one or more producer Member States are close to the intervention price applying in the Member State or Member States in question during a period of at least 15 days for one or more qualities of olive oil which may be offered for intervention and are likely, in view of the quantities of the product available, to fall below the intervention price, a decision may be taken to allow storage contracts for the qualities concerned to be concluded during the marketing year in progress in the Member State or Member States in question.'

*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, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.⁽³⁾ OJ No L 31, 3. 2. 1988, p. 16.

COMMISSION REGULATION (EEC) No 3789/89**of 15 December 1989****repealing Regulation (EEC) No 3938/88 determining the price fixed in advance of unprocessed currants from the 1986 harvest, reserved for the manufacture of dried-grape paste**

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1277/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables⁽³⁾, as amended by Regulation (EEC) No 2367/89⁽⁴⁾, and in particular Article 6 (1) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies⁽⁵⁾, as last amended by Regulation (EEC) No 2328/88⁽⁶⁾, stipulates that such products, intended for specific uses yet to be determined, must be sold at prices fixed in advance or determined by an invitation to tender;

Whereas Commission Regulation (EEC) No 682/86 of 4 March 1986 on the sale by storage agencies of unprocessed dried grapes for the manufacture of certain condiments⁽⁷⁾, as amended by Regulation (EEC) No

1470/88⁽⁸⁾, stipulates that certain quantities of dried grapes may be sold at a price fixed in advance to interested operators;

Whereas Commission Regulation (EEC) No 3938/88⁽⁹⁾ determines the price fixed in advance for a maximum of 200 tonnes of unprocessed currants from the 1986 harvest, reserved for the manufacture of dried-grape paste; whereas the remaining quantities are not likely to be sold for the abovementioned use; whereas Regulation (EEC) No 3938/88 should accordingly be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3938/88 is hereby repealed.

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, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 225, 3. 8. 1989, p. 1.

⁽⁵⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁶⁾ OJ No L 202, 27. 7. 1988, p. 45.

⁽⁷⁾ OJ No L 62, 5. 3. 1986, p. 8.

⁽⁸⁾ OJ No L 132, 28. 5. 1988, p. 75.

⁽⁹⁾ OJ No L 348, 17. 12. 1988, p. 31.

COMMISSION REGULATION (EEC) No 3790/89

of 15 December 1989

repealing Regulation (EEC) No 914/89 determining the price fixed in advance of unprocessed dried grapes from the 1985 and 1986 harvests to distillation industries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1277/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 2367/89 ⁽⁴⁾, and in particular Article 6 (1) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies ⁽⁵⁾, as last amended by Regulation (EEC) No 2328/88 ⁽⁶⁾, stipulates that such products, intended for specific uses yet to be determined, must be sold at prices fixed in advance or determined by an invitation to tender;

Whereas Commission Regulation (EEC) No 913/89 of 10 April 1989 on the sale by storage agencies of unprocessed dried grapes for the manufacture of alcohol ⁽⁷⁾, stipulates that certain quantities of dried grapes may be sold at a price fixed in advance to interested operators;

Whereas Commission Regulation (EEC) No 914/89 ⁽⁸⁾ determines the price fixed in advance for a maximum of 526 tonnes of unprocessed currants from the 1985 harvest and 2 500 tonnes of sultanas from the 1986 harvest reserved for the manufacture of alcohol; whereas the remaining quantities are not likely to be sold for the

abovementioned use; whereas Regulation (EEC) No 914/89 should accordingly be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 914/89 is amended as follows:

1. In the title 'from the 1985 and 1986 harvests' is replaced by the words 'from the 1985 harvest';
2. Article 1 is replaced by the following:

Article 1

1. The Greek storage agencies listed in the Annex shall proceed to the sale of a maximum of 526 tonnes of currants from the 1985 harvest in accordance with Regulation (EEC) No 626/85 and (EEC) No 913/89 at a price of ECU 16,8 per 100 kilograms net for currants.
2. The processing security referred to in Article 2 (2) of Regulation (EEC) No 913/89 shall be ECU 15,1 per 100 kilograms net for currants.';
3. The Annex is replaced by the Annex to the present 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, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 225, 3. 8. 1989, p. 1.

⁽⁵⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁶⁾ OJ No L 202, 27. 7. 1988, p. 45.

⁽⁷⁾ OJ No L 97, 11. 4. 1989, p. 5.

⁽⁸⁾ OJ No L 97, 11. 4. 1989, p. 7.

*ANNEX**ANNEX***List of storage agencies referred to in Article 1 of this Regulation****CURRENTS**

1. ASO, Mezonos 241, Patras, Greece.
 2. Enosis Georgikon Sineterismon Zakynthou, Zakynthos, Greece.
-

COMMISSION REGULATION (EEC) No 3791/89

of 15 December 1989

fixing the amount of the reduction applicable under the special arrangements
for maize and sorghum imports into Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, and in particular Article 3 thereof,

The reduction in the levy provided for in Article 3 of Regulation (EEC) No 1799/87 shall be:

Whereas Commission Regulation (EEC) No 3105/87 of 16 October 1987 laying down detailed rules for the application of the special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 ⁽²⁾, as last amended by Regulation (EEC) No 3624/89 ⁽³⁾, lays down the framework of detailed rules to ensure that the purposes of the said Regulation are respected;

- ECU 0 per tonne for maize imported in December 1989,
- ECU 0 per tonne for maize imported in January 1990,
- ECU 0 per tonne for maize imported in February 1990,
- ECU 0 per tonne for maize imported in March 1990,
- ECU 0 per tonne for maize imported in April 1990,
- ECU 0 per tonne for maize imported in May 1990,
- ECU 24 per tonne for grain sorghum originating in the African, Caribbean and Pacific (ACP) countries, imported in December 1989, January and February 1990,
- ECU 89 per tonne for grain sorghum imported from other countries in December 1989,
- ECU 92 per tonne for grain sorghum imported from other countries in January 1990,
- ECU 94 per tonne for grain sorghum imported from other countries in February 1990,
- ECU 96 per tonne for grain sorghum imported from other countries in March 1990,
- ECU 14 per tonne for grain sorghum originating in the African, Caribbean and Pacific (ACP) countries, imported in March 1990.

Whereas the amount of the reduction in the import levy on maize and grain sorghum imported into Spain should be fixed at a level enabling the quantities provided for under the Agreement between the European Economic Community and the United States of America ⁽⁴⁾ to be imported and avoiding any disturbance of the Spanish cereals market;

Whereas Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽⁵⁾, as last amended by Regulation (EEC) No 3530/89 ⁽⁶⁾, provides, in particular, for a 50 % reduction in the levy on grain sorghum; whereas the combination of this advantage with the reduction provided for under this Regulation is likely to disturb the Spanish market for cereals; whereas this difficulty can be overcome by setting a special reduction of the levy on grain sorghum imported under this Regulation;

Whereas the reduction on maize imported into Spain must be adjusted if the quantities laid down are to be met within the time limit agreed;

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

Article 2

Commission Regulation (EEC) No 3688/89 ⁽⁷⁾ is hereby repealed.

Article 3

This Regulation shall enter into force on 16 December 1989.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 294, 17. 10. 1987, p. 15.

⁽³⁾ OJ No L 351, 2. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 98, 10. 4. 1987, p. 1.

⁽⁵⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁶⁾ OJ No L 347, 23. 11. 1989, p. 3.

⁽⁷⁾ OJ No L 360, 9. 12. 1989, p. 25.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3792/89

of 15 December 1989

fixing definitively the export refund on rapeseed applicable from 1 June to 31 August 1989 for the 1989/90 marketing year

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

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

Having regard to Council Regulation (EEC) No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds ⁽³⁾, as last amended by Regulation (EEC) No 2429/72 ⁽⁴⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽⁵⁾, as last amended by Regulation (EEC) No 3756/89 ⁽⁶⁾,

Whereas between 1 June and 31 August 1989 the provisional refunds in question applying for July to September 1989 took account of the adjustment of the aid fixed by the Commission for the 1988/89 marketing year;

Whereas Commission Regulation (EEC) No 2625/89 ⁽⁷⁾ fixes the adjustment to be made in the aid for rapeseed for the 1989/90 marketing year;

Whereas the amounts of the export refunds on rapeseed valid provisionally should be confirmed or replaced and they should be fixed definitively;

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on rapeseed fixed in advance for July to September 1989 as set out in the Annexes to Commission Regulation (EEC) No 1509/89 ⁽⁸⁾, 1934/89 ⁽⁹⁾, 2184/89 ⁽¹⁰⁾, 2343/89 ⁽¹¹⁾ are hereby replaced by the amounts set out in the tables in the Annex hereto, which are hereby fixed definitively from the dates of entry into force of the Regulations in question.

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, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 365, 15. 12. 1989, p. 7.

⁽⁷⁾ OJ No L 254, 31. 8. 1989, p. 9.

⁽⁸⁾ OJ No L 148, 1. 6. 1989, p. 29.

⁽⁹⁾ OJ No L 187, 1. 7. 1989, p. 55.

⁽¹⁰⁾ OJ No L 208, 20. 7. 1989, p. 35.

⁽¹¹⁾ OJ No L 222, 1. 8. 1989, p. 28.

ANNEX

TABLE A

Refunds applicable from 1 June 1989

(amounts per 100 kilograms)

	July	August	September	October	November	December
1. Gross refunds (ECU):						
— Spain	14,144	—	—	—	—	—
— Portugal	17,714	—	—	—	—	—
— other Member States	16,314	—	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	38,95	—	—	—	—	—
— Netherlands (Fl)	43,23	—	—	—	—	—
— BLEU (Bfrs/Lfrs)	787,75	—	—	—	—	—
— France (FF)	122,25	—	—	—	—	—
— Denmark (Dkr)	145,69	—	—	—	—	—
— Ireland (£ Irl)	13,607	—	—	—	—	—
— United Kingdom (£)	10,813	—	—	—	—	—
— Italy (Lit)	26 868	—	—	—	—	—
— Greece (Dr)	2 480,71	—	—	—	—	—
— Spain (Pta)	2 360,65	—	—	—	—	—
— Portugal (Esc)	3 401,12	—	—	—	—	—

TABLE B

Refunds applicable from 1 July 1989

(amounts per 100 kilograms)

	July	August	September	October	November	December
1. Gross refunds (ECU):						
— Spain	16,000	16,000	—	—	—	—
— Portugal	18,440	18,440	—	—	—	—
— other Member States	17,040	17,040	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	40,65	40,65	—	—	—	—
— Netherlands (Fl)	45,14	44,95	—	—	—	—
— BLEU (Bfrs/Lfrs)	822,81	822,81	—	—	—	—
— France (FF)	127,95	127,95	—	—	—	—
— Denmark (Dkr)	152,17	152,17	—	—	—	—
— Ireland (£ Irl)	14,241	14,241	—	—	—	—
— United Kingdom (£)	10,683	10,683	—	—	—	—
— Italy (Lit)	28 331	28 331	—	—	—	—
— Greece (Dr)	2 628,47	2 569,69	—	—	—	—
— Spain (Pta)	2 572,40	2 547,06	—	—	—	—
— Portugal (Esc)	3 499,41	3 498,54	—	—	—	—

TABLE C

Refunds applicable from 20 July 1989

(amounts per 100 kilograms)

	July	August	September	October	November	December
1. Gross refunds (ECU):						
— Spain	18,000	18,000	—	—	—	—
— Portugal	20,440	20,440	—	—	—	—
— other Member States	19,040	19,040	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	45,33	45,33	—	—	—	—
— Netherlands (Fl)	50,22	50,22	—	—	—	—
— BLEU (Bfrs/Lfrs)	919,38	919,38	—	—	—	—
— France (FF)	143,66	143,66	—	—	—	—
— Denmark (Dkr)	170,03	170,03	—	—	—	—
— Ireland (£ Irl)	15,989	15,989	—	—	—	—
— United Kingdom (£)	12,207	12,207	—	—	—	—
— Italy (Lit)	31 746	31 746	—	—	—	—
— Greece (Dr)	3 013,23	2 990,04	—	—	—	—
— Spain (Pta)	2 874,51	2 874,51	—	—	—	—
— Portugal (Esc)	3 887,38	3 885,87	—	—	—	—

TABLE D

Refunds applicable from 1 August 1989

(amounts per 100 kilograms)

	August	September	October	November	December	January
1. Gross refunds (ECU):						
— Spain	18,000	18,000	—	—	—	—
— Portugal	20,440	20,440	—	—	—	—
— other Member States	19,040	19,040	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	45,33	45,33	—	—	—	—
— Netherlands (Fl)	50,22	50,22	—	—	—	—
— BLEU (Bfrs/Lfrs)	919,38	919,38	—	—	—	—
— France (FF)	143,66	143,66	—	—	—	—
— Denmark (Dkr)	170,03	170,03	—	—	—	—
— Ireland (£ Irl)	15,989	15,989	—	—	—	—
— United Kingdom (£)	12,384	12,384	—	—	—	—
— Italy (Lit)	31 759	31 759	—	—	—	—
— Greece (Dr)	3 009,60	2 986,14	—	—	—	—
— Spain (Pta)	2 881,77	2 881,77	—	—	—	—
— Portugal (Esc)	3 887,38	3 887,10	—	—	—	—

COMMISSION REGULATION (EEC) No 3793/89

of 15 December 1989

authorizing the conclusion of long-term private storage contracts for table wine, grape must, concentrated grape must and rectified concentrated grape must in respect of the 1989/90 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Articles 32 (5) and 81 thereof,

Whereas the forward estimate drawn up for the 1989/90 wine year indicates that the quantities of table wine available at the beginning of the wine year exceeds by more than four months' supply those normally used up over the year; whereas the conditions for authorization of long-term storage contracts specified in Article 32 (4) of Regulation (EEC) No 822/87 are therefore met;

Whereas the abovementioned forward estimate indicates the existence of surpluses for all types of table wine and for table wines which stand in close economic relationship to those types of table wine; whereas it should therefore be made possible for long-term contracts to be concluded for those types of table wine; whereas it is necessary by the same token to open this possibility for grape must, concentrated grape must and rectified concentrated grape must;

Whereas Article 47 of Regulation (EEC) No 822/87 provides that only producers fulfilling the obligations laid down in Article 35 and, where appropriate, Articles 36 and 39 of that Regulation during a reference period to be determined may qualify for the intervention measures; whereas that period must therefore be specified;

Whereas Article 6 (1) of Commission Regulation (EEC) No 1059/83 of 29 April 1983 on storage contracts for table wine, grape must, concentrated grape must and rectified concentrated grape must ⁽³⁾, as last amended by Regulation (EEC) No 2753/89 ⁽⁴⁾, specifies that table wines eligible for long-term storage contracts shall be classified into two categories on the basis of their characteristics with regard to quality; whereas this possibility need not be used in view of the fairly homogenous characteristics of wines from the 1989 harvest;

Whereas it is necessary, for the purposes of possible implementation of Article 42 of Regulation (EEC) No

822/87, to know the maximum quantity of table wine subject to storage contract which may be distilled as provided for in the said Article; whereas producers should therefore be required to provide intervention agencies with the necessary information, which they are then to pass on to the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 16 December 1989 to 15 February 1990 private long-term storage contracts may be concluded, in accordance with the provisions of Regulation (EEC) No 1059/83, for:

- all types of table wine and for table wines in close economic relationship to such table wine, provided that the conditions of Article 6 (4) of that Regulation are met, and
- grape must, concentrated grape must and rectified concentrated grape must.

2. In accordance with Article 47 (1) of Regulation (EEC) No 822/87 producers who, during the 1987/88 wine year, were subject to the obligations laid down in Articles 35, 36 or 39 of Regulation (EEC) No 822/87 wine year shall not be entitled to benefit from the measures provided for in this Regulation unless they provide evidence that they have complied with their obligations during the reference periods laid down in Article 18 of Commission Regulation (EEC) No 3105/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 2352/89 ⁽⁶⁾, and Article 22 of Commission Regulation (EEC) No 441/88 ⁽⁷⁾, as last amended by Regulation (EEC) No 2351/89 ⁽⁸⁾.

Article 2

The minimum quality conditions that must be met by table wines which may be the subject of a storage contract shall be as set out in the Annexes hereto.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 116, 30. 4. 1983, p. 77.

⁽⁴⁾ OJ No L 266, 13. 9. 1989, p. 21.

⁽⁵⁾ OJ No L 277, 8. 10. 1988, p. 21.

⁽⁶⁾ OJ No L 222, 1. 8. 1989, p. 54.

⁽⁷⁾ OJ No L 45, 18. 2. 1988, p. 15.

⁽⁸⁾ OJ No L 222, 1. 8. 1989, p. 52.

Article 3

1. Producers who, within the limits laid down in the first subparagraph of Article 5 (1) of Regulation (EEC) No 1059/83, wish to conclude a long-term storage contract for a table wine shall, when submitting the application for conclusion of a contract, advise the intervention agency of the total quantity of table wine they have produced during the current wine year.

For this purpose the producer shall submit a copy of the production declaration(s) drawn up pursuant to Article 2 of Commission Regulation (EEC) No 3929/87⁽¹⁾.

2. The Member States shall inform the Commission, not later than 10 May 1989, of the maximum quantity of table wine subject to long-term storage contract which may be distilled as provided for in Article 42 (2) of Regulation (EEC) No 822/87.

Article 4

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

It shall apply with effect from 16 December 1989.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 369, 29. 12. 1987, p. 59.

ANNEX**MINIMUM QUALITY CONDITIONS FOR TABLE WINES****I. White wines**

- | | |
|--|---|
| (a) minimum actual alcoholic strength : | 10,5 % vol ; |
| (b) minimum total acidity (expressed as tartaric acid) : | 5 grams per litre and 4 grams per litre
for table wines produced in Spain ⁽¹⁾ ; |
| (c) maximum volatile acidity : | 9 milliequivalents per litre ; |
| (d) maximum sulphur dioxide content : | 155 milligrams per litre. |

II. Red wines

- | | |
|--|---|
| (a) minimum actual alcoholic strength : | 10,5 % vol ; |
| (b) minimum total acidity (expressed as tartaric acid) : | 5 grams per litre and 4 grams per litre
for table wines produced in Spain ⁽¹⁾ ; |
| (c) maximum volatile acidity : | 11 milliequivalents per litre ; |
| (d) maximum sulphur dioxide content : | 115 milligrams per litre. |

Rosé wines must comply with the conditions laid down above for red wines except as regards their content of sulphur dioxide, for which the same time limits as those fixed for white wines shall apply.

Conditions (a) and (d) shall not apply to wines of types R III, A II and A III.

⁽¹⁾ Article 127 of the Act of Accession.

COMMISSION REGULATION (EEC) No 3794/89

of 15 December 1989

fixing the export refunds on beef and veal

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular the first sentence of Article 18 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87⁽⁶⁾, and Regulations (EEC) No 1964/82⁽⁷⁾, as amended by Regulation (EEC) No 3169/87 and (EEC) No 2388/84⁽⁸⁾, as last amended by Regulation (EEC) No 3988/87⁽⁹⁾ lay down the conditions for granting special export refunds for certain cuts of beef/veal and certain preserved beef and veal products;

Whereas Regulations (EEC) No 2908/85⁽¹⁰⁾, (EEC) No 142/86⁽¹¹⁾, (EEC) No 1055/87⁽¹²⁾, as amended by Regulation (EEC) No 1416/87⁽¹³⁾ and (EEC) No 3815/87⁽¹⁴⁾, as last amended by Regulation (EEC) No

1199/89⁽¹⁵⁾, lay down the conditions applying to the export of certain beef and veal held by certain intervention agencies and intended for export;

Whereas it follows from applying these rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas the current market situation in the Community and sales outlets, particularly in non-member countries, leads to the granting of export refunds on adult male bovine animals of a live weight of at least 300 kilograms and other bovines of a live weight of 250 kilograms and over; whereas experience gained in recent years has shown that it is advisable to treat live pedigree breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities;

Whereas it is necessary to grant refunds for the export to certain destinations of certain fresh or chilled meat listed in Annex under CN code 0201, of certain frozen meat listed in Annex under CN code 0202, of certain meat offal listed in Annex under CN code 0206 and of certain other prepared or preserved meat or meat offal listed in Annex under CN codes 1602 50 10 and 1602 90 61;

Whereas, in view of the wide differences in products falling within CN codes 0201 20 90 700 and 0202 20 90 100 used for refunds, the refund should only be granted for cuts in which the weight of bone does not exceed one-third;

Whereas refunds should also be granted for fresh or frozen boned or boneless pieces, even where each piece is not individually wrapped, and for minced meat, and the wording of the tariff subheading for fresh boned or boneless pieces specified;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to the extent necessary to allow this trade to continue, the refund must be fixed at an amount which will cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and salted and dried meat to certain African, Near and Middle East third countries; whereas account should be taken of this situation and refund should be fixed accordingly;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽¹⁰⁾ OJ No L 279, 19. 10. 1985, p. 18.

⁽¹¹⁾ OJ No L 19, 25. 1. 1986, p. 8.

⁽¹²⁾ OJ No L 103, 15. 4. 1987, p. 10.

⁽¹³⁾ OJ No L 135, 23. 5. 1987, p. 18.

⁽¹⁴⁾ OJ No L 357, 19. 12. 1987, p. 24.

⁽¹⁵⁾ OJ No L 123, 4. 5. 1989, p. 16.

Whereas, in the case of certain other cuts and preserves of meat or offals shown in Annex under CN codes 1602 50 90 and 1602 90 69, Community participation in international trade may be ensured by granting a refund which takes account of the refund hitherto granted to exporters;

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade in these products is not significant;

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⁽¹⁾, as last amended by Regulation (EEC) No 1636/87⁽²⁾,
- 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 December 1989.

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

Done at Brussels, 15 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to Commission Regulation of 15 December 1989 fixing the export refunds on beef and veal

(ECU/100 kg)

Product code	Destination (?)	Amount of refund (*)
		— Live weight —
0102 10 00 190	01	96,00
0102 10 00 390	01	96,00
0102 90 31 900	02	68,50
	03	55,50
	04	25,50
0102 90 33 900	02	68,50
	03	55,50
	04	25,50
0102 90 35 900	02	86,50
	03	73,00
	04	34,50
0102 90 37 900	02	86,50
	03	73,00
	04	34,50
		— Net weight —
0201 10 10 100	02	73,50
	03	65,00
	04	32,50
0201 10 10 900	02	101,50
	03	88,00
	04	44,00
0201 10 90 110 (*)	02	106,00
	03	85,00
	04	42,50
0201 10 90 190	02	73,50
	03	65,00
	04	32,50
0201 10 90 910 (*)	02	146,50
	03	115,00
	04	57,50
0201 10 90 990	02	101,50
	03	88,00
	04	44,00
0201 20 21 000	02	101,50
	03	88,00
	04	44,00

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (*)
		— Net weight —
0201 20 29 100 (1)	02	146,50
	03	115,00
	04	57,50
0201 20 29 900	02	101,50
	03	88,00
	04	44,00
0201 20 31 000	02	73,50
	03	65,00
	04	32,50
0201 20 39 100 (1)	02	106,00
	03	85,00
	04	42,50
0201 20 39 900	02	73,50
	03	65,00
	04	32,50
0201 20 51 100	02	129,00
	03	110,50
	04	56,00
0201 20 51 900	02	73,50
	03	65,00
	04	32,50
0201 20 59 110 (1)	02	186,50
	03	146,00
	04	73,00
0201 20 59 190	02	129,00
	03	110,50
	04	56,00
0201 20 59 910 (1)	02	106,00
	03	85,00
	04	42,50
0201 20 59 990	02	73,50
	03	65,00
	04	32,50
0201 20 90 700	02	73,50
	03	65,00
	04	32,50
0201 30 00 050 (*)	05	112,00
0201 30 00 100 (2)	02	266,50
	03	208,50
	04	104,50
	06	266,50
0201 30 00 130	02	144,50
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0201 30 00 190 (2)	02	102,50
	03	84,00
	04	42,00
	06	102,50
	07	90,00

(ECU/100 kg)		
Product code	Destination (°)	Amount of refund (°)
		— Net weight —
0202 10 00 100	02	73,50
	03	65,00
	04	32,50
0202 10 00 900	02	101,50
	03	88,00
	04	44,00
0202 20 10 000	02	101,50
	03	88,00
	04	44,00
0202 20 30 000	02	73,50
	03	65,00
	04	32,50
0202 20 50 100	02	129,00
	03	110,50
	04	56,00
0202 20 50 900	02	73,50
	03	65,00
	04	32,50
0202 20 90 100	02	73,50
	03	65,00
	04	32,50
0202 30 90 100 (*)	05	112,00
0202 30 90 300	02	171,50
	03	163,00
	04	77,50
	06	163,00
0202 30 90 500 (*)	02	102,50
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
0206 10 95 000	02	102,50
	03	84,00
	04	42,00
	06	102,50
0206 29 91 000	02	102,50
	03	84,00
	04	42,00
	06	102,50
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	102,50
0210 20 90 500 (*)	02	102,50
1602 50 10 110	02	108,00
	03	108,00
	04	108,00
1602 50 10 130	02	96,00
	03	96,00
	04	96,00

(ECU/100 kg)

Product code	Destination (7)	Amount of refund (8)
		— Net weight —
1602 50 10 150	02	77,00
	03	77,00
	04	77,00
1602 50 10 170	02	51,00
	03	51,00
	04	51,00
1602 50 90 110	01	116,00 (9)
1602 50 90 190	01	73,00
1602 50 90 310	01	103,00 (9)
1602 50 90 390	01	65,00
1602 50 90 510	01	77,00 (9)
1602 50 90 590	01	48,50
1602 50 90 700	01	32,50
1602 50 90 800	01	16,00
1602 90 61 110	02	51,00
	03	51,00
	04	51,00
1602 90 69 100	01	32,50
1602 90 69 500	01	16,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82 (OJ No L 4, 8. 1. 1982, p. 11).

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1984, p. 48).

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Lebanon, Cyprus, Botswana, Kenya, Madagascar, Swaziland and Zimbabwe.

03 European third countries, the Canary Islands, Ceuta, Melilla, Lebanon, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and South African third countries, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe.

09 Switzerland.

(8) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

NB: The countries are those in Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 May 1989

concerning aid provided or to be provided by the Spanish Government to Enasa,
an undertaking producing commercial vehicles under the brand 'Pegaso'

(Only the Spanish text is authentic)

(89/633/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas :

I

By letter dated 17 September 1986, the Commission requested from the Spanish Government information concerning an alleged aid in the form of new capital that the Spanish authorities, according to press information, intended to inject in Enasa in 1986.

By letter dated 6 February 1987 from the Spanish Permanent Representation, it was confirmed that the public holding INI contributed in 1986 Ptas 5 000 million to Enasa destined for the finance of extraordinary costs subsequent to adjustments in capacity and employment as well as for the finance of stocks from military production. Information was also given as concerns the capital injections awarded in 1983 and 1985, Enasa's industrial activities, its commercial and financial problems, the ongoing reduction of employment, the future investments and the company's difficulties resulting from Spain's accession to the Community.

On 20 May 1987, the Commission decided to initiate the procedure provided for in Article 93 (2) with respect to the non-notified capital injection provided by the public

holding INI to ENASA for the year 1986. In taking its decision, the Commission considered that in view of the financial performance of the undertaking in question since 1981, which was characterized by losses and heavy indebtedness, the injection of new capital of Ptas 5 000 million cannot be considered as the provision of risk capital according to standard company practice in a market economy and that therefore it constitutes an aid within the meaning of Article 92 (1) of the Treaty.

In view of the overcapacity problems that the commercial and industrial vehicle industries are facing at Community level, and of the lack of an agreed and concise restructuring plan for Enasa, which should not only restore the undertaking's viability but should also contribute in a significant way to the rationalization of the concerned Community industries, the Commission considered that the aid measure in question could not benefit from the exceptions in Article 92 (2) and (3) of the Treaty.

By letter of 25 May 1987 the Commission gave the Spanish Government notice to submit its comments and respond to the precise questions which were raised in the letter. In accordance with Article 93 (2), the other Member States and third parties were also given notice to submit their comments.

II

Within the framework of the procedure, the Spanish Government submitted its observations by letter dated 14 September 1987. In this letter, the Spanish Government expressed its view that the capital injection of Ptas 5 000 million which was contributed by INI on 30 December 1986, cannot be considered as aid in terms of the

Commission's position as public holdings in company capital, cannot fall within Article 92 (1) of the EEC Treaty because it does not affect intra-Community trade, is an existing aid under Article 93 (1) because it was already agreed in 1982 by INI, long before Spain's accession to the Community and covers redundancy costs incurred between 1983 and 1985, has possibly to be considered as compatible with the common market under Article 92 (3) (c) because of the restructuring elements it involved, should partly be considered under Article 92 (3) (a) because 15 % of Enasa's production is realized in a less-favoured area, and part of the public funds fall within the scope of Article 223 (1) (b) of the Treaty because they concern Enasa's military production activities.

Within the same communication the Spanish authorities provided on a strictly confidential basis the main lines of Enasa's restructuring plan for 1987 to 1991 which involves very large future capital injections.

Four other Member States submitted observations under the abovementioned procedure.

III

By letter of 2 October 1987, the Commission requested the notification pursuant to Article 93 (3) of the new aids envisaged within the framework of the 1987 to 1991 restructuring plan.

By letter of 18 December 1987 from its Permanent Representation the Spanish Government notified to the Commission its intention to provide Ptas 96 000 million financial assistance to Enasa through the public holding INI in support of its restructuring plan for 1987 to 1991.

The restructuring plan is designed to restore Enasa's viability by closing its production capacity of vans and light trucks in Valladolid as well as some component capacities and concentrate on the heavy-truck market segments. The plan also provides for an overall reduction employment, financial restructuring, and an investment and R&D programme by which Enasa will rationalize the remaining production facilities and introduce new technologies.

According to the Spanish authorities the contributions of funds from INI for Enasa cannot be considered as aid measures falling under Article 92 (1) because INI, in its position of sole shareholder of Enasa and convinced of the viability of the undertaking, acts in a similar way as a private investor. And even when the contributions contain State aid elements such aid does not fall under Article 92 (1) because it does not affect intra-Community trade nor distort intra-Community competition as set out in that Article. In fact, in 1986 Enasa produced only 8 500 units

which represents only 3 % of total Community production. As total intra-Community trade of trucks reached 81 070 units in 1986, the 314 units of exports by Enasa to other Member States corresponded to only 0,4 %. Moreover, the market share of Enasa in the Spanish truck market decreased again in the first semester of 1987, falling from 18,5 % to 13,9 %. There exists also no evidence that Enasa has distorted competition because there exists no such fact.

On 17 February 1988, the Commission decided to initiate the procedure laid down in Article 93 (2) of the EEC Treaty with respect to the notified public assistance of Ptas 96 000 million in support of Enasa's 1987 to 1991 restructuring plan. In taking its decision, the Commission considered that, in view of the financial performance of the undertaking since 1976 which was characterized by rapidly increasing losses and debts, the contribution of Ptas 96 000 million cannot be considered as the provision of risk capital according to standard company practice in a market economy and that therefore it constitutes an aid within the meaning of Article 92 (1).

In view of the lack of further information on the aid measures and the future restructuring efforts of Enasa, of the sensitivity of the motor vehicle industry, the surplus capacity in the truck and bus industries at Community level, and the link of this aid plan with the pending aid procedure for the same undertaking, the Commission concluded that there was no sufficient ground to believe that the new aid could benefit from one of the exceptions in Article 92 (2) and (3) of the Treaty.

By letter dated 25 February 1987 the Commission gave the Spanish Government notice to submit its comments and respond to the precise questions raised in the letter. In accordance with Article 93 (2), the other Member States and third parties were also given notice to submit their comments.

IV

The Spanish authorities presented their comments on this procedure by letters dated 25 March and 30 September 1988. Detailed information on request of the Commission was also provided by letters of 5 July, 21 November and 25 November 1988 as well as during several bilateral meetings with Commission departments which took place between July 1988 and February 1989.

The information concerns the following aspects of the case :

- description of the restructuring measures,
- description of investments and R&D expenditures,
- production, capacity and trade data,
- financial position and prospects.

- reduction of workforce and cost of redundancy schemes,
- viability forecast at the end of the restructuring plan and market prospects,
- taxation and accounting principles and data,
- pricing strategy of the company and cooperation agreements with other Community truck producers.

It became apparent from the Spanish response of 30 September 1988 that the capital contribution by INI in 1986 amounted to Ptas 12 500 million instead of Ptas 5 000 million, originally communicated. This capital injection should in the opinion of the Spanish authorities not be considered as aid because its contribution was decided already before 1 January 1986, the date of Spain's accession to the Community. In this communication the Spanish authorities extended the time scope of the restructuring plan to the period of 1986 to 1991, reviewed its cost and the company's cash-flow and advanced arguments on the aid content of the envisaged public assistance totalling Ptas 108 500 million (Ptas 12 500 million in 1986 plus Ptas 96 000 million between 1987 and 1991). In their opinion the following elements should not be regarded as aids under Article 92 (1):

- Ptas 44 869 million losses which occurred before Spain's accession, of which Ptas 26 464 million were losses which were booked during the financial years before 1986 and Ptas 18 406 million other losses which will be booked in future years. INI, advised by independent consultants, recognized these losses and the necessity to compensate them by capital contributions. However, due to a lack of funds the capital contributions additional to the Ptas 12 500 million of 1986 were postponed to later years,
- Ptas 21 050 million fiscal credits which INI will pay in order to buy the tax loss advantages of Enasa (similar to any other asset) and is based on the approval by the Spanish Finance Ministry dated 2 February 1987 of the fiscal consolidation for the INI group covering the years 1986 to 1988. A note from the Finance Ministry on the subject was handed over,
- Ptas 9 304 million military investments required by national defensive objectives of which Ptas 5 200 million are purely military and non-disclosed projects and Ptas 4 104 million corresponds to 50 % of the investments which benefit both military and civil products,
- Ptas 16 242 million or the part of the cost of the voluntary redundancies which exceeds the minimum legal requirements and corresponds to normal business practice in Spain. It has to be noted that, according to Spanish Law, enterprises can only make workers redundant on a voluntary and negotiated basis,

- Ptas 6 113 million additional financial charges which the company has to bear since beginning of 1986 due to the delayed capital contributions.

In consequence, according to the Spanish authorities only Ptas 10 908 million should be regarded as aids under Article 92 (1) and the aid intensity would under these assumptions only be 20 % given that the relevant restructuring cost amounts to Ptas 54 000 million.

The purpose of the restructuring plan is to restore the company's viability and according to the Spanish authorities the amounts of public assistance represent a minimum to assure the financial and technical restructuring of the company. At the same time the company undertakes a maximum effort to contribute to the finance of the plan by a drastic reduction of its working capital, by sales of assets and buildings and by a positive cash-flow by the later years of the plan.

Four other Member States submitted observations under the abovementioned procedure.

V

Enasa was created in 1946 by INI, the public holding responsible for the industrial reconstruction in Spain, incorporating the activities and resources of the former Hispano Suiza car company, Spain's pioneer automotive company. Enasa grew in a closed market as an integrated manufacturer for trucks, buses and military vehicles. It attained its historic maximum production in 1974 with 26 000 vehicles, with a labour force of 12 500 persons. Faced with an economic crisis and losses since 1976, which coincided with the opening of the Spanish economy to international trade, INI concluded in 1980 an agreement with International Harvester, the leading US truck producer by which International Harvester obtained a 35 % share in Enasa and introduced an ambitious expansion plan for the development and production of trucks, engines and tractors by Enasa, destined mainly for exports to the US and to Europe. However, in 1982, due to the crisis in the US market, International Harvester pulled back from its involvement in Enasa, abruptly ending the completion of the investment plan. Enasa, which already had invested heavily in the new activities, remained with overcapacity in export products for which the markets were not available anymore, e.g. diesel engines, and with a lack of financial resources for the renewal of its traditional products. As a consequence, Enasa sought new joint-venture partners for a full merger and for development cost-sharing projects: While Enasa did not succeed in finding a merger partner, it concluded technical cooperation agreements with DAF and ZF.

Enasa is presently the biggest truck and bus producer in Spain. It employed in 1987, 6 959 workers and produced 12 980 civil and military vehicles. In Spain it operates four production plants, i.e. in Madrid, Barcelona, Mataró (Barcelona) and Valladolid. Two of its subsidiaries also produce vehicles, i.e. Seddon Atkinson in the United Kingdom and Pegaso Venezuela. Enasa also controls distribution subsidiaries in Spain, France, Benelux and Chile as well as several smaller financing subsidiaries.

In Spain, Enasa has an annual capacity to produce 19 100 vehicles, 23 850 engines, 13 000 gearboxes, 15 000 rear axles, 18 000 cabs and many other smaller components. Seddon Atkinson which operates independently from Enasa, has an annual capacity of 3 600 vehicles.

Enasa is a strong market leader on the Spanish bus and heavy truck markets (40,7 % and 38,2 % respectively in 1987) and has a relatively small position in the Spanish light truck and van markets, where it is offering imported models (VW and MAN) badged Enasa while gradually eliminating its in-house produced range. Seddon Atkinson has a small market position on the United Kingdom truck market. On the European level, Enasa holds some 3 % of the Community market for trucks above 6 tonnes. It however exported in 1987 only some 600 vehicles to other Community countries.

VI

The restructuring plan for Enasa notified to the Commission covers the years 1986 to 1991 and will cost Ptas 138 831 million (some ECU 1 000 million). It foresees the closure of three obsolete production units, i.e. the closure of the manufacturing plant for vans and light trucks in Valladolid, the closure of a component unit in Madrid and the closure of a bus assembly line and of a component unit in Barcelona. The rationalization costs (other than social costs) of these three closures is equivalent to Ptas 2 000 million. By the end of the plan, capacities in Spain will be as follows: 13 280 vehicles (— 31 %), 18 800 engines (— 21 %), 13 000 gearboxes, 15 000 rear axles, 17 300 cabs (— 4 %) and a reduced number of other components.

The surfaces which have to be cleared in two locations will be used for other purposes. In Valladolid a new capacity will be created for the production of special-purpose and military vehicles (annual capacity of 1 080 vehicles). In Madrid the available area will mainly be used for storage.

In order to improve the productivity of the remaining capacities, Ptas 39 394 million will be needed for tangible, financial investments and R&D expenditures. Apart from 1986, the investment budget for 1987 to 1991 can be divided as follows:

(million pesetas)

Modernization of Madrid plants	7 127
Modernization of Barcelona plant	3 441
Modernization of Valladolid plant	510
Product development	7 604
Commercial and financial investments	4 544
R&D expenditures	1 067
Defence	5 200
Other minor projects	1 907
Total	31 400

Through these investments, Enasa will be able to increase its production during the restructuring plan from 11 984 civil vehicles in 1986 to 12 887 (+ 7,5 %), due to higher utilization of remaining capacities. Furthermore, in the product segments where production will be abandoned the company expects to sell in 1991, 8 677 imported vehicles badged Enasa in order to keep or strengthen its market share. As a consequence Enasa will be able to increase its turnover from Ptas 61 800 million in 1986 to Ptas 114 800 million in 1991.

The plan foresees the reduction of labour force from 8 633 employees at the end of 1985 to 5 100 at the end of 1991. The majority of these redundancies will have to take place through expensive voluntary redundancy schemes. The total cost of the social restructuring corresponds, to Ptas 42 891 million.

The restructuring plan also provides for the repayment of Ptas 54 546 million net financial debt by which the financial charges will be reduced to a normal proportion of 3,5 % of turnover by 1991 which compares to 17 % in 1985. At the end of the restructuring plan Enasa will reach a debt level which will be still the double of its equity and the net financial debt will correspond to 23 % of its turnover.

According to the final updated figures submitted by the Spanish authorities, the total cost of Ptas 138 800 million will be financed as follows:

- from the company's own resources through the reduction of working capital, cash flow and sales of assets for Ptas 30 355 million,
- from INI through capital injections, extraordinary contributions and fiscal credits for Ptas 108 436 million.

VII

The European truck industry (6 tonnes and above) has been facing serious problems since 1980 when production was around 421 000 units. Production dropped in 1986 to only 287 000 units, or 32 % lower than in 1980. This was due in part to weak domestic demand, but mainly to a slump in exports which fell from 184 000 to only 90 000 units in 1986. The reductions in exports concentrate in the African and Asian developing countries which suffered from falling oil and commodity prices and where

Japanese competition was particularly strong. This situation led to large degree of overcapacity estimated in 1983/84 to be around 40 %, fierce price competition on the European market and serious financial difficulties for the European producers. In 1983 and 1984 it is estimated that their combined net losses amounted to around ECU 600 million. Since 1984, the peak of the crisis, the European producers have initiated a restructuring process which was translated in reductions in capacity and workforce, and productivity improvements, joint-ventures in product development and since 1986 the withdrawal of several manufacturers (in 1986 GM withdrew, Ford merged with Iveco and in 1987 Leyland merged with DAF). This restructuring enabled the European truck industry to adapt to new levels of demand (overcapacity in 1987 was estimated at 20 %). At present Enasa is the only loss-making truck producer in the Community (exclusion is made for small producers for which complete financial data are not available).

The situation of the European bus industry is very similar to that of the truck industry, also because most Community truck producers manufacture buses.

In Spain there are four producers of commercial vehicles (trucks and/or buses): apart from Enasa, there is RVI (Renault), Motor Iberica (Nissan) and Daimler-Benz. It has to be noted that the commercial vehicle producers in Spain were protected from external competition through an import tariff of 28 % until the date of Spain's accession to the Community. This tariff has been gradually reduced and will be completely eliminated by the end of 1992. The reduction of tariff protection since 1986 has caused a rapid increase of imports into Spain and subsequently led to a loss of market shares of local producers.

VIII

In its examination of the compatibility with the common market of total sums of Ptas 108 436 million of public intervention proposed or already awarded in support of Enasa's restructuring plan, the Commission has verified to what extent these measures constitute aid under Article 92 of the Treaty.

As concerns the Ptas 12 500 million capital injections awarded in 1986, the Spanish authorities provided evidence that the decision to inject this capital was already taken before 1 January 1986, i.e. before Spain's accession to the Community, and were awarded in 1986 only because of INI's budgetary constraints at that time. This amount includes the Ptas 5 000 million for which the Commission initiated the first procedure and which served to finance redundancy costs that occurred in the years 1983 to 1985. It can be considered that the Ptas 12 500 million capital injections which rescued Enasa from receivership in 1986 fall outside the scope of this Decision as they were decided before 1 January 1986, i.e.

before Spain was a Member of the Community and, thus, subject to Community Law.

The remaining financial assistance corresponds to Ptas 95 976 million which was notified to the Commission in connection with the restructuring plan for 1987 to 1991 and consists of three elements:

- Ptas 21 040 million fiscal credits,
- Ptas 34 317 million capital injections,
- Ptas 40 619 million extraordinary contributions.

As for the estimated Ptas 21 040 million fiscal credits, the Spanish authorities have provided evidence by notes of 15 and 24 February 1989 that there exists a very particular tax system in Spain installed by Royal Decree 1414/77 which introduces the possibility of consolidation of the tax carry-forward advantages at group level. The net result of the consolidated group is then the only taxable basis and tax losses of the group can be deducted from future group profits during the next five years. By Ministerial Decree of 2 February 1987 the Spanish Ministry of the Economy and Finance awarded to INI Group the advantage of that system for the fiscal years 1986, 1987 and 1988. During these years, the tax losses generated by Enasa can only be used by the INI Group in as far as the Group is making losses during these years. Enasa automatically loses its rights to benefit from its tax losses generated during these years.

Like other industrial groups in Spain which benefit from this particular tax system, INI has installed a mechanism which distributes the tax payments and advantages over its subsidiaries. Profitable subsidiaries have to pay 35 % to INI while INI awards 28 % of the losses in the form of a fiscal credit to loss-making subsidiaries (27 % up to 1987). This last percentage is based on the maximum degree of fiscal incentives to investments. INI itself has had losses during 1986 and 1987 for which it obtained a tax credit. In 1988 INI has been profitable and will be able to use part of the tax losses it has generated in the previous years. It is expected that INI will also benefit from this system after 1988.

The estimated Ptas 21 040 million fiscal credits are equivalent to the normal tax carry-forward advantages generated by Enasa's losses which benefit the mother company INI. As this amount results from the provisions of the Spanish tax systems, it does not constitute State aid within the meaning of Article 92 (1).

As concerns the Ptas 34 317 million capital injections, Ptas 29 117 million which are destined to compensate past accumulated operating losses and Ptas 5 200 million to reconstitute Enasa's social capital, this amount constitutes State aid within the meaning of Article 92 (1).

The Commission has established its policy as regards State participations in company capital in September 1984 and has informed the Member States hereof by letter dated 17 September 1984. According to this communication, State aid is involved where fresh capital is contributed by the State in circumstances that would not be

acceptable to a private investor operating under normal market economy conditions. This is the case where the financial position of the company, and particularly the structure and volume of its debt, is such that a normal return (in dividends or capital gains) cannot be expected within a reasonable time from the capital invested, or where, because of its inadequate cash-flow, if for no other reason, the company would be unable to raise the funds needed for an investment programme on the capital market.

In view of Enasa's continuous losses which increased dramatically from 1985 onwards (i.e. Ptas 17 000 million in 1985, 24 000 million in 1986 and Ptas 11 000 million in 1987), as well as its deteriorating net debt situation amounting to Ptas 89 300 million at the end of 1986, the capital contributions of Ptas 29 117 million constitute State aid because under the described circumstances a private investor operating under normal market economy conditions would not have undertaken this investment.

The Commission can neither accept the argument that these capital injections cover losses of the period before 1986 given that there was no formal decision, dated before 1986, to inject such amounts.

The remaining capital contribution of Ptas 5 200 million is exclusively linked to military projects imposed under national defence objectives. The investments and specific aids in the military vehicles activities come within the terms of Article 223 (1) (b) of the Treaty and have not, accordingly, been considered in the Commission's assessment in this case.

As concerns the Ptas 40 619 million extraordinary contributions which are destined to compensate for pluriannual restructuring costs, this amount constitutes State aid within the meaning of Article 92 (1). Indeed, the public shareholder provides this amount in order to finance specific extraordinary costs of Enasa, i.e.

- long-term R&D (Ptas 1 363 million),
- exchange rate losses (Ptas 5 218 million),
- voluntary redundancy costs (Ptas 34 038 million).

These costs should normally be borne by the undertaking itself. Through the full coverage by INI of Enasa's extraordinary costs, Enasa obtains an artificial financial advantage compared to its competitors, who have to bear such costs by their own resources. These amounts can neither be considered as investments given that they are awarded by INI in the form of grants without affecting the level of equity capital.

In consequence, of the total sum of Ptas 108 436 million, Ptas 69 736 million constitute State aid in the meaning of

Article 92 (1) considering also the fact that there is intensive intra-Community trade for all products manufactured by Enasa. In fact, total intra-Community trade for large trucks and buses reached 10 147 units in 1987 of which 11 484 units or 11,4 % were exported from Spain to the other Member States. In 1987 Enasa had a market share of 3 % in the Community truck market. Enasa exported in 1986 314 buses and trucks to the other Member States and expects to increase its Community exports by 1991 to 1 740 units. Therefore, the aid affects intra-Community trade and threatens to distort competition within the meaning of Article 92 (1).

IX

Article 92 (3) of the Treaty lists those forms of aid which may be compatible with the common market. Compatibility with the Treaty must be determined in the context of the Community as a whole and not of a single Member State.

In order to safeguard the proper functioning of the common market and taking into account the principles of Article 3 (f), the exceptions from the principle of Article 92 (1) as set out in Article 92 (3) must be construed narrowly when an aid scheme or any individual aid award is scrutinized.

In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to the attainment of one of the said objectives.

With regard to the exceptions provided for in Article 92 (3) (a) and (c) for aid that promotes or facilitates the development of certain areas, the application of the aid measure cannot benefit from the exception provided for in the abovementioned Article. Although one of Enasa's production plants is located in a regional assisted area, i.e. the Valladolid plant, the aid measures under consideration are not intended to specifically develop the region concerned but to restructure a company operating throughout the Member State concerned. Moreover, the aids relate to the financing of a very small amount of investments in such areas. The concept of regional development to which the exception of Article 92 (3) (a) is linked, is based essentially on the provision of aid for new investment or major expansions or conversions of undertakings involving investments of a physical nature and the costs associated with these. In this case, the amount of investments foreseen in the restructuring plan for the Valladolid plant corresponds only to Ptas 510 million, i.e. only 1,5 % of the total investments and 0,4 % of the total restructuring cost.

As regards the exemptions provided for in Article 92 (3) (b), it results from the foregoing that the aid in question was not intended nor suited to promote the execution of an important project of common European interest or to remedy a serious disturbance of the Spanish economy. Furthermore, the Spanish Government has not invoked this.

With regard to the exception provided for in Article 92 (3) (c) of the Treaty in favour of 'aid to facilitate the development of certain economic activities', the Commission may consider certain restructuring aid to be compatible with the common market if the aid is necessary for the development of the sector from a Community standpoint, and does not alter trading conditions to an extent contrary to the common interest⁽¹⁾.

The restructuring plan will reduce the assembly capacity of Enasa by 31 % mainly through the closure of the Valladolid plant where vans and light trucks are manufactured. The component capacity will also be reduced through the closure of two units and an important reduction in engine capacity. The remaining capacities will be modernized and integrated in order to produce a large number of new models covering less market segments. The closed plant of Valladolid will be converted for the manufacture of special purpose and military vehicles.

The Commission analysed the restructuring plan in detail and concluded that it assured the technical, economic and financial recovery of the company through a reduction of the break-even point which will guarantee that the company will in the future operate on a profitable level. The reduction of capacity also ensures that Enasa will not be able to increase its market share in the Community truck and bus market. Furthermore, it is expected that with the further elimination of the tariffs, Enasa's market shares will be further eroded in Spain.

This restructuring contributes to the overall restructuring of the truck and bus industry of the Community. In 1986, when the restructuring plan of Enasa was drawn up, the truck and bus industry was still suffering from a large surplus capacity and all other Community producers were adapting their production and capacity to lower demand by the elimination of surplus capacity for trucks and buses and by reduction of their in-house produced model range. Therefore Enasa contributes in a significant way to the rationalization of the sector concerned at Community level.

In its appreciation the Commission took also account of the fact that Enasa was operating in the past in a well-protected national market without having to face the strong competition from other European manufacturers. This lack of competition had a direct negative bearing on the company's competitiveness and general performance. The access of Spain to the Community and the resulting gradual opening of the Spanish commercial vehicle market to Community competition forced Enasa to adapt its productive structure to the conditions of international competition in a very drastic way and within a relatively short time period. Therefore, the aid contributes to the necessary adaptation of the company to the open competition reigning in the common market.

The situation of Enasa can be compared to some extent with the precarious situation of Renault's and Rover Group's bus and truck subsidiaries two years ago, i.e. RVI, Leyland Bus and Leyland Trucks. This situation is characterized by the continuous loss of market share, an enormous debt burden due to several years of high losses, a productivity level which falls far behind the competitors, an ageing and too-diversified product mix, a lack of integration of the various production sites and last but not least a serious overmanning problem. Also in common is the will of both the company itself and the public shareholder to drastically reorganize the business and make the necessary social sacrifices in order to stop the vicious circle and regain profitability. Such reorganization does not only require a long and continuous technical, economic and financial restructuring effort but also an expensive rationalization programme.

By its decisions of 18 March 1987 concerning the restructuring and privatization of Rover Group's truck and bus subsidiaries and of 29 March 1988 concerning the restructuring of Renault Group which involved also the restructuring of its truck subsidiary RVI, the Commission approved in both cases substantial aid in the form of capital injection. The restructuring plans of both commercial vehicle producers involved substantial capacity reductions and redundancies. In both cases the Commission made sure that the aid was in proportion to the problem it was designed to resolve, that distortions of competition are kept to a minimum and that the recovery of the companies is secured by the end of the restructuring plan.

In the case of Enasa, the Commission came to the conclusion that while the restructuring assures the company's recovery, the envisaged aid must be regarded as excessive when seen in relation to the total restructuring and investment costs. Indeed, the total amount of aid of Ptas 69 736 million is very high as related to the total cost of the restructuring plan for 1987 to 1991 of Ptas

⁽¹⁾ See Judgement of the Court of Justice of 17 September 1980, Case 730/79, Philip Morris/1980/ECR 2671.

128 434 million (excluding the military projects) and represents 54 % ⁽¹⁾. Thus the aid intensity is by far exceeding the anticipated 31 % capacity reduction. It would furthermore place the company in a more favourable financial position than some of its Community competitors.

Consequently, the Commission in consultation with the Spanish authorities has analysed in how far the aid can be reduced without jeopardizing the technical, economic and financial recovery of the company and which would bring the intensity of aid, to be awarded in relation to the total cost of the restructuring plan, in proportion to the problem which the plan will resolve, e.g. the degree of overcapacity in the company which is to be eliminated through capacity reductions.

The Commission concluded that the aid should be reduced by Ptas 23 000 million to Ptas 46 736 million which would bring the aid intensity to 36 %, i.e. which compares to the planned capacity reduction of 31 %. The net financial debt of the group which at the end of 1986 is according to the companies accounts Ptas 89 275 million will be brought down to less than Ptas 50 000 million at the end of 1991. However, both these figures are in the Commission's opinion overestimated because they include at least a Ptas 10 000 million of commercial debt which the Commission was able to identify as working capital and which, following the principles set out in Decision 89/58/EEC ⁽²⁾ concerning the Rover Group, it cannot consider as net financial debt. Therefore, the Commission considers that the company's net financial debt at the end of 1986 and 1991 is respectively Ptas 79 300 million and 40 000 million. Therefore, despite the reduction of the aid by Ptas 23 000 million, the financial debt/turnover ratio will improve from a level of 106 % at the end of 1986 to 35 % by the end of 1991.

The higher financial charges resulting from the reduction of aid volume will not prevent the company from obtaining profitability by the end of the restructuring plan. Furthermore, despite the reduction of the aid, the net worth of the company will improve from minus Ptas 16 600 million before the restructuring plan to an estimated positive value of Ptas 4 400 million at the end of the plan.

The above demonstrates that the success of the technical, economic and financial restructuring will not be endangered through an aid reduction of Ptas 23 000 million. A further reduction of the aid would however seriously endanger the success of the financial part of the restructuring plan.

⁽¹⁾ In view of the absence of an agreed reference interest rate for Spain, the aid amounts and the restructuring costs could not be actualized.

⁽²⁾ OJ No L 25, 28. 1. 1989, p. 92.

In conclusion, the aid of Ptas 46 736 million to be awarded to Enasa will lead to the recovery of the company in technical, economic and financial terms and, through the proposed restructuring, will contribute to the avoidance of structural problems which the Community truck and bus industry still faces and may face in the near future. For these reasons the Commission considers that the aid facilitates the development of the sector concerned at Community level without adversely affecting trading conditions to an extent contrary to the common interest.

The limitation of the trade-distorting effect of the aid depends, however, largely on the future restructuring being carried out within the provisions of the notified restructuring plan in the anticipated period. Moreover, it is necessary to assure that the financial contributions which were not considered aid will not exceed the estimated amounts communicated to the Commission.

Consequently, if the Commission considers that the exception under Article 92 (3) (c) is applicable to Ptas 46 736 million aid to be granted to Enasa up to 1991, its authorization is only valid if certain conditions are respected in order to ensure that trading conditions in the sector concerned are not altered to an extent contrary to the common interest,

HAS ADOPTED THIS DECISION:

Article 1

The aid to Enasa amounting to Ptas 69 736 million which constitutes the aid element of the notified public assistance in support of the restructuring plan for 1987 to 1991 is compatible with the common market pursuant to Article 92 (3) (c) up to a maximum amount of Ptas 46 736 million, and can be awarded provided that the Spanish Government:

1. refrains from granting any further aid in the form of capital contributions and any other form of discretionary aid to Enasa till the end of the year 1991, the end of restructuring plan;
2. ensures that Enasa completes its restructuring plan by the end of 1991 in accordance with the details communicated to the Commission.

Throughout the implementation of the restructuring plan the Spanish Government shall provide the Commission with a half-yearly report on Enasa's restructuring efforts, trading performance, capacity changes, production, pricing policy and intra-Community exports by product as well as on the aid payments and the fiscal credits it received from INI during the previous six months. The first report concerning the first semester of 1989 shall be communicated to the Commission by the end of September 1989.

Article 2

The remaining part of the notified aid to Enasa amounting to Ptas 23 000 million constitutes State aid which is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and shall therefore not be awarded.

Article 3

The Spanish Government shall inform the Commission of the measures taken to comply with this Decision within two months of its notification.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 3 May 1989.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2903/89 of 25 September 1989 amending Regulation (EEC) No 591/79 laying down general rules concerning the production refund for olive oils used in the manufacture of certain preserved foods

(Official Journal of the European Communities No L 280 of 29 September 1989)

Page 3, Article 1 (2):

Article 2 reads as follows:

'A production refund shall be granted in respect of olive oil used in the manufacture of preserved fish falling within CN code 1604, with the exception of CN code 1604 30, preserved crustaceans and molluscs falling within CN code 1605 and preserved vegetables falling within CN codes 2001, 2002, 2003, 2004 and 2005.'

Corrigendum to Council Regulation (EEC) No 3312/89 of 30 October 1989 on the temporary importation of containers

(Official Journal of the European Communities No L 321 of 4 November 1989)

On page 7 in the third line of Article 13:

for: '... of reliefs in respect of ...',

read: '... of particular reliefs in respect of ...'.
