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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 92/89

of 17 January 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 2221/88⁽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 2401/88⁽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 16 January 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 2401/88 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 18 January 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 17 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 17 January 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	19,20	121,56
0712 90 19	19,20	121,56
1001 10 10	51,30	178,71 ⁽¹⁾ ⁽²⁾
1001 10 90	51,30	178,71 ⁽¹⁾ ⁽²⁾
1001 90 91	13,64	115,68
1001 90 99	13,64	115,68
1002 00 00	57,33	110,18 ⁽³⁾
1003 00 10	47,89	117,37
1003 00 90	47,89	117,37
1004 00 10	38,94	71,69
1004 00 90	38,94	71,69
1005 10 90	19,20	121,56 ⁽²⁾ ⁽³⁾
1005 90 00	19,20	121,56 ⁽²⁾ ⁽³⁾
1007 00 90	42,54	131,82 ⁽⁴⁾
1008 10 00	47,89	21,82
1008 20 00	47,89	92,61 ⁽⁵⁾
1008 30 00	47,89	0,00 ⁽⁶⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	47,89	0,00
1101 00 00	33,11	175,97
1102 10 00	94,28	168,27
1103 11 10	92,90	290,38
1103 11 90	34,68	188,96

⁽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 93/89

of 17 January 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 2221/88⁽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 2402/88⁽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 16 January 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 18 January 1989.

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

Done at Brussels, 17 January 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 197, 26. 7. 1988, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 17 January 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 1	1st period 2	2nd period 3	3rd period 4
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	8,11	8,11	8,11
1001 90 99	0	8,11	8,11	8,11
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	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	11,35	11,35	11,35

B. Malt

CN code	(ECU/tonne)				
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	14,44	14,44	14,44	14,44
1107 10 19	0	10,79	10,79	10,79	10,79
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 94/89

of 16 January 1989

amending Regulation (EEC) No 1609/88 as regards the latest time of entry into storage for butter sold under Regulation (EEC) No 3143/85

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 1109/88⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, as provided for in Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced price of intervention butter intended for direct consumption in the form of concentrated butter⁽³⁾, as last amended by Regulation (EEC) No 3036/88⁽⁴⁾, butter put up for sale must have entered storage before a date to be determined; whereas, in view of the level of butter stocks, the date in the first subparagraph of Article 1 of Commission Regulation (EEC) No 1609/88⁽⁵⁾, as last amended by Regulation (EEC) No 3405/88⁽⁶⁾, which fixes the latest time of entry into storage of butter sold under Regulation (EEC) No 3143/85, should be amended;

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

Article 1

The first subparagraph of Article 1 of Regulation (EEC) No 1609/88 is hereby replaced by the following:

'The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 August 1986 or between 1 August and 31 October 1987.'

Article 2

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

It shall apply with effect from 1 February 1989.

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

Done at Brussels, 16 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.
⁽³⁾ OJ No L 298, 12. 11. 1985, p. 9.
⁽⁴⁾ OJ No L 271, 1. 10. 1988, p. 93.
⁽⁵⁾ OJ No L 143, 10. 6. 1988, p. 23.
⁽⁶⁾ OJ No L 299, 1. 11. 1988, p. 59.

COMMISSION REGULATION (EEC) No 95/89

of 17 January 1989

on offers tendered in respect of the seventh invitation to tender issued under the invitation to tender referred to in Regulation (EEC) No 2415/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 4132/88 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas, tenders have been invited for certain quantities of unboned beef and veal fixed by Commission Regulation (EEC) No 2415/88 ⁽³⁾, as amended by Regulation (EEC) No 2602/88 ⁽⁴⁾;

Whereas no fixing of a minimum selling price should be made on the basis of offers received in response to the seventh individual invitation to tender;

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

Article 1

For the seventh individual invitation to tender pursuant to Regulation (EEC) No 2415/88 in respect of which the time limit for the submission of tenders expired on 10 January 1989 no award shall be made.

Article 2

This Regulation shall enter into force on 18 January 1989.

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

Done at Brussels, 17 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽³⁾ OJ No L 208, 2. 8. 1988, p. 11.

⁽⁴⁾ OJ No L 231, 20. 8. 1988, p. 25.

COMMISSION REGULATION (EEC) No 96/89

of 17 January 1989

fixing the export refunds on poultrymeat

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 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 3907/87⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2779/75 of 29 October 1975⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas Commission Regulation (EEC) No 634/86 of 28 February 1986 laying down specific rules on export refunds in the poultrymeat sector following the accession of Portugal and amending Regulation (EEC) No 189/86⁽⁶⁾ established the principle that no Community refund should be granted on poultrymeat products originating in Portugal;

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87⁽⁷⁾, as last amended by Regulation (EEC) No 3174/88⁽⁸⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87⁽⁹⁾, as last amended by Regulation (EEC) No 3825/88⁽¹⁰⁾; whereas that nomenclature should be amended to adjust the refunds fixed to market requirements;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in Annex I hereto. The nomenclature of agricultural products for export refunds in Part 8 of the Annex to amended Regulation (EEC) No 3846/87 shall be amended in accordance with Annex II.

2. The refund referred to in paragraph 1 shall not be granted in respect of exports to Portugal from 1 March 1986.

3. The refund referred to in paragraph 1 shall not be granted in respect of exports of products originating in Portugal.

Article 2

This Regulation shall enter into force on 18 January 1989.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 14.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 15.

⁽⁷⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁸⁾ OJ No L 298, 31. 10. 1988, p. 1.

⁽⁹⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽¹⁰⁾ OJ No L 341, 12. 12. 1988, p. 1.

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

Done at Brussels, 17 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I
to the Commission Regulation of 17 January 1989 fixing the export refunds on
poultrymeat

Product code	Destination of refund (1)	Amount of refund
		ECU/100 units
0105 11 00 000	01	4,20
0105 19 10 000	01	8,40
0105 19 90 000	01	4,20
		ECU/100 kg
0105 91 00 000	01	21,00
0207 10 11 000	01	30,00
0207 10 15 000	04	50,00
	05	37,00
	06	30,00
0207 10 19 100	04	54,00
	05	41,00
	06	30,00
0207 10 19 900	01	30,00
0207 10 31 000	01	30,00
0207 10 39 000	01	30,00
0207 10 51 000	01	37,00
0207 10 55 000	01	37,00
0207 10 59 000	01	37,00
0207 21 10 000	04	50,00
	05	37,00
	06	30,00
0207 21 90 100	04	54,00
	05	41,00
	06	30,00
0207 21 90 900	01	30,00
0207 22 10 000	01	30,00
0207 22 90 000	01	30,00
0207 23 11 000	01	37,00
0207 23 19 000	01	37,00
0207 39 11 110	01	10,00
0207 39 11 190	—	—
0207 39 11 910	—	—
0207 39 11 990	01	60,00
0207 39 13 000	02	42,00
	03	33,00
0207 39 15 000	01	15,00
0207 39 21 000	01	45,00
0207 39 23 000	02	55,00
	03	43,00
0207 39 25 100	02	42,00
	03	33,00
0207 39 25 200	02	42,00
	03	33,00
0207 39 25 300	02	42,00
	03	33,00
0207 39 25 900	—	—
0207 39 31 110	01	10,00
0207 39 31 190	—	—
0207 39 31 910	—	—
0207 39 31 990	01	60,00
0207 39 33 000	01	33,00
0207 39 35 000	01	15,00

Product code	Destination of refund (1)	Amount of refund
		ECU/100 kg
0207 39 41 000	01	45,00
0207 39 43 000	01	22,00
0207 39 45 000	01	43,00
0207 39 47 100	01	15,00
0207 39 47 900	—	—
0207 39 55 110	01	10,00
0207 39 55 190	—	—
0207 39 55 910	—	—
0207 39 55 990	01	60,00
0207 39 57 000	01	44,00
0207 39 65 000	01	15,00
0207 39 73 000	01	45,00
0207 39 77 000	01	43,00
0207 41 10 110	01	10,00
0207 41 10 190	—	—
0207 41 10 910	—	—
0207 41 10 990	01	60,00
0207 41 11 000	02	42,00
	03	33,00
0207 41 21 000	01	15,00
0207 41 41 000	01	45,00
0207 41 51 000	02	55,00
	03	43,00
0207 41 71 100	02	42,00
	03	33,00
0207 41 71 200	02	42,00
	03	33,00
0207 41 71 300	02	42,00
	03	33,00
0207 41 71 900	—	—
0207 42 10 110	01	10,00
0207 42 10 190	—	—
0207 42 10 910	—	—
0207 42 10 990	01	60,00
0207 42 11 000	01	33,00
0207 42 21 000	01	15,00
0207 42 41 000	01	45,00
0207 42 51 000	01	22,00
0207 42 59 000	01	43,00
0207 42 71 100	01	15,00
0207 42 71 900	—	—
0207 43 15 110	01	10,00
0207 43 15 190	—	—
0207 43 15 910	—	—
0207 43 15 990	01	60,00
0207 43 21 000	01	44,00
0207 43 31 000	01	15,00
0207 43 53 000	01	45,00
0207 43 63 000	01	43,00
1602 39 11 100	01	23,00
1602 39 11 900	—	—

(¹) The destinations are as follows:

- 01 All destinations except the United States of America,
- 02 Egypt, Iraq, the Canary Islands, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Iraq, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates and Singapore,
- 05 Canary Islands, Ceuta and Melilla,
- 06 All destinations except the United States of America and those of 04 and 05 above.

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).

ANNEX II

to the Commission Regulation of 17 January 1989 fixing the export refunds on poultrymeat

CN code	Description of goods	Product code
0207 39 25	— — — — — Other:	
	— Halves or quarters without the rump	0207 39 25 100
	— Cuts consisting of whole leg or part of a leg and part of the back, where the weight of the part of the back does not exceed 25 % of the total weight	0207 39 25 200
	— Cuts consisting of both unseparated hindquarters, with or without the rump	0207 39 25 300
	— Other	0207 39 25 900
0207 41 71	— — — — — Other:	
	— Halves or quarters without the rump	0207 41 71 100
	— Cuts consisting of whole leg or part of a leg and part of the back, where the weight of the part of the back does not exceed 25 % of the total weight	0207 41 71 200
	— Cuts consisting of both unseparated hindquarters, with or without the rump	0207 41 71 300
	— Other	0207 41 71 900

COMMISSION REGULATION (EEC) No 97/89

of 17 January 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 3207/88⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 4055/87⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 January 1989.

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

Done at Brussels, 17 January 1989.

For the Commission

M. BANGEMANN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 286, 20. 10. 1988, p. 2.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 379, 31. 12. 1987, p. 1.

ANNEX

to the Commission Regulation of 17 January 1989 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	– Of poultry :	
0407 00 30	– – Other	30,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	– Egg yolks :	
0408 11	– – Dried :	
ex 0408 11 10	– – – Suitable for human consumption : not sweetened	140,00
0408 19	– – Other :	
	– – – Suitable for human consumption :	
ex 0408 19 11	– – – – Liquid : not sweetened	61,00
ex 0408 19 19	– – – – Frozen : not sweetened	67,00
	– Other :	
0408 91	– – Dried :	
ex 0408 91 10	– – – Suitable for human consumption : not sweetened	137,00
0408 99	– – Other :	
ex 0408 99 10	– – – Suitable for human consumption : not sweetened	35,00

COMMISSION REGULATION (EEC) No 98/89

of 17 January 1989

amending Regulation (EEC) No 3061/84 laying down detailed rules for the application of the system of production aid for olive oil

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 2210/88⁽²⁾, and in particular Article 5 (5) thereof,

Whereas olive growers may have olives pressed in a Member State other than that in which they are produced; whereas, in order to ensure proper application of the system of aid, provision should be made for administrative cooperation between the Member State in which the oil was obtained and that in which the olives originated; whereas, in order to ensure effective control of the processing of the olives, the grant of aid should be made conditional on their being pressed at an approved mill;

Whereas the determination of the olive yields and oil yields for the 1987/88 marketing year has been delayed, whereas the time limit for the submission of aid applications for that year should therefore be extended;

Whereas experience has shown that some olive growers who are members of producers' organizations are not interested in the system of production aid; whereas, with a view to the proper application of the system of financing the associations, these growers should be ignored for the purposes of the calculation of such financing;

Whereas technical and health rules are needed to prevent the contamination of olive oil; whereas, to this end, approval of olive mills should be made conditional on compliance with regulations guaranteeing the quality of the product;

Whereas, in determining the number of olive growers to be verified, who are not members of producers' organizations, the fact that the register of olive cultivation is being introduced only gradually in the Member States should be allowed for;

Whereas Commission Regulation (EEC) No 3061/84⁽³⁾, as last amended by Regulation (EEC) No 1337/88⁽⁴⁾, provides that, where there is doubt as to the quantity

actually produced, the Member State concerned is to determine the quantity eligible for aid on the basis of the production potential and standard olive yields and oil yields; whereas, in certain cases where irregularities have been discovered, it has been found that the quantity determined on a standard basis exceeded the quantity in respect of which the aid had been applied for; whereas, to prevent certain growers from being paid too much aid it should be laid down that the quantity eligible for aid may not under any circumstances exceed the quantity in respect of which aid has been applied for;

Whereas experience has shown that the computerized files established by certain Member States do not serve the purpose for which they were intended; whereas, to remedy the situation, the minimum characteristics of those files should be defined more clearly; whereas, in view of the adjustments to be made, extra time should be allowed for completing the files;

Whereas, in the interests of sound administration, detailed rules should be laid down for the calculation of the quantity for which aid is to be granted, both to producers who are paid on a standard basis and to those who are paid in relation to the quantity actually produced; whereas time limits for the payment of the aid should also be fixed;

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

Regulation (EEC) No 3061/84 is hereby amended as follows:

1. The following paragraph 6 is added to Article 1:

'6. Where all or part of the production of an olive grower is pressed in an approved mill located in a Member State other than that in which the olives were harvested, the aid application shall be submitted to the competent agency of the Member State where the oil was produced. In such a case, the latter Member State shall, after having checked the records of the mill concerned, transmit to the Member State of origin of the olives the aid application and the information concerning the check at the mill. The Member State responsible for payment, after having verified that all the requirements for the grant of the aid are met, shall pay the production aid.'

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁴⁾ OJ No L 124, 18. 5. 1988, p. 15.

2. The following subparagraph is added to Article 5 (4):

'However, for the 1987/88 marketing year, aid applications may be submitted up to 20 January 1989.'

3. The following subparagraph is inserted in Article 8 (1) after point b:

'In order to determine the number of members of producers' organizations to be taken into consideration for the purposes of the application of point (a), account shall be taken only of members who have submitted an application to the organization during the period extending over the current and the three previous marketing years.'

4. The following sentence is added to Article 9 (1):

'For the purposes of the approval of mills, Member States shall check observance of the requirements necessary for ensuring that the oil is of proper quality and particularly that it is not contaminated by undesirable substances such as solvents.'

5. Article 10 (2) is replaced by the following:

'2. The checks referred to in Article 14 (4) of Regulation (EEC) No 2261/84 shall apply to the following percentage of the olive growers who are not members of producers' organizations:

- 1 % in the zones where the basic data contained in the register of olive cultivation, provided for in Commission Regulation (EEC) No 2276/79 (*), are available;
- 4 % in the other zones.

Priority must be given to checks on olive growers who have made substantial changes in their production potential.

(*) OJ No L 262, 18. 10. 1979, p. 11.'

6. The following Article 10a is added:

'Article 10a

Where Article 15 (3) of Regulation (EEC) No 2261/84 applies, the quantity of oil eligible for aid belonging to an olive grower who has had all or part of his production of olives pressed by the mill concerned shall not exceed the quantity in respect of which an aid application has been submitted.'

7. Article 11 is replaced by the following:

'Article 11

1. Producer Member States shall establish the computerized files referred to in Article 16 of Regulation (EEC) No 2261/84 within the time limits

and in accordance with the requirements set out below.

Member States shall enter in the files the basic data contained in the register of olive cultivation, as soon as such data become available. Corrections to the basic data shall also be transferred as soon as they become available.

2. All the components of the computerized files must be operational before 31 October 1990. Moreover, Member States shall use the data for the checks as and when the specific files are established.

Producer Member States shall enter in the file the data concerning each marketing year as listed in Article 16 of Regulation (EEC) No 2261/84, as soon as such data become available.

3. The computerized file must satisfy at least the following requirements:

- have sufficient memory capacity for storing in real time all the data relating to the current marketing year plus the four previous marketing years. Provision must be made for storing archive material covering the three marketing years preceding these four,
- allow real-time access to the basic data and production data concerning a plot, a basic administrative unit, an olive grower, a producers' organization or a mill. The identification codes for olive growers and mills must be permanent.

4. Member States shall send the Commission half-yearly reports on the progress of the work on establishment of the files.

Commission staff may make on-the-spot checks on the progress of the work and on the functioning and effectiveness of the system.'

8. In Article 12 (2), point (e) is replaced by the following:

'(e) the average production of virgin olive oil per 100 kilograms of olives.'

9. The following Articles 12a and 12b are added:

'Article 12a

1. For each olive grower, the quantity eligible for aid shall be equal:

- in the case of producers for whom the aid is granted on a standard basis in accordance with the second indent of Article 5 (2) of Regulation No 136/66/EEC, to the quantity of oil resulting from the application of the second subparagraph of Article 2 (4) of Regulation (EEC) No 2261/84 increased to the extent provided for in Article 13 of this Regulation,

- in the case of producers belonging to an organization to whom the aid is granted in relation to the quantity actually produced in accordance with the first indent of Article 5 (2) of Regulation No 136/66/EEC, the quantity of virgin oil actually produced, increased to the extent provided for in Article 13 of this Regulation. However, in the cases specified in Articles 7 and 15 of Regulation (EEC) No 2261/84 the quantity eligible for aid shall be determined by the Member State in accordance with the provisions of those Articles.
- 2. For the purposes of determining the quantity actually produced referred to in paragraph 1, the intervention agency, if any, responsible for paying the aid shall take account in particular of:
 - the basic data contained in the register of olive cultivation concerning production potential. In areas not yet covered by the register the information used shall be that contained in the crop declaration referred to in Article 3 of Regulation (EEC) No 2261/84 and, where appropriate, the results of the checks carried out,
 - the data contained in the computerized files relating to the production situation and the results of the checks carried out pursuant to Regulation (EEC) No 2261/84 for the marketing year concerned.
- 3. For the purposes of fixing the actual production referred to in Article 17a (2) of Regulation (EEC) No 2261/84 the Member States concerned shall inform the

Commission, not later than 31 March following each marketing year, of the quantity on which aid has been granted in each Member State.

Article 12b

1. After fixing the olive and oil yields Member States shall pay the production aid to producers whose average output is lower than the quantity referred to in the second indent of Article 5 (2) of Regulation No 136/66/EEC within 90 days of submission of the particulars provided for in Article 3 (6) of Regulation (EEC) No 2261/84.

2. Member States shall pay the production aid to producers whose average output is higher than the quantity referred to in the first indent of Article 5 (2) of Regulation No 136/66/EEC within 90 days of the determination by the Commission of the actual production for the marketing year concerned and of the unit amount of the production aid provided for in Article 17a (2) of Regulation (EEC) No 2261/84.

Article 2

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

Point 2 in Article 1 shall, however, apply with effect from 1 November 1988.

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

Done at Brussels, 17 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 99/89

of 17 January 1989

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1115/88⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 3939/87⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 26 December 1988, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 1310/88 of 11 May 1988 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat⁽⁵⁾ the weekly amounts of the guide level are set out pursuant to Article 9a (3) of Regulation (EEC) No 1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 26

December 1988, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 26 December 1988, the level of the premium is fixed at 101,011 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 26 December 1988, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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 26 December 1988.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 17 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 17 January 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	47,475	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	101,011	0
0204 21 00	101,011	0
0204 50 11		0
0204 22 10	70,708	
0204 22 30	111,112	
0204 22 50	131,314	
0204 22 90	131,314	
0204 23 00	183,840	
0204 30 00	75,758	
0204 41 00	75,758	
0204 42 10	53,031	
0204 42 30	83,334	
0204 42 50	98,485	
0204 42 90	98,485	
0204 43 00	137,880	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	131,314	
0210 90 19	183,840	
1602 90 71 :		
— unboned (bone-in)	131,314	
— boned or boneless	183,840	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 100/89
of 17 January 1989
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 65/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 January 1989.

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

Done at Brussels, 17 January 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 201, 27. 7. 1988, p. 65.
⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.
⁽⁴⁾ OJ No L 10, 13. 1. 1989, p. 44.

ANNEX

to the Commission Regulation of 17 January 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	37,14 ⁽¹⁾
1701 11 90	37,14 ⁽¹⁾
1701 12 10	37,14 ⁽¹⁾
1701 12 90	37,14 ⁽¹⁾
1701 91 00	44,34
1701 99 10	44,34
1701 99 90	44,34 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 101/89**of 17 January 1989****fixing the maximum export refunds on olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88**

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 2210/88 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3421/88 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3421/88 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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 maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 January 1989.

Article 2

This Regulation shall enter into force on 18 January 1989.

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

Done at Brussels, 17 January 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 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 301, 4. 11. 1988, p. 39.

ANNEX

to the Commission Regulation of 17 January 1989 fixing the maximum export refunds on olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	63,00
1509 10 90 900	104,75
1509 90 00 100	70,00
1509 90 00 900	108,00
1510 00 90 100	17,00
1510 00 90 900	—

NB: The products 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 21 December 1988

authorizing the Member States to institute intra-Community surveillance of the importation for home use of certain iron and steel products originating in certain third countries and covered by the Treaty establishing the European Coal and Steel Community and in free circulation in the Community

(89/28/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to the requests made by the Member States,

Whereas under the provisions of the ECSC Treaty the principle of freedom of movement necessarily applies to products originating in third countries which are in free circulation in the Community;

Whereas these provisions preclude, in the case of intra-Community trade, any requirement, even of a purely formal nature, to submit import to licences or any similar procedure;

Whereas the Commission, in response to the crisis in the iron and steel sector, has adopted measures with both internal and external effects; whereas, in this context, measures have been adopted in respect of imports of certain products originating in certain third countries with a view to ensuring adherence to traditional trade flows between the Community and these countries, including at regional level;

Whereas the combined effect of these measures is not, however, such as to eliminate the risk of deflections of trade in the case of the products in question;

Whereas under these circumstances it is important to ensure that full information is available on prospective imports of products originating in third countries in free

circulation in certain Member States and the terms under which the products concerned are imported; whereas the Member States ought accordingly to be authorized to institute prior surveillance of these imports by making them subject to the issue of an import document;

Whereas this import document must be issued automatically, within a fixed time limit and for all the quantities applied for;

Whereas application of these surveillance measures must be of strictly limited duration;

Whereas, so that checking the origin of imports does not act as a barrier to intra-Community trade, the Member States ought as a general rule to be obliged, as part of the formalities for the importation of a product from another Member State, to confine themselves to asking the importer for a simple declaration on the origin of the product, on the basis of what he may reasonably be expected to know of it;

Whereas it is important that the Member States should keep the Commission regularly informed of the results of the surveillance,

HAS ADOPTED THIS DECISION:

Article 1

1. Each of the Member States mentioned in the Annex is hereby authorized to make imports for home use (hereinafter referred to as 'imports') of the iron and steel products covered by the Treaty establishing the European

Coal and Steel Community listed in the Annex, originating in the third countries mentioned in the Annex and in free circulation in the other Member States, subject to presentation to the relevant authorities of an import document.

2. The import document shall be issued or countersigned by the Member States, without charge and for all the quantities applied for, upon receipt of the relevant application and at the very latest within 10 working days of the date on which the application was lodged, without prejudice to such protection measures as may have been authorized under Article 71, third indent, of the Treaty.

3. The period of validity of the import document shall be three months.

4. Import documents which have been completely used up shall be returned immediately to the department which issued them. Unused or partly used documents shall be returned to the department which issued them within five working days following expiry of their period of validity.

Article 2

1. The importer's application shall provide the following particulars:

- (a) the country of origin and the Member State from which the goods are being imported;
- (b) a description of the goods and the relevant CN code;
- (c) the quantity of the goods in tonnes;
- (d) the name, address, telephone number and telex number of the applicant;
- (e) documentary evidence of release for free circulation; failing such evidence, the import document's validity shall be limited to one month from the date of its issue;
- (f) the characteristics of any seconds or substandard products;
- (g) the reference data of any previous application for an import document in respect of the same products.

The Member States may not request any additional particulars.

2. The importer must attest to the accuracy of his application and submit as supporting evidence two duplicate copies either of the related sales contract or contracts or of the seller's confirmation of the order or orders.

Article 3

1. As part of the formalities for the importation of products of a kind covered by intra-Community surveillance measures, the relevant authorities of the importing Member State may request the importer to indicate the origin of the goods on the customs declaration or on the application for an import document.

2. Supporting documentation may not be requested except in cases where serious, justified doubts exist rendering such documentation indispensable in order to establish the true origin of the goods in question. Nevertheless, the request for such documentation may not, of itself, constitute an impediment to the importation of the goods.

Article 4

1. The Member States shall notify the Commission during the first 10 days of each month of:

- (a) the tonnages in respect of which import documents were issued during the preceding month;
- (b) the tonnages in respect of which import documents expired during the preceding month without having been used totally or partially by the importers;
- (c) the tonnages in respect of which import documents issued previously were totally or partially renewed during the preceding month.

2. The Member States' notifications shall include:

- (a) a breakdown by product, itemized by CN code;
- (b) a breakdown by Member State of consignment and by country of origin.

Article 5

This Decision shall apply from 1 January to 31 December 1989.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

ANNEX

List of products for which an import document must be issued

Member State	Third country of origin
GERMANY	Bulgaria Czechoslovakia Hungary People's Republic of Korea Poland Romania Union of Soviet Socialist Republics

CN code	Description
7201 10 19	
ex 7201 20 00	— containing by weight more than 1 % of silicon
ex 7208 11 00	— containing by weight less than 0,6 % of carbon
ex 7208 12 10	— containing by weight less than 0,6 % of carbon
ex 7208 12 91	— containing by weight less than 0,6 % of carbon
ex 7208 12 99	— containing by weight less than 0,6 % of carbon
ex 7208 13 10	— containing by weight less than 0,6 % of carbon
ex 7208 13 91	— containing by weight less than 0,6 % of carbon
ex 7208 13 99	— containing by weight less than 0,6 % of carbon
ex 7208 14 10	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
ex 7208 14 90	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
ex 7208 21 10	— containing by weight less than 0,6 % of carbon
ex 7208 21 90	— containing by weight less than 0,6 % of carbon
ex 7208 22 10	— containing by weight less than 0,6 % of carbon
ex 7208 22 91	— containing by weight less than 0,6 % of carbon
ex 7208 22 99	— containing by weight less than 0,6 % of carbon
ex 7208 23 10	— containing by weight less than 0,6 % of carbon
ex 7208 23 91	— containing by weight less than 0,6 % of carbon
ex 7208 23 99	— containing by weight less than 0,6 % of carbon
ex 7208 24 10	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
ex 7208 24 90	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
ex 7208 32 10	— containing by weight less than 0,6 % of carbon
ex 7208 32 30	— containing by weight less than 0,6 % of carbon
ex 7208 32 51	— containing by weight less than 0,6 % of carbon
ex 7208 32 59	— containing by weight less than 0,6 % of carbon
ex 7208 32 91	— containing by weight less than 0,6 % of carbon
ex 7208 32 99	— containing by weight less than 0,6 % of carbon
ex 7208 33 10	— containing by weight less than 0,6 % of carbon
ex 7208 33 91	— containing by weight less than 0,6 % of carbon
ex 7208 33 99	— containing by weight less than 0,6 % of carbon
ex 7208 34 10	— containing by weight less than 0,6 % of carbon
ex 7208 34 90	— containing by weight less than 0,6 % of carbon
ex 7208 42 10	— containing by weight less than 0,6 % of carbon
ex 7208 42 30	— containing by weight less than 0,6 % of carbon
ex 7208 42 51	— containing by weight less than 0,6 % of carbon
ex 7208 42 59	— containing by weight less than 0,6 % of carbon
ex 7208 42 91	— containing by weight less than 0,6 % of carbon
ex 7208 42 99	— containing by weight less than 0,6 % of carbon
ex 7208 43 10	— containing by weight less than 0,6 % of carbon
ex 7208 43 91	— containing by weight less than 0,6 % of carbon
ex 7208 43 99	— containing by weight less than 0,6 % of carbon

CN code	Description
ex 7208 44 10	— containing by weight less than 0,6 % of carbon
ex 7208 44 90	— containing by weight less than 0,6 % of carbon
ex 7209 12 90	— containing by weight less than 0,6 % of carbon
ex 7209 13 90	— containing by weight less than 0,6 % of carbon
ex 7209 22 90	— containing by weight less than 0,6 % of carbon
ex 7209 23 90	— containing by weight less than 0,6 % of carbon
ex 7209 32 90	— containing by weight less than 0,6 % of carbon
ex 7209 33 90	— containing by weight less than 0,6 % of carbon
ex 7209 42 90	— containing by weight less than 0,6 % of carbon
ex 7209 43 90	— containing by weight less than 0,6 % of carbon
ex 7211 12 10	— containing by weight less than 0,6 % of carbon
ex 7211 12 90	— containing by weight less than 0,6 % of carbon and of a thickness of 6 mm or less
ex 7211 19 10	— containing by weight less than 0,6 % of carbon, of a thickness of 1,5 mm or more and in coils
	— containing by weight less than 0,6 % of carbon, of a thickness of 3 mm or more and not in coils
ex 7211 19 91	— containing by weight less than 0,6 % of carbon
ex 7211 19 99	— containing by weight less than 0,6 % of carbon
ex 7211 22 10	— containing by weight less than 0,6 % of carbon
ex 7211 22 90	— containing by weight less than 0,6 % of carbon and of a thickness of 6 mm or less
ex 7211 29 10	— containing by weight less than 0,6 % of carbon, of a thickness of 1,5 mm or more and in coils
	— containing by weight less than 0,6 % of carbon and of a thickness of 3 mm or more and not in coils
ex 7211 29 91	— containing by weight less than 0,6 % of carbon
ex 7211 29 99	— containing by weight less than 0,6 % of carbon
ex 7211 30 10	— containing by weight less than 0,6 % of carbon and of a thickness of 0,5 mm or more but less than 3 mm
ex 7211 41 10	— of a thickness of 0,5 mm or more but less than 3 mm
ex 7211 49 10	— containing by weight less than 0,6 % of carbon and of a thickness of 0,5 mm or more but less than 3 mm
ex 7214 20 00	— containing by weight less than 0,6 % of carbon
7214 40 10	
7214 40 91	
7214 40 99	
7214 50 10	
7214 50 91	
7214 50 99	
ex 7216 21 00	— containing by weight less than 0,6 % of carbon
ex 7216 22 00	— containing by weight less than 0,6 % of carbon
ex 7216 31 00	— containing by weight less than 0,6 % of carbon and other than with parallel flanges
ex 7216 32 00	— containing by weight less than 0,6 % of carbon and other than with parallel flanges
ex 7216 40 10	— containing by weight less than 0,6 % of carbon
ex 7216 40 90	— containing by weight less than 0,6 % of carbon
ex 7216 50 10	— containing by weight less than 0,6 % of carbon
ex 7216 50 90	— containing by weight less than 0,6 % of carbon

Member State	Third country of origin
BENELUX	Bulgaria Czechoslovakia German Democratic Republic Hungary Poland Romania Union of Soviet Socialist Republics
CN code (coils)	Description
7208 11 00	
7208 12 10	
7208 12 91	
7208 12 99	
7208 13 10	
7208 13 91	
7208 13 99	
ex 7208 14 10	— of a thickness of 1,5 mm or more
ex 7208 14 90	— of a thickness of 1,5 mm or more
7208 21 10	
7208 21 90	
7208 22 10	
7208 22 91	
7208 22 99	
7208 23 10	
7208 23 91	
7208 23 99	
ex 7208 24 10	— of a thickness of 1,5 mm or more
ex 7208 24 90	— of a thickness of 1,5 mm or more
ex 7211 12 10	— in coils
ex 7211 19 10	— of a thickness of 1,5 mm or more, in coils
ex 7211 22 10	— in coils
ex 7211 29 10	— of a thickness of 1,5 mm or more, in coils
7219 11 10	
7219 11 90	
7219 12 10	
7219 12 90	
7219 13 10	
7219 13 90	
ex 7219 14 10	— of a thickness of 1,5 mm or more
ex 7219 14 90	— of a thickness of 1,5 mm or more
ex 7220 11 00	— in coils, of a width exceeding 500 mm
ex 7220 12 00	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
ex 7225 10 10	— of a thickness of 1,5 mm or more, in coils
ex 7225 20 11	— of a thickness of 1,5 mm or more, in coils
ex 7225 30 00	— of a thickness of 1,5 mm or more
ex 7226 10 10	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
ex 7226 20 10	— of a thickness of 1,5 mm or more, in coils of a width exceeding 500 mm
ex 7226 91 00	— of a thickness of 1,5 mm or more, in coils of a width exceeding 500 mm
7201 10 11	
7201 10 19	
7201 10 30	
7201 10 90	
7201 20 00	
7201 30 10	
7201 30 90	
7201 40 00	
7202 11 10	
7202 11 90	
7202 99 11	

CN code (coils)	Description
ex 7203 90 00	— other than in blocks, lumps and similar forms
ex 7207 19 11	— obtained by continuous casting
ex 7207 19 15	— obtained by continuous casting
7207 19 31	
ex 7207 20 51	— obtained by continuous casting
ex 7207 20 55	— obtained by continuous casting
ex 7207 20 57	— obtained by continuous casting
7207 20 71	
ex 7208 14 10	— containing by weight less than 0,6 % of carbon, of a thickness of less than 1,5 mm
ex 7208 14 90	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
ex 7208 24 10	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
ex 7208 24 90	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
ex 7208 32 10	— containing by weight less than 0,6 % of carbon
ex 7208 32 30	— containing by weight less than 0,6 % of carbon
ex 7208 32 51	— containing by weight less than 0,6 % of carbon
ex 7208 32 59	— containing by weight less than 0,6 % of carbon
ex 7208 32 91	— containing by weight less than 0,6 % of carbon
ex 7208 32 99	— containing by weight less than 0,6 % of carbon
ex 7208 33 10	— containing by weight less than 0,6 % of carbon
ex 7208 33 91	— containing by weight less than 0,6 % of carbon
ex 7208 33 99	— containing by weight less than 0,6 % of carbon
ex 7208 34 10	— containing by weight less than 0,6 % of carbon
ex 7208 34 90	— containing by weight less than 0,6 % of carbon
ex 7208 35 10	— containing by weight less than 0,6 % of carbon
ex 7208 35 91	— containing by weight less than 0,6 % of carbon
ex 7208 35 93	— containing by weight less than 0,6 % of carbon
ex 7208 35 99	— containing by weight less than 0,6 % of carbon
ex 7208 42 10	— containing by weight less than 0,6 % of carbon
ex 7208 42 30	— containing by weight less than 0,6 % of carbon
ex 7208 42 51	— containing by weight less than 0,6 % of carbon
ex 7208 42 59	— containing by weight less than 0,6 % of carbon
ex 7208 42 91	— containing by weight less than 0,6 % of carbon
ex 7208 42 99	— containing by weight less than 0,6 % of carbon
ex 7208 43 10	— containing by weight less than 0,6 % of carbon
ex 7208 43 91	— containing by weight less than 0,6 % of carbon
ex 7208 43 99	— containing by weight less than 0,6 % of carbon
ex 7208 44 10	— containing by weight less than 0,6 % of carbon
ex 7208 44 90	— containing by weight less than 0,6 % of carbon
ex 7208 45 10	— containing by weight less than 0,6 % of carbon
ex 7208 45 91	— containing by weight less than 0,6 % of carbon
ex 7208 45 93	— containing by weight less than 0,6 % of carbon
ex 7208 45 99	— containing by weight less than 0,6 % of carbon
ex 7208 90 10	— simply cut into shapes other than rectangular (including square)
7209 12 10	
7209 12 90	
7209 13 10	
7209 13 90	
7209 14 10	
7209 14 90	
7209 22 10	
7209 22 90	
7209 23 10	
7209 23 90	
7209 24 10	
7209 24 91	

CN code (coils)	Description
7209 24 99	
7209 32 10	
7209 32 90	
7209 33 10	
7209 33 90	
7209 34 10	
7209 34 90	
7209 42 10	
7209 42 90	
7209 43 10	
7209 43 90	
7209 44 10	
7209 44 90	
ex 7209 90 10	— simply cut into shapes other than rectangular (including square)
ex 7210 11 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 12 11	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 12 19	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 20 10	— simply cut into shapes other than rectangular (including square)
ex 7210 31 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 39 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 41 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 49 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 50 10	— simply cut into shapes other than rectangular (including square)
ex 7210 60 11	— simply cut into shapes other than rectangular (including square)
ex 7210 60 19	— simply cut into shapes other than rectangular (including square)
ex 7210 70 11	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
	— simply cut into shapes other than rectangular (including square)
ex 7210 70 19	— simply cut into shapes other than rectangular (including square)
ex 7210 90 31	— simply cut into shapes other than rectangular (including square)
ex 7210 90 33	— simply cut into shapes other than rectangular (including square)
ex 7210 90 35	— simply cut into shapes other than rectangular (including square)
ex 7210 90 39	— simply cut into shapes other than rectangular (including square)
ex 7211 12 10	— not in coils and containing by weight less than 0,6 % of carbon
ex 7211 12 90	— of a thickness of 6 mm or less
ex 7211 19 10	— not in coils, containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
	— containing by weight less than 0,6 % of carbon and of a thickness of less than 1,5 mm
7211 19 91	
7211 19 99	
ex 7211 22 10	— not in coils and containing by weight less than 0,6 % of carbon
ex 7211 22 90	— of a thickness of 6 mm or less
ex 7211 29 10	— not in coils, containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
	— containing by weight less than 0,6 % of carbon and of a thickness of less than 1,5 mm
7211 29 91	
7211 29 99	

CN code (coils)	Description
ex 7211 30 10	— of a thickness of less than 3 mm
	— 'electrical'
ex 7211 41 10	— of a thickness of less than 3 mm
	— 'electrical'
ex 7211 41 91	— of a thickness of less than 6 mm
ex 7211 49 10	— of a thickness of less than 3 mm
	— 'electrical'
ex 7212 10 10	— containing by weight less than 0,6 % of carbon
ex 7212 10 91	— containing by weight less than 0,6 % of carbon
ex 7212 21 11	— containing by weight less than 0,6 % of carbon
ex 7212 29 11	— containing by weight less than 0,6 % of carbon
ex 7212 30 11	— containing by weight less than 0,6 % of carbon
ex 7212 40 10	— containing by weight less than 0,6 % of carbon
ex 7212 60 91	— of a thickness of 6 mm or less and containing by weight less than 0,6 % of carbon
7213 10 00	
7213 20 00	
7213 31 00	
7213 39 00	
7213 41 00	
7213 49 00	
7213 50 00	
7214 20 00	
7214 30 00	
7214 40 10	
7214 40 91	
7214 40 99	
7214 50 10	
7214 50 91	
7214 50 99	
7214 60 00	
7216 10 00	
7216 21 00	
7216 22 00	
7216 31 00	
7216 32 00	
7216 33 00	
7216 40 10	
7216 40 90	
7216 50 10	
7216 50 90	
ex 7216 90 10	— containing by weight less than 0,6 % of carbon
7218 90 50	
ex 7219 14 10	— of a thickness of less than 1,5 mm
ex 7219 14 90	— of a thickness of less than 1,5 mm
ex 7219 21 10	— other than rolled on four faces or in a closed box pass
ex 7219 21 90	— other than rolled on four faces or in a closed box pass
ex 7219 22 10	— other than rolled on four faces or in a closed box pass
ex 7219 22 90	— other than rolled on four faces or in a closed box pass
7219 23 10	
7219 23 90	
7219 24 10	
7219 24 90	
7219 33 10	
7219 33 90	
7219 34 10	
7219 34 90	
7219 35 10	
7219 35 90	
ex 7219 90 11	— simply cut into shapes other than rectangular (including square)
ex 7219 90 19	— simply cut into shapes other than rectangular (including square)

CN code (coils)	Description
ex 7220 11 00	— other than rolled on four faces or in a closed box pass, other than in coils, and of width exceeding 500 mm
ex 7220 12 00	— other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
ex 7220 20 10	— of a thickness of less than 3 mm
7221 00 10	
7221 00 90	
7222 10 11	
7222 10 19	
7222 10 91	
7222 10 99	
7222 40 11	
7222 40 19	
7224 90 30	
ex 7225 10 10	— not in coils and of a thickness of 1,5 mm or more
	— of a thickness of less than 1,5 mm
7225 10 91	
7225 10 99	
ex 7225 20 11	— other than rolled on four faces or in a closed box pass, other than in coils and of a thickness of 1,5 mm or more
ex 7225 20 19	— of a thickness of less than 3 mm
ex 7225 20 30	— simply cut into shapes other than rectangular (including square)
ex 7225 30 00	— of a thickness of less than 1,5 mm
ex 7225 40 10	— other than rolled on four faces or in a closed box pass
ex 7225 40 30	— other than rolled on four faces or in a closed box pass
ex 7225 40 50	— other than rolled on four faces or in a closed box pass
7225 40 70	
7225 40 90	
ex 7225 50 00	— of a thickness of less than 3 mm
ex 7225 90 10	— simply cut into shapes other than rectangular (including square)
ex 7226 10 10	— other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
7226 10 30	
ex 7226 20 10	— other than rolled on four faces or in a closed box pass, other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
ex 7226 20 31	— of a thickness of less than 3 mm
ex 7226 91 00	— other than rolled on four faces or in a closed box pass, other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
ex 7226 92 10	— of a thickness of less than 3 mm
7227 10 00	
7227 20 00	
7227 90 10	
7227 90 90	
7228 10 10	
7228 20 11	
7228 20 19	
7228 30 10	
7228 30 90	
7228 70 10	
7228 80 10	
ex 7228 80 90	— containing by weight less than 0,6 % of carbon
7301 10 00	

Member State	Third country of origin
ITALY	Bulgaria Czechoslovakia German Democratic Republic Hungary People's Republic of Korea Poland Romania Union of Soviet Socialist Republics
CN code	Description
Same products as for Benelux, plus :	
7209 11 00 7209 21 00 7209 31 00 7209 41 00 ex 7215 90 10 7219 31 10 7219 31 90 7219 32 10 7219 32 90 7222 10 30 7222 30 10 7223 10 30 7223 20 30 7223 70 31	— of free-cutting steel

Member State	Third country of origin			
UNITED KINGDOM	Bulgaria			
	Czechoslovakia			
	German Democratic Republic			
	Hungary			
	People's Republic of Korea			
	Poland			
	Romania			
Union of Soviet Socialist Republics				
CN code				
7201 10 11	7208 32 99	7209 90 10	7214 40 91	7220 90 31
7201 10 19	7208 33 10	7210 11 10	7214 40 99	7221 00 10
7201 10 30	7208 33 91	7210 12 11	7214 50 10	7221 00 90
7201 10 90	7208 33 99	7210 12 19	7214 50 91	7222 10 11
7201 20 00	7208 34 10	7210 20 10	7214 50 99	7222 10 19
7201 30 10	7208 34 90	7210 31 10	7214 60 00	7222 10 91
7201 30 90	7208 35 10	7210 39 10	7215 90 10	7222 10 99
7201 40 00	7208 35 91	7210 41 10	7216 10 00	7222 30 10
7202 11 10	7208 35 93	7210 49 10	7216 21 00	7222 40 11
7202 11 90	7208 35 99	7210 50 10	7216 22 00	7222 40 19
7203 90 00	7208 41 00	7210 60 11	7216 31 00	7222 40 30
7204 50 10	7208 42 10	7210 60 19	7216 32 00	7224 10 00
7204 50 90	7208 42 30	7210 70 11	7216 33 00	7224 90 11
7206 10 00	7208 42 51	7210 70 19	7216 40 10	7224 90 30
7206 90 00	7208 42 59	7210 90 31	7216 40 90	7225 10 10
7207 11 11	7208 42 91	7210 90 33	7216 50 10	7225 10 91
7207 11 19	7208 42 99	7210 90 35	7216 50 90	7225 10 99
7207 12 11	7208 43 10	7210 90 39	7216 90 10	7225 20 11
7207 12 19	7208 43 91	7211 11 00	7218 10 00	7225 20 19
7207 19 11	7208 43 99	7211 12 10	7218 90 11	7225 20 30
7207 19 15	7208 44 10	7211 12 90	7218 90 13	7225 30 00
7207 19 31	7208 44 90	7211 19 10	7218 90 15	7225 40 10
7207 20 11	7208 45 10	7211 19 91	7218 90 19	7225 40 30
7207 20 15	7208 45 91	7211 19 99	7218 90 50	7225 40 50
7207 20 17	7208 45 93	7211 21 00	7219 11 10	7225 40 70
7207 20 31	7208 45 99	7211 22 10	7219 11 90	7225 40 90
7207 20 33	7208 90 10	7211 22 90	7219 12 10	7225 50 00
7207 20 51	7209 11 00	7211 29 10	7219 12 90	7225 90 10
7207 20 55	7209 12 10	7211 29 91	7219 13 10	7226 10 10
7207 20 57	7209 12 90	7211 29 99	7219 13 90	7226 10 30
7207 20 71	7209 13 10	7211 30 10	7219 14 10	7226 20 10
7208 11 00	7209 13 90	7211 41 10	7219 14 90	7226 20 31
7208 12 10	7209 14 10	7211 41 91	7219 21 10	7226 20 51
7208 12 91	7209 14 90	7211 49 10	7219 21 90	7226 20 71
7208 12 99	7209 21 00	7211 90 11	7219 22 10	7226 91 00
7208 13 10	7209 22 10	7212 10 10	7219 22 90	7226 92 10
7208 13 91	7209 22 90	7212 10 91	7219 23 10	7226 99 11
7208 13 99	7209 23 10	7212 21 11	7219 23 90	7226 99 31
7208 14 10	7209 23 90	7212 29 11	7219 24 10	7227 10 00
7208 14 90	7209 24 10	7212 30 11	7219 24 90	7227 20 00
7208 21 10	7209 24 91	7212 40 10	7219 31 10	7227 90 10
7208 21 90	7209 24 99	7212 40 91	7219 31 90	7227 90 90
7208 22 10	7209 31 00	7212 50 31	7219 32 10	7228 10 10
7208 22 91	7209 32 10	7212 50 51	7219 32 90	7228 10 30
7208 22 99	7209 32 90	7212 60 11	7219 33 10	7228 20 11
7208 23 10	7209 33 10	7212 60 91	7219 33 90	7228 20 19
7208 23 91	7209 33 90	7213 10 00	7219 34 10	7228 20 30
7208 23 99	7209 34 10	7213 20 00	7219 34 90	7228 30 10
7208 24 10	7209 34 90	7213 31 00	7219 35 10	7228 30 90
7208 24 90	7209 41 00	7213 39 00	7219 35 90	7228 60 10
7208 31 00	7209 42 10	7213 41 00	7219 90 11	7228 70 10
7208 32 10	7209 42 90	7213 49 00	7219 90 19	7228 70 31
7208 32 30	7209 43 10	7213 50 00	7220 11 00	7228 80 10
7208 32 51	7209 43 90	7214 20 00	7220 12 00	7228 80 90
7208 32 59	7209 44 10	7214 30 00	7220 20 10	7301 10 00
7208 32 91	7209 44 90	7214 40 10	7220 90 11	

Member State	Third country of origin
DENMARK	Bulgaria Czechoslovakia German Democratic Republic Hungary Poland Romania Union of Soviet Socialist Republics

CN code

7201 10 11
7201 10 19
7201 10 30
7201 10 90
7201 20 00
7201 30 10
7201 30 90
7201 40 00

Member State	Third country of origin
IRELAND	Bulgaria Czechoslovakia German Democratic Republic Hungary People's Republic of Korea Poland Romania Union of Soviet Socialist Republics

CN code

7202 11 10
7202 11 90
7203 90 00
7204 50 90
7206 10 00
7206 90 00
7207 11 19
7207 12 11
7207 12 19
7207 20 15
7207 20 31
7207 20 33
7208 12 10
7208 13 10
7208 14 10
7208 22 10
7208 23 10
7208 24 10
7211 12 10
7211 19 10
7211 22 10
7211 29 10

Member States		Third country of origin			
FRANCE SPAIN PORTUGAL		Argentina Brazil Bulgaria Czechoslovakia German Democratic Republic Hungary Japan Mexico People's Republic of Korea Poland Romania Union of Soviet Socialist Republics Venezuela Yugoslavia			
CN code					
7201 10 11	7208 24 10	7209 23 90	7211 29 91	7218 90 11	7222 40 19
7201 10 19	7208 24 90	7209 24 10	7211 29 99	7218 90 13	7222 40 30
7201 10 30	7208 31 00	7209 24 91	7211 30 10	7218 90 15	7224 10 00
7201 10 90	7208 32 10	7209 24 99	7211 41 10	7218 90 19	7224 90 30
7201 20 00	7208 32 30	7209 31 00	7211 41 91	7218 90 50	7225 10 10
7201 30 10	7208 32 51	7209 32 10	7211 49 10	7219 11 10	7225 10 91
7201 30 90	7208 32 59	7209 32 90	7211 90 11	7219 11 90	7225 10 99
7201 40 00	7208 32 91	7209 33 10	7212 10 10	7219 12 10	7225 20 11
7202 11 10	7208 32 99	7209 33 90	7212 10 91	7219 12 90	7225 20 19
7202 11 90	7208 33 10	7209 34 10	7212 21 11	7219 13 10	7225 20 30
7202 99 11	7208 33 91	7209 34 90	7212 29 11	7219 13 90	7225 30 00
7203 90 00	7208 33 99	7209 41 00	7212 30 11	7219 14 10	7225 40 10
7204 50 10	7208 34 10	7209 42 10	7212 40 10	7219 14 90	7225 40 30
7204 50 90	7208 34 90	7209 42 90	7212 40 91	7219 21 10	7225 40 50
7206 10 00	7208 35 10	7209 43 10	7212 50 31	7219 21 90	7225 50 00
7206 90 00	7208 35 91	7209 43 90	7212 50 51	7219 22 10	7225 90 10
7207 11 19	7208 35 93	7209 44 10	7212 60 11	7219 22 90	7226 10 10
7207 12 11	7208 35 99	7209 44 90	7212 60 91	7219 23 10	7226 10 30
7207 12 19	7208 41 00	7209 90 10	7213 10 00	7219 23 90	7226 20 10
7207 19 11	7208 42 10	7210 11 10	7213 20 00	7219 24 10	7226 20 31
7207 19 15	7208 42 30	7210 12 11	7213 31 00	7219 24 90	7226 20 51
7207 19 31	7208 42 51	7210 12 19	7213 39 00	7219 31 10	7226 20 71
7207 20 15	7208 42 59	7210 20 10	7213 41 00	7219 31 90	7226 91 00
7207 20 31	7208 42 91	7210 31 10	7213 49 00	7219 32 10	7226 92 10
7207 20 33	7208 42 99	7210 39 10	7214 20 00	7219 32 90	7226 99 11
7207 20 51	7208 43 10	7210 41 10	7214 30 00	7219 33 10	7226 99 31
7207 20 55	7208 43 91	7210 49 10	7214 40 10	7219 33 90	7227 20 00
7207 20 57	7208 43 99	7210 50 10	7214 40 91	7219 34 10	7227 90 10
7207 20 71	7208 44 10	7210 60 11	7214 40 99	7219 34 90	7227 90 90
7208 11 00	7208 44 90	7210 60 19	7214 50 10	7219 35 10	7228 10 30
7208 12 10	7208 45 10	7210 70 11	7214 50 91	7219 35 90	7228 20 11
7208 12 91	7208 45 91	7210 70 19	7214 50 99	7219 90 11	7228 20 19
7208 12 99	7208 45 93	7210 90 31	7214 60 00	7219 90 19	7228 20 30
7208 13 10	7208 45 99	7210 90 33	7215 90 10	7220 11 00	7228 30 10
7208 13 91	7208 90 10	7210 90 35	7216 10 00	7220 12 00	7228 30 90
7208 13 99	7209 11 00	7210 90 39	7216 21 00	7220 20 10	7228 60 10
7208 14 10	7209 12 10	7211 11 00	7216 22 00	7220 90 11	7228 70 10
7208 14 90	7209 12 90	7211 12 10	7216 31 00	7220 90 31	7228 70 31
7208 21 10	7209 13 10	7211 12 90	7216 32 00	7221 00 10	7228 80 10
7208 21 90	7209 13 90	7211 19 10	7216 33 00	7221 00 90	7228 80 90
7208 22 10	7209 14 10	7211 19 91	7216 40 10	7222 10 11	7301 10 00
7208 22 91	7209 14 90	7211 19 99	7216 40 90	7222 10 19	
7208 22 99	7209 21 00	7211 21 00	7216 50 10	7222 10 91	
7208 23 10	7209 22 10	7211 22 10	7216 50 90	7222 10 99	
7208 23 91	7209 22 90	7211 22 90	7216 90 10	7222 30 10	
7208 23 99	7209 23 10	7211 29 10	7218 10 00	7222 40 11	

COMMISSION DECISION

of 19 December 1988

authorizing the concentration between Eschweiler Bergwerks-Verein
Aktiengesellschaft, Herzogenrath, and Ruhrkohle Aktiengesellschaft, Essen

(Only the French and German texts are authentic)

(89/29/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 65 and 66 thereof,

Having regard to Decision No 24/54 of 6 May 1954 laying down in implementation of Article 66 (1) of the Treaty a Regulation on what constitutes control of an undertaking⁽¹⁾,

Having regard to the application submitted jointly on 28 March 1988 by Ruhrkohle Aktiengesellschaft, Essen and Eschweiler Bergwerks-Verein Aktiengesellschaft, Herzogenrath, seeking authorization for the concentration of the two undertakings,

Having obtained the comments of the Government of the Federal Republic of Germany,

Whereas :

(1) Ruhrkohle Aktiengesellschaft (RAG) is a coal-producing undertaking within the meaning of Article 80 of the Treaty; it was established in 1969 when 23 undertakings operating in the Ruhr coalfield in the Federal Republic of Germany combined their mining assets and transferred them to it⁽²⁾. After numerous changes in the interests held, the following undertakings currently hold shares in RAG's share capital :

— VEBA Aktiengesellschaft Bonn/Berlin	37,103 %
— BGE — Beteiligungs-Gesellschaft für Energieunternehmen, Dortmund	21,735 %
— Thyssen Stahl AG, Duisburg	12,69 %
— Montan, Verwaltungsgesellschaft mbH, Dortmund	10 %
— Société Nouvelle Sidéchar, Paris	8,255 %
— Gewerkschaft Alte Haase, Dortmund	0,217 %
— Verwaltungsgesellschaft Ruhrkohle-Beteiligung mbH, Essen	10 %

RAG produced 58 100 000 tonnes in 1987, making it the second largest coal producer in the Community after British Coal. Total sales in 1987 (with coke converted into coal) amounted to 56 800 000 tonnes, equivalent to 18 % of the sales of all suppliers of coal and coal products in the common market (320 million tonnes). Of this figure, 51 400 000 tonnes were accounted for by sales in the Federal Republic of Germany, 4 900 000 tonnes by sales to Community countries and 500 000 tonnes by exports to non-Community countries. RAG's sales in the Federal Republic amount to some 73 % of the total sales of all indigenous coalfields in the Federal Republic.

(2) Eschweiler Bergwerks-Verein Aktiengesellschaft (EBV) is also a coal-producing undertaking within the meaning of Article 80 of the Treaty, 96,5 % of whose share capital is held by Arbed SA, Luxembourg. The Arbed group controls a number of steel-producing undertakings in the Community whose supplies of coking coal and blast-furnace coke are largely provided by EBV's mining operations in the Aachen and Ruhr coalfields.

(3) The merger is based on economic, technical and industrial policy considerations which may be summarized as follows: the level of production costs, a continuing decline in demand for coal and coal products in the Community and on non-Community markets, the technical impossibility of closing mines for only temporary periods and the need in present circumstances for public subsidizing of production will in the near future result in appropriate closure measures in the German coal mining industry. At a meeting (Kohlenrunde) held on 11 December 1987 between the Federal Government, the Governments of the Federal Länder of North Rhine-Westphalia and Saarland, the mining undertakings and the Mining and Power Industries Trade Union, it was proposed that the production capacity of the German coal mining industry should be reduced by the order of 13 to 15 million tonnes a year to take account of the decline in sales. It is intended to carry out the

⁽¹⁾ OJ of the ECSC No 9, 11. 5. 1954, p. 345.

⁽²⁾ Commission Decision of 27 November 1969.

necessary measures (uninfluenced by owners' interests) on the basis of the principle that production should be concentrated on the most efficient plants and that the problems resulting from reduced demand for labour should be redeployed in such a way that the most favourable conditions are created for solving them. The transfer of EBV's mining assets to RAG serves this goal. Because of the exhaustion of coal deposits, production by EBV's operations in the Aachen coalfield will be halted in 1992, affecting some 5 000 persons, i.e. more than half of EBV's workforce.

- (4) Consequently, the relevant increase in capacity for RAG results solely from EBV's Westfalen mine situated in the Ruhr coalfield and from the coking plant attached to it.
- (5) It is intended that the transaction would take the form of RAG acquiring 96,5 % of EBV's capital from Arbed SA. In return, Arbed SA would acquire 6,5 % of RAG's shares from Ruhrkohle's own stock through acquisition of 65 % of the shares in the management company Ruhrkohle Beteiligung mbH.
- (6) The main point of the transaction is the transfer of the mining assets of Arbed SA to RAG. The acquisition of RAG shares by Arbed SA is of only accessory character as it constitutes a purely financial holding with no perceptible influence on the control of RAG. Consequently, the only relevant transaction for the purposes of Article 66(1) and the one taken as the basis for assessment is the transfer of assets.

II

- (7) The transfer to RAG of Arbed's mining assets combined within EBV will result in a concentration within the meaning of Article 66(1). Under Article 66(2), such concentrations may be authorized if it is ensured that the proposed transaction will not give the undertakings concerned the power:
 - to determine prices, to control or restrict production or distribution or to hinder effective competition in a substantial part of the market for the relevant products,
 - to evade the rules of competition instituted under the Treaty, in particular by establishing

an artificially privileged position involving a substantial advantage in access to supplies or markets.

- (8) In view of the above, assessment of the proposed transaction is confined to the effects which incorporation of the Westfalen mine into RAG will have on competition. The relevant production amounts to some 2 200 000 tonnes a year, i.e. approximately the tonnage of blast furnace coke supplied to Arbed's Luxembourg plants by EBV.
- (9) RAG will take over a supply contract between Arbed and EBV which runs until 31 December 1999 and under which the parties have agreed that the total blast furnace coke requirement of Arbed's Luxembourg works will be supplied.
- (10) The transaction will not put RAG in a position to determine prices in this respect. For reasons of competition, Community coal producers have to align their coking coal and blast-furnace coke prices on the prices (at the place of destination) of such fuels from non-Community countries. The German coalfields are able to do so only because the Federal Government grants them aid in accordance with Commission Decision (ECSC) No 2064/86⁽¹⁾. These conditions governing pricing will continue to apply unaltered to RAG even after the inclusion of EBV.
- (11) In view of the more than unsatisfactory profit situation of the German coal industry as a result of rising production costs, competition from non-Community coal and alternative sources of energy and the Federal Government's growing unwillingness to grant aid, it is not to be expected that the proposed transaction will have any influence on RAG's market position. Although RAG produced some 58 million tonnes of coal in 1987 (equivalent to some 70 % of the total production of all coalfields in the Federal Republic of Germany), as the result of the Kohlenrunde meeting, which is intended to bring about a lasting solution to the abovementioned difficulties of the German coal mining industry, the absorption of the Westfalen coal mine (2 200 000 tonnes a year) will be offset by planned closures of RAG mines accounting for some 10 million tonnes a year.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

- (12) In view of the structurally unfavourable economic conditions governing coal production and the continuing difficulties in sales, the proposed transaction will not place RAG in an artificially privileged position that would give it any significant advantage in access to markets.

III

- (13) The contract to be transferred to RAG tends to restrict competition on the common market for blast furnace coke in that it commits the parties to the exclusive supply and purchase of Arbed's requirements of blast furnace coke. However, the agreement can be authorized on the basis that it is justified by the necessity to rationalize. It is, therefore, strictly analogous to a specialization agreement. Indeed, it takes account of the particular circumstances of Arbed's Luxembourg plants which use ore mined in Arbed's French mines (Minette). This iron ore is different to the rich ore used elsewhere, requiring blast furnaces of a different design and special coke properties. In this situation only a long-term contract will ensure that Arbed's requirements are met. Additionally, the transfer of the supply contract to RAG forms part of the restructuring programme for the German coal industry, which includes the planned closure of many of EBV's operations and the employment of its workforce by RAG. The authorization can be given for the duration of the contract as it is an integral part of the merger.

- (14) The proposed transaction therefore satisfies the conditions for authorization under Articles 65 and 66 and can be authorized,

HAS ADOPTED THIS DECISION:

Article 1

The acquisition of 96,5 % of the capital of Eschweiler Bergwerks-Verein Aktiengesellschaft by Ruhrkohle Aktiengesellschaft, Essen, is hereby authorized.

Article 2

The supply contract between Arbed SA and Eschweiler Bergwerks-Verein Aktiengesellschaft is hereby authorized. This authorization is valid for the whole period of its duration, i.e. until 31 December 1999.

Article 3

This Decision is addressed to Ruhrkohle Aktiengesellschaft, Essen, and Arbed SA Luxembourg.

Done at Brussels, 19 December 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION**of 21 December 1988****concerning the areas referred to Article 3 (2) of Council Regulation (EEC) No 328/88 instituting a Community programme to assist the conversion of steel areas (Resider programme)****(Only the German text is authentic)****(89/30/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 328/88 of 2 February 1988 instituting a Community programme to assist the conversion of steel areas (Resider programme)⁽¹⁾, and in particular Article 3 (2) thereof,

Whereas Article 3 (2) of Regulation (EEC) No 328/88 stipulates that the Community programme shall apply to areas which satisfy the criteria specified in Article 3 (1) and the threshold values set out in Article 4 (1) of that Regulation;

Whereas the Member State concerned must submit an application in respect of the areas to which the Community programme is to apply; whereas the Federal Republic of Germany has submitted such an application to the Commission in respect of the area of Central Upper Palatinate;

Whereas that area satisfies the abovementioned criteria,

HAS ADOPTED THIS DECISION:

Article 1

The area of Central Upper Palatinate in the Federal Republic of Germany is hereby found to satisfy the criteria in Article 3 (1) and the threshold values in Article 4 (1) of Regulation (EEC) No 328/88. The Community programme instituted by that Regulation shall therefore apply to that area.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21 December 1988.

For the Commission

Peter SCHMIDHUBER

Member of the Commission⁽¹⁾ OJ No L 33, 5. 2. 1988, p. 1.