

Official Journal

of the European Communities

ISSN 0378-6978

L 44

Volume 32

16 February 1989

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 371/89 of 15 February 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 372/89 of 15 February 1989 fixing the premiums to be added to the import levies on cereals, flour and malt	3
* Commission Regulation (EEC) No 373/89 of 14 February 1989 establishing unit values for the determination of the customs value of certain perishable goods	5
Commission Regulation (EEC) No 374/89 of 14 February 1989 amending Regulation (EEC) No 3662/88 and increasing to 200 000 tonnes the amount of durum wheat held by the Italian intervention agency for which a standing invitation to tender for resale has been opened	8
Commission Regulation (EEC) No 375/89 of 15 February 1989 opening an invitation to tender for the sale of olive oil held by the Italian intervention agency	9
Commission Regulation (EEC) No 376/89 of 15 February 1989 opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency	11
Commission Regulation (EEC) No 377/89 of 15 February 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	13
Commission Regulation (EEC) No 378/89 of 15 February 1989 fixing the amount of aid for peas, field beans and sweet lupins	15
* Commission Regulation (EEC) No 379/89 of 15 February 1989 amending Regulations (EEC) No 584/75 and (EEC) No 3197/73 laying down detailed rules for the application of the system of tendering for export refunds and levies in the rice sector	22

* Commission Regulation (EEC) No 380/89 of 15 February 1989 repealing Regulation (EEC) No 3935/88 and (EEC) No 3936/88 fixing the quantitative restrictions on imports into Portugal of certain fruit and vegetables from third countries and from the Canary Islands	23
* Commission Regulation (EEC) No 381/89 of 15 February 1989 continuing the promotional and publicity measures in respect of milk and milk products referred to in Regulation (EEC) No 723/78	24
* Commission Regulation (EEC) No 382/89 of 15 February 1989 on measures to facilitate the implementation of Council Directive 85/397/EEC on health and animal-health problems affecting intra-Community trade in heat-treated milk	28
Commission Regulation (EEC) No 383/89 of 15 February 1989 introducing a new countervailing charge on fresh lemons originating in Cyprus, and repealing Regulation (EEC) No 327/89	31
Commission Regulation (EEC) No 384/89 of 15 February 1989 introducing a countervailing charge on fresh lemons originating in Israel	33
Commission Regulation (EEC) No 385/89 of 15 February 1989 amending Regulation (EEC) No 328/89 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)	35
Commission Regulation (EEC) No 386/89 of 15 February 1989 fixing the import levy on molasses	36
Commission Regulation (EEC) No 387/89 of 15 February 1989 fixing the maximum export refund for white sugar for the 41st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88	37
Commission Regulation (EEC) No 388/89 of 15 February 1989 fixing the import levies on white sugar and raw sugar	38

II *Acts whose publication is not obligatory*

Council

89/117/EEC:

* Council Directive of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents	40
---	----

89/118/EEC:

* Council Decision of 13 February 1989 on a European stimulation plan for economic science (1989 to 1992) (SPES)	43
--	----

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 371/89

of 15 February 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 166/89 ⁽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 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 14 February 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 16 February 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, 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, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 February 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	20,50	125,59
0712 90 19	20,50	125,59
1001 10 10	53,13	168,69 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	168,69 ⁽¹⁾ ⁽²⁾
1001 90 91	30,85	116,98
1001 90 99	30,85	116,98
1002 00 00	58,63	110,43 ⁽⁴⁾
1003 00 10	49,19	117,69
1003 00 90	49,19	117,69
1004 00 10	40,25	74,02
1004 00 90	40,25	74,02
1005 10 90	20,50	125,59 ⁽²⁾ ⁽³⁾
1005 90 00	20,50	125,59 ⁽²⁾ ⁽³⁾
1007 00 90	43,84	135,89 ⁽⁴⁾
1008 10 00	49,19	22,31
1008 20 00	49,19	57,27 ⁽⁴⁾
1008 30 00	49,19	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	49,19	0,00
1101 00 00	57,38	177,96
1102 10 00	96,27	169,67
1103 11 10	95,80	274,91
1103 11 90	60,70	190,93

⁽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 372/89

of 15 February 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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽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 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 14 February 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 February 1989.

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

Done at Brussels, 15 February 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 20, 25. 1. 1989, 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 15 February 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 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0,16	0,16	0
0712 90 19	0	0,16	0,16	0
1001 10 10	0	0	0	8,88
1001 10 90	0	0	0	8,88
1001 90 91	0	0	0	0,98
1001 90 99	0	0	0	0,98
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	0,16	0,16	0
1005 90 00	0	0,16	0,16	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	0	0	1,37

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	1,74	1,74
1107 10 19	0	0	0	1,30	1,30
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 373/89**of 14 February 1989****establishing unit values for the determination of the customs value of certain perishable goods**

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 Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3773/87⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 1989.

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

Done at Brussels, 14 February 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	26,50	1 158	215,01	55,28	188,13	4 609	20,70	40 309	62,42	16,94
1.20	0702 00 10 0702 00 90	Tomatoes	59,51	2 602	482,91	124,17	422,53	10 353	46,50	90 531	140,20	38,04
1.30	0703 10 19	Onions (other than sets)	12,61	551	102,34	26,31	89,54	2 194	9,85	19 186	29,71	8,06
1.40	0703 20 00	Garlic	174,08	7 611	1 412,49	363,19	1 235,89	30 283	136,03	264 800	410,09	111,29
1.50	ex 0703 90 00	Leeks	33,95	1 484	275,54	70,85	241,09	5 907	26,53	51 655	79,99	21,70
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	42,33	1 851	343,52	88,32	300,57	7 364	33,08	64 399	99,73	27,06
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea var. italica</i>)	122,33	5 384	992,58	255,22	868,48	21 280	95,59	186 079	288,17	78,20
1.100	ex 0704 90 90	Chinese cabbage	32,00	1 399	259,71	66,78	227,24	5 568	25,01	48 688	75,40	20,46
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	82,13	3 591	666,43	171,36	583,11	14 287	64,18	124 936	193,48	52,50
1.120	ex 0705 29 00	Endives	39,82	1 741	323,10	83,08	282,71	6 927	31,11	60 573	93,80	25,45
1.130	ex 0706 10 00	Carrots	21,56	937	170,68	44,80	151,01	3 583	16,69	33 191	50,50	14,33
1.140	ex 0706 90 90	Radishes	110,65	4 837	897,80	230,85	785,55	19 248	86,46	168 311	260,66	70,73
1.150	0707 00 11 0707 00 19	Cucumbers	132,67	5 800	1 076,48	276,79	941,89	23 079	103,67	201 808	312,53	84,81
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	183,35	8 016	1 487,75	382,54	1 301,74	31 896	143,28	278 908	431,94	117,22
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna spp., Phaseolus spp.</i>)	228,69	9 998	1 855,60	477,13	1 623,60	39 782	178,70	347 869	538,73	146,20
1.180	ex 0708 90 00	Broad beans	58,25	2 547	472,67	121,53	413,58	10 133	45,52	88 612	137,23	37,24
1.190	0709 10 00	Globe artichokes	102,79	4 494	834,08	214,46	729,80	17 882	80,32	156 366	242,16	65,71
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	674,94	29 509	5 476,45	1 408,16	4 791,75	117 411	527,41	1 026 669	1 589,98	431,49
1.200.2	ex 0709 20 00	— other	185,53	8 111	1 505,43	387,09	1 317,21	32 275	144,98	282 223	437,07	118,61
1.210	0709 30 00	Aubergines (egg-plants)	150,66	6 587	1 222,44	314,32	1 069,60	26 208	117,72	229 171	354,91	96,31
1.220	ex 0709 40 00	Celery stalks and leaves	44,05	1 926	357,45	91,91	312,76	7 663	34,42	67 011	103,78	28,16
1.230	0709 51 30	Chantarelles	660,65	28 685	5 250,36	1 368,47	4 657,88	110 953	510,76	1 022 231	1 542,93	437,30
1.240	0709 60 10	Sweet peppers	80,69	3 528	654,77	168,36	572,91	14 038	63,05	122 751	190,10	51,59
1.250	0709 90 50	Fennel	28,94	1 265	234,84	60,38	205,47	5 034	22,61	44 025	68,18	18,50
1.260	0709 90 70	Courgettes	82,77	3 619	671,65	172,70	587,67	14 399	64,68	125 914	195,00	52,91
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	81,99	3 573	658,40	170,36	582,01	14 177	63,82	125 542	192,34	53,17
2.10	ex 0802 40 00	Chestnuts (<i>Castanea spp.</i>), fresh	71,58	3 124	577,39	149,21	508,93	12 383	55,77	109 540	168,40	45,76
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	35,41	1 548	287,35	73,88	251,42	6 160	27,67	53 869	83,42	22,64
2.30	ex 0804 30 00	Pineapples, fresh	50,66	2 215	411,07	105,69	359,67	8 813	39,58	77 064	119,34	32,38
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	195,43	8 544	1 585,70	407,73	1 387,45	33 996	152,71	297 272	460,38	124,93
2.50	ex 0804 50 00	Guavas and mangoes, fresh	155,62	6 804	1 262,71	324,68	1 104,84	27 071	121,60	236 721	366,60	99,48
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	39,62	1 732	321,47	82,66	281,28	6 892	30,96	60 267	93,33	25,32

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	33,10	1 447	268,59	69,06	235,01	5 758	25,86	50 353	77,98	21,16
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	21,73	948	175,34	45,31	154,55	3 760	16,93	33 265	51,13	13,89
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	49,91	2 182	405,01	104,14	354,37	8 683	39,00	75 928	117,58	31,91
2.70.2	ex 0805 20 30	— Monreales and Satsumas	38,11	1 666	309,23	79,51	270,56	6 629	29,78	57 971	89,77	24,36
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	71,31	3 113	568,29	148,47	503,48	11 890	55,37	110 122	167,62	46,11
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	65,51	2 864	531,57	136,68	465,11	11 396	51,19	99 654	154,33	41,88
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	36,34	1 588	294,86	75,81	258,00	6 321	28,39	55 278	85,60	23,23
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	137,40	6 007	1 114,89	286,67	975,50	23 902	107,37	209 009	323,69	87,84
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	35,95	1 572	291,73	75,01	255,26	6 254	28,09	54 691	84,69	22,98
2.90.2	ex 0805 40 00	— pink	53,75	2 350	436,14	112,14	381,61	9 350	42,00	81 763	126,62	34,36
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	201,67	8 817	1 636,36	420,75	1 431,77	35 082	157,59	306 768	475,08	128,92
2.110	0807 10 10	Water-melons	13,01	565	103,78	26,98	91,95	2 192	10,05	20 118	30,42	8,53
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	84,44	3 692	685,19	176,18	599,52	14 690	65,98	128 453	198,93	53,98
2.120.2	ex 0807 10 90	— Other	180,95	7 911	1 468,25	377,53	1 284,68	31 478	141,40	275 253	426,28	115,68
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	47,98	2 098	389,36	100,11	340,68	8 347	37,49	72 993	113,04	30,67
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	85,54	3 740	694,09	178,47	607,31	14 881	66,84	130 122	201,51	54,68
2.150	0809 10 00	Apricots	163,41	7 144	1 325,90	340,93	1 160,13	28 426	127,69	248 566	384,95	104,46
2.160	0809 20 10 0809 20 90	Cherries	142,33	6 213	1 148,11	296,70	1 011,97	24 623	110,90	217 814	334,85	90,99
2.170	ex 0809 30 00	Peaches	153,60	6 716	1 246,36	320,47	1 090,53	26 721	120,03	233 656	361,85	98,20
2.180	ex 0809 30 00	Nectarines	104,38	4 563	846,96	217,78	741,07	18 158	81,56	158 780	245,90	66,73
2.190	0809 40 11 0809 40 19	Plums	136,03	5 947	1 103,77	283,81	965,77	23 664	106,30	206 924	320,46	86,96
2.200	0810 10 10 0810 10 90	Strawberries	398,58	17 426	3 234,06	831,57	2 829,72	69 336	311,46	606 289	938,95	254,81
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	193,15	8 445	1 567,23	402,98	1 371,28	33 600	150,93	293 809	455,01	123,48
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	146,59	6 409	1 189,46	305,84	1 040,75	25 501	114,55	222 989	345,34	93,71
2.230	ex 0810 90 90	Pomegranates	64,94	2 834	523,88	135,38	461,76	11 235	50,60	99 388	152,79	41,52
2.240	ex 0810 90 90	Khakis	118,21	5 168	959,17	246,63	839,25	20 564	92,37	179 817	278,48	75,57
2.250	ex 0810 90 90	Lychees	266,24	11 640	2 160,27	555,47	1 890,17	46 314	208,04	404 985	627,19	170,20

COMMISSION REGULATION (EEC) No 374/89

of 15 February 1989

amending Regulation (EEC) No 3662/88 and increasing to 200 000 tonnes the amount of durum wheat held by the Italian intervention agency for which a standing invitation to tender for resale has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular Article 7 (6) thereof,

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

Whereas Commission Regulation (EEC) No 3662/88 ⁽⁵⁾ opened a standing invitation to tender for the resale of 150 000 tonnes of durum wheat held by the Italian intervention agency;

Whereas in the present situation on the market the quantity of durum wheat held by the Italian intervention agency put up for sale on the internal market of the

Community should be increased to 200 000 tonnes and the last partial invitation to tender should be postponed;

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 3662/88 is hereby amended as follows:

1. In Article 1 'of 150 000 tonnes' is replaced by 'of 200 000 tonnes'.
2. Article 2 (2) is replaced by the following:
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 11 April 1989'.

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 February 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 20, 25. 1. 1989, p. 16.
⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.
⁽⁵⁾ OJ No L 318, 25. 11. 1988, p. 16.

COMMISSION REGULATION (EEC) No 375/89

of 15 February 1989

opening an invitation to tender for the sale of olive oil held by the Italian intervention agency

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⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 136/66/EEC, the Italian intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in lampant virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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 Italian intervention agency, 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender in accordance

with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

- approximately 11 000 tonnes of virgin lampant olive oil,
- approximately 4 000 tonnes of olive residue oil.

Article 2

The invitation to tender shall be published on 16 February 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach AIMA at the central office, via Palestro 81, Rome, Italy not later than 2 p.m. (local time) on 23 February 1989.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is registered as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 1 500 tonnes, for virgin lampant olive oil, and 500 tonnes for olive residue oil.

Article 4

1. With regard to virgin lampant olive, tenders shall be submitted for an oil of 5° acidity.

With regard to olive residue oil, tenders shall be submitted for an oil of 10° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

A. Virgin lampant olive oil:

- up to 5° acidity:
increase of Lit 528,6 for each tenth of a degree of acidity below 5°,

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

- above 5° up to 8° acidity :
reduction of Lit 528,6 for each tenth of a degree of acidity above 5°,
- above 8° :
additional reduction of Lit 578,2 for each tenth of a degree above 8°.

B. Olive residue oil :

- below 10° down to 8° acidity :
an increase of Lit 350 for each tenth of a degree of acidity below 10°,
- below 8° :
an additional increase of Lit 300 for each tenth of a degree below 8°,
- above 10° :
a reduction of Lit 350 for each tenth of a degree above 10°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tenders received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation

No 136/66/EEC, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the seventh day of each month following that during which the tenders were submitted.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 30 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 4 000 per 100 kilograms.

Article 9

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 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 376/89

of 15 February 1989

opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 136/66/EEC of the Council 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 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 629/86⁽⁴⁾, the Spanish intervention agency holds in stock large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85⁽⁶⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in lampant virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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 Spanish intervention agency 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'SENPA', shall open an invitation to tender in accordance with the

provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 10 000 tonnes of lampant virgin olive oil.

By way of derogation from Article 5 (2) of Regulation (EEC) No 2960/77, SENPA shall, where the quantity of oil in a container exceeds 500 tonnes, be authorized to establish several lots with part only of that oil.

Article 2

The invitation to tender shall be published on 16 February 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of SENPA, calle Beneficencia, 8, Madrid 28003, Spain.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach SENPA, calle Beneficencia, 8, Madrid 28003, Spain, not later than 2 p.m. (local time) on 23 February 1989. Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is registered as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 1 500 tonnes.

Article 4

1. Tenders shall be submitted for an oil of 3° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:
 - up to 3° acidity:
 - increase of Pta 49,35 for each tenth of a degree of acidity below 3°,
 - above 3° up to 8° acidity:
 - reduction of Pta 49,35 for each tenth of a degree of acidity above 3°,
 - above 8°:
 - additional reduction of Pta 53,98 for each tenth of a degree above 8°.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 60, 1. 3. 1986, p. 8.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 5

Not later than one day after the expiry of the time limit laid down for the submission of tenders, SENPA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by SENPA not later than the fifth working day after the date of notification of the decision referred to in Article 6.

SENPA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Pta 3 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Pta 400 per 100 kilograms.

Article 10

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 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 377/89

of 15 February 1989

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter

must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- 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 refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 February 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,84 ⁽¹⁾	
1701 11 90 910	31,70 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,84 ⁽¹⁾	
1701 12 90 910	31,70 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3679
1701 99 10 100	36,79	
1701 99 10 910	36,59	
1701 99 10 950	36,59	
1701 99 90 100		0,3679

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

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

COMMISSION REGULATION (EEC) No 378/89

of 15 February 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 1105/88⁽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 1988/89 marketing year was fixed by Regulation (EEC) No 2255/88⁽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 Regulation (EEC) No 2258/88⁽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;

⁽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 110, 29. 4. 1988, p. 18.

⁽⁷⁾ OJ No L 199, 26. 7. 1988, p. 1.

⁽⁸⁾ OJ No L 199, 26. 7. 1988, p. 5.

⁽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.

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession of Spain and Portugal 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 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 1935/87⁽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 the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87⁽²⁾ ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecu 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 1988/89 marketing year, has been fixed by Commission Regulation (EEC) No 2731/88⁽³⁾ ;

Whereas, since there are no valid activating threshold or guide prices for the 1989/90 marketing year for peas, field

beans and sweet lupins or intervention price for barley, the amount of the subsidy in the case of advance fixing for this marketing year for peas, field beans and sweet lupins has only been calculated provisionally on the basis of the latest price proposals and associated measures from the Commission to the Council ; whereas that amount must be applied provisionally only and will have to be confirmed or replaced when the prices and related measures for the 1989/90 marketing year are known,

HAS ADOPTED THIS REGULATION :

Article 1

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

2. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 16 February 1989 to take into account, where appropriate, the effects of the application of the activating price for these products for the 1989/90 marketing year and, particularly those concerning maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 16 February 1989.

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

Done at Brussels, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 185, 4. 7. 1987, p. 21.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 5.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 116.

ANNEX I

Gross aid

Products intended for human consumption :

(in ECU per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 ⁽¹⁾	6th period 8 ⁽¹⁾
Peas used :							
— in Spain	6,583	6,763	6,943	6,943	6,943	5,503	5,503
— in Portugal	6,625	6,805	6,985	6,985	6,985	5,545	5,545
— in another Member State	6,940	7,120	7,300	7,300	7,300	5,860	5,860
Field beans used :							
— in Spain	6,940	7,120	7,300	7,300	7,300	5,860	5,860
— in Portugal	6,625	6,805	6,985	6,985	6,985	5,545	5,545
— in another Member State	6,940	7,120	7,300	7,300	7,300	5,860	5,860

(¹) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

Products used in animal feed :

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
A. Peas used :							
— in Spain	8,468	8,605	8,785	9,605	9,605	8,165	8,165
— in Portugal	8,138	8,273	8,453	9,300	9,300	7,860	7,860
— in another Member State	8,582	8,720	8,900	9,710	9,710	8,270	8,270
B. Field beans used :							
— in Spain	9,576	9,890	10,150	10,538	10,538	9,098	9,098
— in Portugal	9,283	9,601	9,864	10,264	10,264	8,824	8,824
— in another Member State	9,678	9,990	10,250	10,633	10,633	9,193	9,193
C. Sweet lupins harvested in Spain and used :							
— in Spain	8,281	8,224	8,224	9,317	9,317	9,629	9,629
— in Portugal	7,841	7,782	7,782	8,911	8,911	9,223	9,223
— in another Member State	8,434	8,377	8,377	9,457	9,457	9,769	9,769
D. Sweet lupins harvested in another Member State and used :							
— in Spain	9,431	9,374	9,374	10,467	10,467	10,467	10,467
— in Portugal	8,991	8,932	8,932	10,061	10,061	10,061	10,061
— in another Member State	9,584	9,527	9,527	10,607	10,607	10,607	10,607

(¹) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	335,11	343,80	352,49	352,49	352,49	282,96	282,96
— Denmark (Dkr)	61,36	62,95	64,54	64,54	64,54	51,81	51,81
— Federal Republic of Germany (DM)	16,39	16,81	17,24	17,24	17,24	13,84	13,84
— Greece (Dr)	526,12	554,52	582,91	582,91	582,91	355,75	355,75
— Spain (Pta)	1 120,20	1 147,93	1 175,66	1 175,66	1 175,66	953,81	953,81
— France (FF)	52,59	53,96	55,32	55,32	55,32	44,40	44,40
— Ireland (£ Irl)	5,837	5,989	6,141	6,141	6,141	4,926	4,926
— Italy (Lit)	11 465	11 762	12 060	12 060	12 060	9 681	9 681
— Netherlands (Fl)	18,37	18,85	19,32	19,32	19,32	15,51	15,51
— Portugal (Esc)	1 304,77	1 338,61	1 372,45	1 372,45	1 372,45	1 101,72	1 101,72
— United Kingdom (£)	4,677	4,799	4,920	4,920	4,920	3,948	3,948

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

Amounts to be deducted in the case of :

- Peas used in Spain (Pta) : 55,05,
- Peas, and field beans used in Portugal (Esc) : 59,22.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	414,40	421,06	429,75	468,87	468,87	399,33	399,33
— Denmark (Dkr)	75,88	77,10	78,69	85,85	85,85	73,12	73,12
— Federal Republic of Germany (DM)	20,26	20,59	21,01	22,93	22,93	19,53	19,53
— Greece (Dr)	829,61	850,24	878,64	1 028,35	1 028,35	801,19	801,19
— Spain (Pta)	1 369,17	1 390,53	1 418,26	1 541,08	1 541,08	1 319,24	1 319,24
— France (FF)	65,05	66,10	67,46	73,61	73,61	62,68	62,68
— Ireland (£ Irl)	7,224	7,341	7,493	8,177	8,177	6,962	6,962
— Italy (Lit)	14 177	14 405	14 703	16 041	16 041	13 662	13 662
— Netherlands (Fl)	22,72	23,08	23,56	25,70	25,70	21,89	21,89
— Portugal (Esc)	1 613,48	1 639,42	1 673,26	1 825,55	1 825,55	1 554,82	1 554,82
— United Kingdom (£)	5,786	5,880	6,001	6,548	6,548	5,576	5,576
Amounts to be deducted in the case of use :							
— Spain (Pta)	17,58	17,73	17,73	16,19	16,19	16,19	16,19
— Portugal (Esc)	83,48	84,04	84,04	77,08	77,08	77,08	77,08

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

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	70,56	7,72	0,13	0,52	0,00	0,00	0,00	0,26
— Denmark (Dkr)	0,00	0,00	0,00	12,92	1,41	0,02	0,10	0,00	0,00	0,00	0,05
— Federal Republic of Germany (DM)	0,00	0,00	0,00	3,45	0,38	0,01	0,03	0,00	0,00	0,00	0,01
— Greece (Dr)	0,00	0,00	0,00	270,09	29,55	0,50	1,99	0,00	0,00	0,00	1,01
— Spain (Pta)	0,00	0,00	0,00	221,58	24,24	0,41	1,63	0,00	0,00	0,00	0,83
— France (FF)	0,00	0,00	0,00	11,09	1,21	0,02	0,08	0,00	0,00	0,00	0,04
— Ireland (£ Irl)	0,000	0,000	0,000	1,235	0,135	0,002	0,009	0,000	0,000	0,000	0,005
— Italy (Lit)	0	0	0	2414	264	4	18	0	0	0	9
— Netherlands (Fl)	0,00	0,00	0,00	3,87	0,42	0,01	0,03	0,00	0,00	0,00	0,01
— Portugal (Esc)	0,00	0,00	0,00	274,74	30,06	0,51	2,02	0,00	0,00	0,00	1,03
— United Kingdom (£)	0,000	0,000	0,000	0,987	0,108	0,002	0,007	0,000	0,000	0,000	0,004

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	467,32	482,39	494,94	513,43	513,43	443,90	443,90
— Denmark (Dkr)	85,57	88,33	90,63	94,01	94,01	81,28	81,28
— Federal Republic of Germany (DM)	22,85	23,59	24,20	25,11	25,11	21,71	21,71
— Greece (Dr)	1 032,18	1 084,97	1 128,15	1 198,94	1 198,94	971,78	971,78
— Spain (Pta)	1 535,35	1 583,10	1 622,96	1 681,03	1 681,03	1 459,19	1 459,19
— France (FF)	73,36	75,73	77,70	80,61	80,61	69,69	69,69
— Ireland (£ Irl)	8,150	8,414	8,633	8,957	8,957	7,742	7,742
— Italy (Lit)	15 988	16 503	16 933	17 566	17 566	15 187	15 187
— Netherlands (Fl)	25,62	26,44	27,13	28,15	28,15	24,33	24,33
— Portugal (Esc)	1 819,53	1 878,19	1 927,07	1 999,08	1 999,08	1 728,35	1 728,35
— United Kingdom (£)	6,527	6,737	6,913	7,172	7,172	6,200	6,200
Amounts to be deducted in the case of use :							
— Spain (Pta)	15,73	15,42	15,42	14,65	14,65	14,65	14,65
— Portugal (Esc)	74,26	73,13	72,57	69,37	69,37	69,37	69,37

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

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	70,56	7,72	0,13	0,52	0,00	0,00	0,00	0,26
— Denmark (Dkr)	0,00	0,00	0,00	12,92	1,41	0,02	0,10	0,00	0,00	0,00	0,05
— Federal Republic of Germany (DM)	0,00	0,00	0,00	3,45	0,38	0,01	0,03	0,00	0,00	0,00	0,01
— Greece (Dr)	0,00	0,00	0,00	270,09	29,55	0,50	1,99	0,00	0,00	0,00	1,01
— Spain (Pta)	0,00	0,00	0,00	221,58	24,24	0,41	1,63	0,00	0,00	0,00	0,83
— France (FF)	0,00	0,00	0,00	11,09	1,21	0,02	0,08	0,00	0,00	0,00	0,04
— Ireland (£ Irl)	0,000	0,000	0,000	1,235	0,135	0,002	0,009	0,000	0,000	0,000	0,005
— Italy (Lit)	0	0	0	2 414	264	4	18	0	0	0	9
— Netherlands (Fl)	0,00	0,00	0,00	3,87	0,42	0,01	0,03	0,00	0,00	0,00	0,01
— Portugal (Esc)	0,00	0,00	0,00	274,74	30,06	0,51	2,02	0,00	0,00	0,00	1,03
— United Kingdom (£)	0,000	0,000	0,000	0,987	0,108	0,002	0,007	0,000	0,000	0,000	0,004

ANNEX VII

Partial aid

Sweet lupins intended for used in animal feed :

(in national currency per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (')	6th period 8 (')
Products harvested in :							
— BLEU (Bfrs/Lfrs)	462,78	460,03	460,03	512,18	512,18	512,18	512,18
— Denmark (Dkr)	84,74	84,23	84,23	93,78	93,78	93,78	93,78
— Federal Republic of Germany (DM)	22,63	22,49	22,49	25,04	25,04	25,04	25,04
— Greece (Dr)	966,88	956,34	956,34	1 155,95	1 155,95	1 240,71	1 240,71
— Spain (Pta)	1 525,40	1 516,76	1 516,76	1 680,52	1 680,52	1 672,91	1 672,91
— France (FF)	72,65	72,21	72,21	80,41	80,41	80,41	80,41
— Ireland (£ Irl)	8,069	8,021	8,021	8,934	8,934	8,936	8,936
— Italy (Lit)	15 833	15 739	15 739	17 523	17 523	17 523	17 523
— Netherlands (Fl)	25,37	25,22	25,22	28,08	28,08	28,08	28,08
— Portugal (Esc)	1 801,86	1 791,14	1 791,14	1 994,19	1 994,19	1 994,19	1 994,19
— United Kingdom (£)	6,463	6,424	6,424	7,154	7,154	7,155	7,155
Amounts to be deducted in the case of use in :							
— Spain (Pta)	23,59	23,59	23,59	21,59	21,59	21,59	21,59
— Portugal (Esc)	111,49	111,86	111,86	102,65	102,65	102,65	102,65

(') Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

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	51,32	5,61	0,10	0,38	0,00	0,00	0,00	0,19
— Denmark (Dkr)	0,00	0,00	0,00	9,40	1,03	0,02	0,07	0,00	0,00	0,00	0,04
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,51	0,27	0,00	0,02	0,00	0,00	0,00	0,01
— Greece (Dr)	0,00	0,00	0,00	196,43	21,49	0,37	1,45	0,00	0,00	0,00	0,74
— Spain (Pta)	0,00	0,00	0,00	161,15	17,63	0,30	1,19	0,00	0,00	0,00	0,60
— France (FF)	0,00	0,00	0,00	8,06	0,88	0,01	0,06	0,00	0,00	0,00	0,03
— Ireland (£ Irl)	0,000	0,000	0,000	0,898	0,098	0,002	0,007	0,000	0,000	0,000	0,003
— Italy (Lit)	0	0	0	1 756	192	3	13	0	0	0	7
— Netherlands (Fl)	0,00	0,00	0,00	2,81	0,31	0,01	0,02	0,00	0,00	0,00	0,01
— Portugal (Esc)	0,00	0,00	0,00	199,81	21,86	0,37	1,47	0,00	0,00	0,00	0,75
— United Kingdom (£)	0,000	0,000	0,000	0,718	0,079	0,001	0,005	0,000	0,000	0,000	0,003

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	169,376	126,687	6,90403	0,768411	1 489,46	2,31943	168,560	0,623609

COMMISSION REGULATION (EEC) No 379/89

of 15 February 1989

amending Regulations (EEC) No 584/75 and (EEC) No 3197/73 laying down detailed rules for the application of the system of tendering for export refunds and levies in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds for rice and criteria for fixing the amount of such refunds ⁽¹⁾ and in particular Article 4 (2) thereof,

Having regard to Council Regulation (EEC) No 1432/76 of 21 June 1976 laying down general rules to be applied in the event of the rice sector being disturbed ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas the detailed rules for the application of the tendering procedure were laid down, in respect of the export refund, by Commission Regulation (EEC) No 584/75 ⁽³⁾, as amended by Regulation (EEC) No 3491/80 ⁽⁴⁾, and in respect of the export levy, by Commission Regulation (EEC) No 3197/73 ⁽⁵⁾, as amended by Regulation (EEC) No 583/75 ⁽⁶⁾;

Whereas it should be provided that the tenders be proposed in ecus and not in the currency of the Member State to which tenders are addressed;

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

1. Article 2 (2) (d) of Regulation (EEC) No 584/75 is replaced by the following:

'(d) the amount of the export refund proposed per tonne in ecus'.

2. Article 2 (2) (d) of Regulation (EEC) No 3197/73 is replaced by the following:

'(d) the amount of the export levy proposed per tonne in ecus.'

Article 2

This Regulation shall enter into force on the third 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 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 39.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 365, 31. 12. 1980, p. 15.

⁽⁵⁾ OJ No L 326, 27. 11. 1973, p. 10.

⁽⁶⁾ OJ No L 61, 7. 3. 1975, p. 24.

COMMISSION REGULATION (EEC) No 380/89

of 15 February 1989

repealing Regulation (EEC) No 3935/88 and (EEC) No 3936/88 fixing the quantitative restrictions on imports into Portugal of certain fruit and vegetables from third countries and from the Canary Islands

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 3797/85 of 20 December 1985 laying down detailed rules concerning quantitative restrictions on imports into Portugal from third countries of certain agricultural products subject to the system of transition by stages ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾, and in particular Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 502/86 of 25 February 1986 laying down detailed rules for quantitative restrictions on imports into Portugal of certain agricultural products from the Canary Islands ⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulations (EEC) No 3935/88 ⁽⁴⁾ and (EEC) No 3936/88 ⁽⁵⁾ fix the quantitative restrictions on imports into Portugal of certain fruit and vegetables from third countries and the quotas of certain vegetables

from the Canary Islands applicable in 1989; whereas the Portuguese authorities have subsequently decided in the framework of economic policy measures to abolish all import restrictions still in force in the fruit and vegetable sector; whereas the two abovementioned Regulations should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EEC) Nos 3935/88 and 3936/88 are 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 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 23.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 49.

⁽³⁾ OJ No L 54, 1. 3. 1986, p. 49.

⁽⁴⁾ OJ No L 348, 17. 12. 1988, p. 24.

⁽⁵⁾ OJ No L 348, 17. 12. 1988, p. 27.

COMMISSION REGULATION (EEC) No 381/89

of 15 February 1989

continuing the promotional and publicity measures in respect of milk and milk products referred to in Regulation (EEC) No 723/78

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2234/88 ⁽²⁾, and in particular Article 4 thereof,Whereas the promotional and publicity measures first carried out pursuant to Commission Regulation (EEC) No 723/78 ⁽³⁾, as amended by Regulation (EEC) No 1223/78 ⁽⁴⁾ and last continued by Commission Regulation (EEC) No 664/88 ⁽⁵⁾, as amended by Regulation (EEC) No 2062/88 ⁽⁶⁾, have proved an effective means of expanding the markets in milk products in the Community; whereas they should therefore be continued during the 1989/90 milk year;

Whereas the organizations representing the dairy sector in one or more Member States or in the Community should be invited again to propose detailed programmes which these organizations would themselves carry out;

Whereas the organizations who will be responsible for the measures must satisfy certain requirements; whereas, in particular, care must be taken to ensure that Community milk products are promoted; whereas the guidelines to be followed in this context were laid down in Commission communication 86/C 272/03 concerning State involvement in the promotion of agricultural and fisheries products ⁽⁷⁾; whereas the activities of such operators must not be liable to clash with the aim pursued in promoting the disposal of milk products for direct consumption; whereas it is therefore essential that operators whose activities also cover the production, distribution or sales promotion of products which imitate milk and milk products should be barred;

Whereas an integrated market survey should be carried out again to ascertain the effectiveness of the measures implemented;

Whereas the other rules can, for the most part, be drawn from the earlier Regulations, account being taken of relevant experience;

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. Publicity and promotional measures advocating human consumption of milk and milk products in the Community shall be encouraged under the conditions laid down in this Regulation.

2. The following shall qualify as measures within the meaning of paragraph 1:

- seminars, courses and conferences designed to provide personnel engaged in marketing milk and milk products with information and training or to aid such persons in spreading awareness about the consumption of these products;
- the implementation of an integrated market survey to ascertain the effectiveness of the measures carried out.

3. These measures shall be carried out within a year of the signature of the contract referred to in Article 5 (3) and in any case before 1 July 1990. However, a longer time limit may be agreed in exceptional cases in accordance with Article 5 (2) to ensure maximum effectiveness of the measure in question.

4. The time limit fixed in paragraph 3 shall not prevent subsequent agreement to an extension of that limit where the party to a contract; before the fixed expiry date, makes the appropriate application to the competent authority and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, this extension may not exceed six months.

5. Subject to a contract as referred to in Article 5 (3) being concluded, measures carried out from 1 February 1989 shall be eligible for the Community contribution and in the case of concentrated butter this date shall be 1 January 1989.

Article 2

1. The publicity and promotional measures referred to in Article 1 (1) and (2):

- (a) shall be proposed by organizations representing the dairy sector in one or more Member States or in the Community;

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 36.

⁽³⁾ OJ No L 98, 11. 4. 1978, p. 5.

⁽⁴⁾ OJ No L 152, 8. 6. 1978, p. 11.

⁽⁵⁾ OJ No L 69, 15. 3. 1988, p. 13.

⁽⁶⁾ OJ No L 181, 12. 7. 1988, p. 34.

⁽⁷⁾ OJ No C 272, 28. 10. 1986, p. 3.

- (b) shall be limited to the territory of the Member State or States whose dairy sector is represented by the organization concerned;
- (c) shall be carried out as far as possible by the organization which has made the proposal. In cases where this organization must use subcontractors, the proposal must contain a duly justified request for a derogation;
- (d) must :
 - make use of the publicity media best suited to ensure maximum effectiveness for the measure undertaken,
 - take account of the particular conditions obtaining with regard to the marketing and consumption of milk and milk products in the various regions of the Community,
 - be of a general nature and not orientated towards the brands of particular firms,
 - promote Community milk products without reference to their country or region of manufacture; however, this condition does not exclude the mention of the traditional name of a product which includes a specified locality, region or country of the Community,
 - not replace similar measures but, where appropriate, expand them;

Proposals put forward by organizations whose activities are exclusively or in part concerned with the production, distribution or sales promotion of products which imitate milk and milk products shall not be taken into consideration.

2. The integrated market survey shall be proposed and carried out by institutes which :

- (a) have the necessary qualifications and experience;
- (b) ensure the satisfactory completion of the work.

3. The Community contribution shall be limited to 90 % of the expenditure incurred. However, the contribution is increased to 100 % in the case of measures for the promotion of concentrated butter and for the implementation of the integrated market survey.

4. For the purposes of applying paragraph 3, no account shall be taken of administrative expenses incurred in carrying out these measures; this does not apply to measures referred to in the second indent of Article 1 (2).

5. Financing of general expenses incurred in carrying out the measures referred to in Article 1 (1) and (2) shall be limited to 2 % of the total amount approved to a maximum of ECU 10 000.

Article 3

1. The parties referred to in Article 2 (1) (a) shall be invited to transmit to the competent authority appointed by their Member State, hereinafter called 'the competent authority', detailed proposals concerning the measures referred to in Article 1 (1) and (2).

Should the proposed measures be carried out wholly or partly in the territory of one or more Member States other than that in which the head office of the organization concerned is situated, the organization shall send a copy of its proposal to each of the competent authorities in the countries concerned.

2. Proposals must reach the competent authority before 1 April 1989. Where this date is not complied with, the proposal shall be considered null and void.

3. Further details for submission of proposals shall be as set out in the notice from the competent authorities published in *Official Journal of the European Communities* No C 312 of 6 December 1986, page 7.

Article 4

1. Complete proposals shall include :

- (a) the name and address of the party concerned;
- (b) all details concerning the measures proposed, indicating the time required for completion, the expected results and any third parties which may be involved;
- (c) the price asked for these measures, net of taxes, expressed in the currency of the Member State in the territory of which the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan;
- (d) the desired form of payment of the Community contribution in accordance with Article 7 (1) (a), (b) or (c);
- (e) the most recent report available on the party's activities, unless this is already in the possession of the competent authority.

2. A proposal shall be valid only where :

- (a) it is submitted by a party fulfilling the conditions laid down in Article 2 (1) (a);
- (b) it is accompanied by an undertaking :
 - to comply with the provisions of this Regulation,
 - to spend on publicity measures, in addition to the measures proposed in accordance with Article 1 (1) and (2), the average amount spent annually on such measures during the period 1 January 1975 to 31 December 1977.

Article 5

1. Before 1 May 1989, the competent authorities shall :

- (a) examine all proposals submitted and any supporting documents to check that they are in the correct form and contain the information required. They shall ensure that the proposals comply with the provisions of Article 4 and shall ask applications for further details if necessary;
- (b) compile a list of all the proposals received and send it to the Commission together with copies of each proposal and a reasoned opinion indicating whether or not the proposal conforms with the Regulation.

2. After consulting the relevant interested groups in the milk industry, and following examination of the proposals by the Management Committee for Milk and Milk Products in accordance with Article 31 of Regulation (EEC) No 804/68⁽¹⁾, the Commission shall establish before 1 June 1989 a list of the proposals selected for financing.

3. The competent authorities shall conclude contracts for the measures selected with the parties concerned before 1 August 1989, in at least two copies and signed by the interested party and the competent authority.

The competent authorities shall for this purpose use the standard form contracts to be provided by the Commission.

4. The competent authority shall inform each applicant as soon as possible of the decision taken in respect of his proposal.

Article 6

1. The contract referred to in Article 5 (3) shall:

- (a) include the details referred to in Article 4 (1) or make reference to them;
- (b) supplement these details, where necessary, by additional provisions arising from the application of Article 5 (1);

2. The competent authority shall send the contract to the Commission without delay.

3. The competent authority shall ensure compliance with the agreed conditions in particular by means of on-the-spot checks in the Community.

Article 7

1. The competent authority shall pay to the party in question, in accordance with the choice indicated in the latter's proposal, either:

- (a) within six weeks of the date of signature of the contract, a single payment on account amounting to 60 % of the agreed Community contribution; or
- (b) at two-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract; or
- (c) within six weeks of the date of signature of the contract, a single payment on account amounting to 80 % of the agreed Community contribution; however, this form of payment may be stipulated only for measures which will be fully completed within a maximum of two months of the date of signature of the contract.

However, while a contract is being performed, the competent authority may:

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying

out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,

- in exceptional cases, advance payment of an instalment either wholly or in part if the party concerned submits a reasoned request and shows that he must incur a substantial part of the expenditure significantly earlier than the date laid down for payment of the Community contribution towards the said expenditure.

2. The payment of such instalment shall be conditional upon the lodging with the competent authority of a security equal to the amount of the instalments, plus 10 %.

3. The release of securities and payment of the balance by the competent authority shall be subject to:

- (a) confirmation by the competent authority that the party concerned fulfilled its obligations as laid down in the contract;
- (b) transmission to the competent authority of the report referred to in Article 8 (1) and verification of the details contained in his report by the competent authority.

However, on reasoned request by the party concerned, the balance can be paid after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged;

- (c) the competent authority finding that the party concerned, or any third party named in the contract, has spent his own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, the securities shall be forfeit. In this event, the amount in question shall be deducted from the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure, and more particularly from that arising out of the measure referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for one of the measures referred to in Article 1 (1) and (2) shall submit to the competent authority, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular concerning the evolution of the sales of milk and milk products.

2. On performance of each contract, the competent authority shall send the Commission a statement to this effect and a copy of the final report.

Article 9

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

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

Done at Brussels, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 382/89

of 15 February 1989

on measures to facilitate the implementation of Council Directive 85/397/EEC
on health and animal-health problems affecting intra-Community trade in
heat-treated milk

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 1079/77
of 17 May 1977 on a coresponsibility levy and on
measures for expanding the markets in milk and milk
products ⁽¹⁾, as last amended by Regulation (EEC) No
2234/88 ⁽²⁾, and in particular Article 4 thereof,

Whereas Council Directive 85/397/EEC ⁽³⁾ provides that
certain quality standards should be met by milk which is
exported as heat-treated milk; whereas the minimum
standards to be met by producers delivering milk are laid
down in Annex A, Chapter VI, Section D; whereas the
analyses necessary to verify compliance with these
minimum standards are not yet carried out in every case;
whereas, therefore, it would seem appropriate to assist the
laboratories to acquire the necessary equipment;

Whereas the organizations, institutes and producer groups
possessing the necessary qualifications and experience
should therefore be invited to propose detailed
programmes which they themselves would carry out;

Whereas Article 16 of Directive 85/397/EEC requires the
Member States to ensure that the provisions of the
Directive are implemented by 1 January 1989; whereas
equipment purchased on or after 1 October 1988 should
be eligible for financing; whereas, as regards other
arrangements, the main provisions of Commission
Regulation (EEC) No 615/85 ⁽⁴⁾, taking account of
relevant experience, may be repeated in this case;

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. Aid shall be granted for the following measures:

- (a) bacteriological analysis of milk;
- (b) tests relating to the health aspects of milk;
- (c) checks to ascertain whether water has been added to milk;

- (d) the equipment of milk tankers with automatic sampling devices;
- (e) the testing of milking machines;
- (f) measures to improve the quality of raw milk, including the communication of results, and measures to improve the image of milk and milk products.

2. The measures referred to in paragraph 1 shall be eligible only if begun after 30 September 1988; they shall be completed within one year of the signature of the contract referred to in Article 5 (3) and in any case before 1 October 1990. In exceptional cases, however, a longer period may be agreed in accordance with Article 5 (3) to ensure maximum effectiveness of the measures concerned.

3. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the competent authority and proves that to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, the extension may not exceed six months.

Article 2

1. Measures as referred to in Article 1 (1) shall be proposed and carried out by institutions, or producer groups which:

- (a) have the necessary qualifications and experience in the quality control of milk;
- (b) ensure the satisfactory completion of the work.

Proposals by individual firms will be considered only where they are particularly justified and where they would not prejudice the operations of regional organizations specializing in the field.

2. The Community contribution shall not exceed 75 % of the expenditure incurred on measures pursuant to Article 1 (1) (a) to (e) or 90 % of the expenditure incurred on measures pursuant to Article 1 (1) (f). Not more than 33 % of the total sum available to a Member State may be spent on measures of the latter type.

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 36.

⁽³⁾ OJ No L 226, 24. 8. 1985, p. 13.

⁽⁴⁾ OJ No L 69, 9. 3. 1985, p. 32.

3. In the case of the measures referred to in Article 1 (1) account shall be taken for purposes of Community contribution only of the first fitting-out with :

- (a) equipment (which may include incubators) for examining the bacteriological content of milk, including any combined data-processing equipment, but excluding software ;
- (b) equipment for detecting antibiotics, inhibitory substances and impurities in raw milk, and for determining its freshness, including any combined data-processing equipment, but excluding software ;
- (c) equipment for detecting somatic cells in raw milk ;
- (d) equipment for determining the freezing point ;
- (e) equipment for monitoring milking machines ;
- (f) automatic sampling equipment on milk tankers, including coding units for the marking of samples ;
- (g) equipment for monitoring of cooling tanks in dairy farms.

The first fitting-out of already existing laboratories with improved, more economic, equipment shall be regarded as a measure referred to in Article 1 (1).

Such equipment shall be financed only where its technical capacity will be effectively utilized.

Article 3

1. Those concerned are hereby invited to submit, before 1 April 1989, to the competent authority appointed by the Member States, hereinafter called 'the competent authority', complete detailed proposals concerning the measures referred to in Article 1 (1).

Where this date is not complied with, the proposal shall be considered null and void.

2. Further details for submission of proposals shall be as set out in the notices from the competent authorities published in *Official Journal of the European Communities* No C 312 of 6 December 1986, page 7.

Article 4

1. Complete proposals shall include :

- (a) the name and address of the applicant ;
- (b) all details concerning the measures proposed, including the time required for completion, the expected results and details of any third parties to be involved ;
- (c) the total cost of these measures, net of tax, expressed in the currency of the Member State on whose territory the applicant is established, giving an itemized breakdown of this amount and setting out the source of finance ;
- (d) the desired form of payment of the Community contribution (Article 7 (1) (a) or (b)) ;

(e) the most recent report available on the applicant's activities, unless this is already in the possession of the competent authority.

2. Proposals shall be valid only where :

- (a) they are submitted by an applicant fulfilling the conditions laid down in Article 2 (1) ;
- (b) they are accompanied by an undertaking that the applicant will comply with the provisions of this Regulation.

Article 5

1. Before 1 June 1989 the competent authorities shall :

- (a) examine all proposals submitted and any supporting documents to check that they are in the correct form and contain the information required. They shall ensure that the proposals comply with the provisions of Article 4 and shall ask applicants for further details if necessary ;
- (b) compile a list of all the proposals received and send it to the Commission together with copies of each proposal and a reasoned opinion indicating whether or not the proposal conforms with this Regulation.

2. After consulting the relevant interest groups in the milk industry, and following examination of the proposals by the Management Committee for Milk and Milk Products in accordance with Article 31 of Council Regulation (EEC) No 804/68⁽¹⁾, the Commission shall establish before 1 August 1989 a list of the proposals selected for financing.

3. The competent authorities shall conclude contracts with those parties whose proposals have been selected before 1 October 1989 in at least two copies and signed by the interested party and the competent authority. The competent authorities shall for this purpose use standard form contracts to be provided by the Commission.

4. The competent authority shall inform each applicant as soon as possible of the decision taken in respect of its proposal.

Article 6

1. The contract referred to in Article 5 (3) shall :

- (a) include the details referred to in Article 4 (1) or make reference to them ; and
- (b) supplement these details, where necessary, by additional conditions resulting from the application of Article 5 (1).

2. The competent authority shall send a copy of the contract to the Commission without delay.

3. The competent authority shall ensure compliance with the agreed conditions in particular by means of on-the-spot checks.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

Article 7

1. The competent authority shall pay to the party in question, in accordance with the choice indicated in the latter's proposal, either:

- (a) within six weeks of the date of signature of the contract, a single payment on account amounting to 60 % of the agreed Community contribution; or
- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract.

However, while a contract is being performed, the competent authority may:

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment either wholly or in part if the party concerned submits a reasoned request and shows that he must incur a substantial part of the expenditure significantly earlier than the date laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be conditional upon the lodging with the competent authority of a security equal to the amount of the instalment, plus 10 %.

3. The release of securities and payment of the balance by the competent authority shall be subject to:

- (a) confirmation by the competent authority that the party concerned has fulfilled his obligations as laid down in the contract;

- (b) transmission to the competent authority of the report referred to in Article 8 (1) and verification of the details contained in this report by the competent authority.

However, on reasoned request by the party concerned, the balance can be paid after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged;

- (c) the competent authority finding that the party concerned, or any third party named in the contract, has spent his own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, the securities shall be forfeit. In this event, the amount in question shall be deducted from the expenditure of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for one of the measures referred to in Article 1 (1) shall submit to the competent authority, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the results of the measures in question.

2. On performance of each contract, the competent authority shall send to the Commission a statement to this effect and a copy of the final report.

Article 9

This Regulation shall enter into force on the third 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 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 383/89**of 15 February 1989****introducing a new countervailing charge on fresh lemons originating in Cyprus,
and repealing Regulation (EEC) No 327/89**

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing for the 1988/89 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I at ECU 47,15 per 100 kilograms net for the period from November 1988 until April 1989;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas the entry price thus calculated for fresh lemons originating in Cyprus results in the fixing of a higher countervailing charge than that laid down by Commission Regulation (EEC) No 327/89 of 9 February 1989 introducing a countervailing charge on fresh lemon originating in Cyprus⁽⁶⁾;

Whereas, pursuant to Article 26 (2) of Regulation (EEC) No 1035/72, a new countervailing charge should be fixed and Regulation (EEC) No 327/89 should be repealed;

Whereas, if the system is to operate normally, the entry price 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⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 4,98 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Cyprus.

Article 2

This Regulation shall enter into force on 16 February 1989.

Commission Regulation (EEC) No 327/89 is hereby repealed.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 38, 10. 2. 1989, p. 18.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 384/89

of 15 February 1989

introducing a countervailing charge on fresh lemons originating in Israel

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 Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing for the 1386/88 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the period November to April 1989 at ECU 47,15 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Israel the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 6,24 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Israel.

Article 2

This Regulation shall enter into force on 17 February 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 385/89

of 15 February 1989

amending Regulation (EEC) No 328/89 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)

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 Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 328/89⁽³⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of fresh lemons originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁴⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for an 8 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the fourth year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 328/89, 'ECU 1,61' is hereby replaced by 'ECU 2,72'.

Article 2

This Regulation shall enter into force on 16 February 1989.

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

Done at Brussels, 15 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.⁽³⁾ OJ No L 38, 10. 2. 1989, p. 20.⁽⁴⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 386/89
of 15 February 1989
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2368/88 ⁽³⁾, as last amended by Regulation (EEC) No 269/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2368/88 to the information at present available to the Commission

that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, 1,08 ECU/100 kg.

Article 2

This Regulation shall enter into force on 16 February 1989.

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

Done at Brussels, 15 February 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 205, 30. 7. 1988, p. 29.

⁽⁴⁾ OJ No L 31, 2. 2. 1989, p. 20.

COMMISSION REGULATION (EEC) No 387/89
of 15 February 1989

fixing the maximum export refund for white sugar for the 41st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1035/88, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 41st partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 41st partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 39,238 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 16 February 1989.

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

Done at Brussels, 15 February 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 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 388/89**of 15 February 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 369/89 ⁽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 16 February 1989.

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

Done at Brussels, 15 February 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 43, 15. 2. 1989, p. 23.

ANNEX

to the Commission Regulation of 15 February 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	35,56 ⁽¹⁾
1701 11 90	35,56 ⁽¹⁾
1701 12 10	35,56 ⁽¹⁾
1701 12 90	35,56 ⁽¹⁾
1701 91 00	42,98
1701 99 10	42,98
1701 99 90	42,98 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 13 February 1989

on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents

(89/117/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas the establishment of a European internal market presupposes that the branches of credit institutions and financial institutions having their head offices in other Member States should be treated in the same way as branches of credit institutions and financial institutions having their head offices in the same Member State; whereas this means that, with regard to the publication of annual accounting documents, it is sufficient for the branches of such institutions having their head offices in other Member States to publish the annual accounting documents of their institution as a whole;

Whereas, as part of a further instrument of coordination of the disclosure requirements in respect of branches, provision is made for certain documents and particulars relating to branches established in a Member State which certain types of companies governed by the law of another Member State, including banks and other financial institutions, have to publish; whereas, as regards

disclosure of accounting documents, reference is made to specific provisions to be laid down for banks and other financial institutions;

Whereas the present practice of some Member States of requiring the branches of credit institutions and financial institutions having their head offices outside these Member States to publish annual accounts relating to their own activities is no longer justified following the adoption of Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions ⁽⁴⁾; whereas the publication of annual branch accounts cannot in any case provide the public, and in particular creditors, with an adequate view of the financial situation of the undertaking, since part of a whole cannot be viewed in isolation;

Whereas, on the other hand, in view of the present level of integration, the need for certain information on the activities of branches established in a Member State by credit institutions and financial institutions having their head offices outside that Member State cannot be disregarded; whereas, nevertheless, the extent of such information should be limited so as to prevent distortions of competition;

Whereas, however, this Directive affects only disclosure requirements concerning annual accounts, and does not in any way affect the obligations of branches of credit institutions and financial institutions to provide information pursuant to other requirements, deriving, for

⁽¹⁾ OJ No C 230, 11. 9. 1986, p. 4.

⁽²⁾ OJ No C 319, 30. 11. 1987, p. 64 and OJ C 290, 14. 11. 1988, p. 66.

⁽³⁾ OJ No C 345, 21. 12. 1987, p. 73.

⁽⁴⁾ OJ No L 372, 31. 12. 1986, p. 1.

example, from social legislation, with regard to employees' rights to information, host countries' rights of supervision over credit institutions or financial institutions and fiscal legislation and also for statistical purposes;

Whereas equality of competition means, with regard to the branches of credit institutions and financial institutions having their head offices in non-member countries, that such branches must, on the one hand, in publishing annual accounting documents, adhere to a standard which is the same as, or equivalent to, that of the Community, but, on the other hand, that such branches should not have to publish annual accounts relating to their own activities if they fulfil the abovementioned condition;

Whereas the equivalence, required under this Directive, of annual accounting documents of credit institutions and financial institutions having their head offices in non-member countries may lead to problems of assessment; whereas it is therefore necessary for this and other problems in the area covered by the Directive, and in particular in its implementation, to be dealt with by representatives of the Member States and of the Commission jointly in a Contact Committee; whereas, in order to keep the number of such committees within limits, such cooperation should be carried out within the framework of the Committee set up under Article 52 of Council Directive 78/660/EEC of 25 July 1978 on the annual accounts of certain types of companies⁽¹⁾, as last amended by Directive 84/569/EEC⁽²⁾; whereas, however, where problems relating to credit institutions are to be dealt with, the Committee should be appropriately constituted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Scope

1. The coordination measures prescribed by this Directive shall apply to branches established in a Member State by credit institutions and financial institutions within the meaning of Article 2 (1) (a) and (b) of Directive 86/635/EEC having their head offices outside that Member State. Where a credit institution or financial institution has its head office in a non-member country, this Directive shall apply in so far as the credit institution or financial institution has a legal form which is comparable to the legal forms specified in the abovementioned Article 2 (1) (a) and (b).

2. The third indent of Article 1 of Directive 77/780/EEC⁽³⁾ shall apply *mutatis mutandis* to branches

of credit institutions and financial institutions covered by this Directive.

Article 2

Provisions relating to branches of credit institutions and financial institutions having their head offices in other Member States

1. Member States shall require branches of credit institutions and financial institutions having their head offices in other Member States to publish, in accordance with Article 44 of Directive 86/635/EEC, the credit institution or financial institution documents referred to therein (annual accounts, consolidated accounts, annual report, consolidated annual report, opinions of the person responsible for auditing the annual accounts and consolidated accounts).

2. Such documents must be drawn up and audited in the manner required by the law of the Member State in which the credit institution or financial institution has its head office in accordance with Directive 86/635/EEC.

3. Branches may not be required to publish annual accounts relating to their own activities.

4. Member States may, pending further coordination, require branches to publish the following additional information:

- the income and costs of the branch deriving from items 1, 3, 4, 6, 7, 8 and 15 of Article 27 or from items A.4, A.9, B.1 to B.4 and B.7 of Article 28 of Directive 86/635/EEC,
- the average number of staff employed by the branch,
- the total claims and liabilities attributable to the branch, broken down into those in respect of credit institutions and those in respect of customers, together with the overall amount of such claims and liabilities expressed in the currency of the Member State in which the branch is established,
- the total assets and the amounts corresponding to items 2, 3, 4, 5 and 6 of the assets, 1, 2 and 3 of the liabilities and 1 and 2 of the off-balance sheet items defined in Article 4 and parallel Articles of Directive 86/635/EEC, and, in the case of items 2, 5 and 6 of the assets, a breakdown of securities according to whether they have or have not been regarded as financial fixed assets pursuant to Article 35 of Directive 86/635/EEC.

Where such information is required, its accuracy and its accordance with the annual accounts must be checked by one or more persons authorized to audit accounts under the law of the Member State in which the branch is established.

⁽¹⁾ OJ No L 222, 14. 8. 1978, p. 11.

⁽²⁾ OJ No L 314, 4. 12. 1984, p. 28.

⁽³⁾ OJ No L 322, 17. 12. 1977, p. 30.

Article 3

Provisions relating to branches of credit institutions and financial institutions having their head offices in non-members countries

1. Member States shall require branches of credit institutions and financial institutions having their head offices in non-member countries to publish the documents specified in Article 2 (1), drawn up and audited in the manner required by the law of the country of the head office, in accordance with the provisions set out therein.

2. Where such documents are in conformity with, or equivalent to, documents drawn up in accordance with Directive 86/635/EEC and the condition of reciprocity, for Community credit institutions and financial institutions, is fulfilled in the non-member country in which the head office is situated, Article 2 (3) shall apply.

3. In cases other than those referred to in paragraph 2, Member States may require the branches to publish annual accounts relating to their own activities.

4. In the cases specified in paragraphs 2 and 3, Member States may require branches to publish the information referred to in Article 2 (4) and the amount of the endowment capital.

5. Article 9 (1) and (3) of Directive 77/780/EEC shall apply by analogy to branches of credit institutions and financial institutions covered by this Directive.

Article 4

Language of publication

Member States may require that the documents provided for in this Directive be published in their official national language or languages and that translations thereof be certified.

Article 5

Work of the Contact Committee

The Contact Committee set up pursuant to Article 52 of Directive 78/660/EEC shall, when constituted appropriately, also:

- (a) facilitate, without prejudice to Articles 169 and 170 of the Treaty, harmonized application of this Directive

through regular meetings dealing, in particular, with practical problems arising in connection with its application, such as assessment of equivalence of documents, and facilitate decisions concerning the comparability and equivalence of the legal forms referred to in Article 1 (1);

- (b) advise the Commission, if necessary, on additions or amendments to this Directive.

Final provisions

Article 6

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1991. They shall forthwith inform the Commission thereof.

2. A Member State may provide that the provisions referred to in paragraph 1 shall apply for the first time to annual accounts for the financial year beginning on 1 January 1993 or during the calendar year 1993.

3. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 7

Five years after the date referred to in Article 6 (2), the Council, acting on a proposal from the Commission, shall examine and, upon a Commission proposal and in cooperation with the European Parliament, if need be, revise Article 2 (4), in the light of the experience acquired in applying this Directive and of the aim of eliminating the additional information referred to in Article 2 (4), taking account of the progress made in striving towards the harmonization of the accounts of banks and other financial institutions.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 13 February 1989.

For the Council

The President

C. SOLCHAGA CATALAN

COUNCIL DECISION

of 13 February 1989

on a European stimulation plan for economic science' (1989 to 1992) (SPES)

(89/118/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130q (2) thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Article 130k of the Treaty provides for the implementation of the Framework Programme to be carried out by means of specific programmes developed within each activity;

Whereas Council Decision 87/516/Euratom, EEC of 28 September 1987 concerning the framework programme for Community activities in the field of research and technological development (1987 to 1991) ⁽⁴⁾ includes the stimulation, enhancement and better use of existing Community human research and development resources amongst the activities it provides for;

Whereas Council Decision 88/419/EEC of 29 June 1988 on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (1988 to 1992) (Science) ⁽⁵⁾ concerns only the exact and natural sciences; whereas it is recognized that support would be advantageous in other scientific areas;

Whereas economic science addresses itself to the fundamental objectives of the Community, is able to contribute to a better formulation of Community policies and, more generally, aims to increase the wealth and productivity of the whole economy; whereas it is therefore appropriate that, of the human and social sciences, priority should be given to stimulating economic science;

Whereas the creation of a Researchers' Europe is necessary in order to ensure that the development gap between different Member States of the European Community does not widen further;

Whereas it may be in the Community's interest to involve third countries and international organizations in certain Community programmes and particularly in those programmes contributing to the overall strengthening of Europe's scientific potential;

Whereas the Scientific and Technical Research Committee (Crest) has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

A plan to stimulate cooperation between and the interchange of researchers in economic science, hereinafter referred to as the 'Programme', as set out in the Annex, is hereby adopted for a four-year period commencing on 1 January 1989.

Article 2

The summary of the programme and its objectives, together with the operational arrangements for implementing the programme are set out in the Annex.

Article 3

The funds estimated as necessary for the execution of the programme amount to ECU 6 million for the period 1989 to 1992, including expenditure on a staff of two.

The Community financial support awarded to stimulation activities shall contribute up to 100 % of the cost of the scientific cooperation or interchange activities.

Article 4

1. The Commission shall be responsible for the execution of the programme.

2. The contracts entered into by the Commission shall show the rights and obligations of each party, particularly the methods of disseminating, protecting and exploiting research results and of making any reimbursement that may be necessary of the funding given.

Article 5

1. The Commission is authorized to negotiate, in accordance with Article 130n of the Treaty, agreements with international organizations, with those countries participating in European cooperation in the field of

⁽¹⁾ OJ No C 109, 26. 4. 1988, p. 4.

⁽²⁾ OJ No C 309, 5. 12. 1988, p. 101 and Decision of 18 January 1989 (not yet published in the Official Journal).

⁽³⁾ OJ No C 318, 12. 12. 1988, p. 23.

⁽⁴⁾ OJ No L 302, 24. 10. 1987, p. 1.

⁽⁵⁾ OJ No L 206, 30. 7. 1988, p. 34.

scientific and technical research (COST) and with those European countries having concluded framework agreements in scientific and technical cooperation with the Community with a view to associating them wholly or partially with the programme.

2. These agreements shall be founded on the criterion of mutual advantage.

Article 6

1. During the third year of the programme, the Commission shall address a report to the European Parliament and to the Council on the basis of the results so far achieved. This report shall be accompanied by suggestions for changes which may be necessary in the light of these results.

2. After completion of the programme, the Commission shall send to Member States and the

European Parliament a report on the performance and results of the programme.

3. The abovementioned reports will be carried out in relation to the objectives set out in the Annex and in accordance with the provisions of Article 2 (2) of the Framework Programme set out in Decision 87/516/Euratom, EEC.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 13 February 1989.

For the Council

The President

C. SOLCHAGA CATALAN

ANNEX

**Objectives and summary of the European plan to stimulate economic science (1989 to 1992)
(SPES)**

1. The programme consists of a range of activities which have as their aim the establishment of a network of cooperation and interchange between economists of the highest professional quality at the Community level.

The purpose of these activities is to :

- stimulate the mobility of Community economists and cooperation on joint research projects or networks by researchers of the Community Member States.
- improve training by encouraging doctoral students and researchers of the Community Member States to continue with their work in Community universities or research centres other than those of their country of origin.
- encourage young economists to return to the Community if they have been working for some time in centres of excellence of non-Community countries, and
- favour or support the exchange of knowledge and information between researchers in economic science of Community Member States.

2. The programme shall be implemented by support for the following actions :

- scholarships, research grants, grants for multinational networks or research projects, and
- subsidies for high-level training courses, organized in collaboration with the scientific communities concerned and facilitating the realization of surveys and studies as well as access to data banks.

3. Consideration shall be given to applications for financial support made by individuals or institutions which satisfy each of the following criteria :

- (a) scientific excellence ;
- (b) the multinational European aspects (transnational cooperation or activity outside the country of origin) ;
- (c) the European interest of the substance of the research, either in terms of its general scientific value or its applied analytical content.

Where scientific and technical quality is comparable, particular attention will be given to projects likely to reduce scientific and technical development disparities between Member States and thereby to contribute to economic and social cohesion within the European Communities.

4. Topics of research are, *inter alia* :

- (i) the Community's internal market programme and issues of microeconomic analysis, including industrial organization and the economic of regulatory policies (e.g. standards),
- (ii) European integration economics, including issues of intra-European regional North-South relations,
- (iii) the determinants of economic growth in western Europe, including dynamic factors, such as advanced technology and innovation, and constraints, such as environmental concerns,
- (iv) systemic issues in the monetary areas and macroeconomic and fiscal policy coordination,
- (v) problems of trade policy and the role of western Europe in the international division of labour,
- (vi) employment, health and social policy issues, which have quite different characteristics in western Europe, compared to the United States of America or Japan, and
- (vii) methodological and modelling problems relevant to the abovementioned subjects or otherwise of fundamental interest, the setting up of statistical concepts and adequate technical, social and economic indicators, as well as more precise economic models.