

Official Journal

of the European Communities

ISSN 0378-6978

L 60

Volume 32

3 March 1989

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 542/89

of 23 February 1989

opening and providing for the administration of autonomous Community tariff
quotas for certain fishery products (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain species of fish or fish fillets and fish meat currently depend on imports from third countries; whereas it is in the Community's interest to suspend partially the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardize the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open these quotas for the period from 1 April until 31 December 1989 applying customs duties varied according to sensitivity of the different products on the Community market;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the

present case, they should not be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 April until 31 December 1989, the customs duties applicable on importation to products listed below shall be suspended at the levels and within the limits of the Community tariff quotas indicated for each product:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.2722	ex 0304 20 99 ex 0304 90 99	Fillets and fish meat of Alaska pollack (<i>Theragra chalcogramma</i>), frozen, for processing (a) (b)	21 000	10
09.2724	ex 0304 20 57 ex 0304 90 47	Fillets and fishmeat of hake (<i>Merluccius</i> spp., excluding the genus <i>Merluccius merluccius</i> , <i>Merluccius bilinearis</i> and <i>Merluccius carpenis</i>), frozen for processing (a) (b)	26 000	10
09.2751	ex 0304 20 19 ex 0304 90 10	Fillets and fish meat of pike, frozen, for processing (a) (b)	500	5
09.2753	ex 0302 50 ex 0302 69 35 ex 0303 60 ex 0303 79 41	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the genus <i>Boreogadus saida</i> , excluding, livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	40 000	3,7

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.2755	ex 0302 63 00 ex 0303 73 00	Coalfish <i>Pollachius virens</i> , excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	15 000	3,7
09.2757	ex 0302 62 00 ex 0303 72 00	Haddock (<i>Melanogrammus aeglefinus</i>), excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	9 000	3,7
09.2759	ex 0304 20 21 ex 0304 20 29 ex 0304 90 35 ex 0304 90 38 ex 0304 80 39	Frozen fillets and fishmeat of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , for processing (a) (b)	8 000	10
09.2765	0305 62 00 0305 69 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked	49 000	6
09.2767	0305 51 10 0305 59 11	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , dried, unsalted, not smoked	1 000	10
09.2769	ex 0305 30 11 ex 0305 30 19	Fish fillets, dried, whether or not salted, of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i>	500	10
09.2771	ex 0305 30 90	Fillets of coalfish (<i>Pollachius virens</i>), salted, for processing (a) (b)	4 000	10
09.2773	ex 0306 13 10 ex 0306 23 10	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a) (b)	2 000	4

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) The quota shall apply to products intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding, filleting or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for the quota where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

2. Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

Article 3

3. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81⁽¹⁾, is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration or the categories of the products concerned.

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

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

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

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

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

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

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volumes so permits.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 5

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 6

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 7

This Regulation shall enter into force on 1 April 1989.

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

Done at Brussels, 23 February 1989.

For the Council

The President

C. ROMERO HERRERA

COMMISSION REGULATION (EEC) No 543/89

of 2 March 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 1 March 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 3 March 1989.

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

Done at Brussels, 2 March 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. 96.

ANNEX

to the Commission Regulation of 2 March 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	21,98	126,87
0712 90 19	21,98	126,87
1001 10 10	55,14	181,48 ⁽¹⁾ ⁽²⁾
1001 10 90	55,14	181,48 ⁽¹⁾ ⁽²⁾
1001 90 91	32,44	116,52
1001 90 99	32,44	116,52
1002 00 00	60,11	114,69 ⁽³⁾
1003 00 10	50,67	117,17
1003 00 90	50,67	117,17
1004 00 10	41,73	77,30
1004 00 90	41,73	77,30
1005 10 90	21,98	126,87 ⁽²⁾ ⁽³⁾
1005 90 00	21,98	126,87 ⁽²⁾ ⁽³⁾
1007 00 90	45,32	139,58 ⁽⁴⁾
1008 10 00	50,67	26,17
1008 20 00	50,67	52,92 ⁽⁴⁾
1008 30 00	50,67	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	50,67	0,00
1101 00 00	59,77	177,49
1102 10 00	98,51	173,96
1103 11 10	98,98	294,80
1103 11 90	63,11	190,24

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

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

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 544/89**of 2 March 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 1 March 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 3 March 1989.

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

Done at Brussels, 2 March 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 2 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0,63	0,63	0
0712 90 19	0	0,63	0,63	0
1001 10 10	0	3,03	3,03	3,03
1001 10 90	0	3,03	3,03	3,03
1001 90 91	0	4,35	4,35	4,35
1001 90 99	0	4,35	4,35	4,35
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	0,63	0,63	0
1005 90 00	0	0,63	0,63	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	6,09	6,09	6,09

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	7,74	7,74	7,74	7,74
1107 10 19	0	5,79	5,79	5,79	5,79
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 545/89**of 2 March 1989****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation 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 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 4014/88 ⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88 ⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁷⁾, as last amended by Regulation (EEC) No 413/86 ⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88 ⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78 ⁽¹²⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender ⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 27 and 28 February 1989 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 3 March 1989.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 2 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

CN code	(ECU/100 kg) Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	75,00 ⁽¹⁾
1510 00 90	119,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(d) Algérie and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

CN code	(ECU/100 kg) Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,00

**COMMISSION REGULATION (EEC) No 546/89
of 2 March 1989**

adjusting the agricultural conversion rates for the pigmeat sector in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽²⁾, as last amended by Regulation (EEC) No 1889/87⁽³⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the drachma during the reference period 22 to 28 February 1989 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁴⁾, as last amended by Regulation (EEC) No 275/89⁽⁵⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁶⁾, as last amended by Regulation (EEC) No 3521/88⁽⁷⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Greece, effective from 6 March 1989; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to avoid the creation of these new monetary compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	1 ECU = ... Dra	Applicable until	1 ECU = ... Dra	Applicable from
'Pigmeat	163,533	5 March 1989	165,268	6 March 1989'

Article 2

This Regulation shall enter into force on 6 March 1989.

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 32, 3. 2. 1989, p. 8.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁷⁾ OJ No L 307, 12. 11. 1988, p. 28.

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

Done at Brussels, 2 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 547/89

of 2 March 1989

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

— the economic aspect of the proposed exports;

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

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

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

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

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

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

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾;

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

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

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no

refund for cheeses of a free-at-frontier value less than 140 ECU/100 kg;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 March 1989.

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

Done at Brussels, 2 March 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 2 March 1989 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		5,64
0401 10 90 000		5,64
0401 20 11 100		5,64
0401 20 11 500		9,08
0401 20 19 100		5,64
0401 20 19 500		9,08
0401 20 91 100		12,31
0401 20 91 500		14,46
0401 20 99 100		12,31
0401 20 99 500		14,46
0401 30 11 100		18,77
0401 30 11 400		29,32
0401 30 11 700		44,39
0401 30 19 100		18,77
0401 30 19 400		29,32
0401 30 19 700		44,39
0401 30 31 100		53,00
0401 30 31 400		83,14
0401 30 31 700		91,75
0401 30 39 100		53,00
0401 30 39 400		83,14
0401 30 39 700		91,75
0401 30 91 100		104,67
0401 30 91 400		154,19
0401 30 91 700		180,02
0401 30 99 100		104,67
0401 30 99 400		154,19
0401 30 99 700		180,02
0402 10 11 000		62,00
0402 10 19 000		62,00
0402 10 91 000		0,6200
0402 10 99 000		0,6200
0402 21 11 200		62,00
0402 21 11 300		96,31
0402 21 11 500		102,84
0402 21 11 900		112,06
0402 21 17 000		62,00
0402 21 19 300		96,31
0402 21 19 500		102,84
0402 21 19 900		112,06
0402 21 91 100		113,05
0402 21 91 200		113,99
0402 21 91 300		115,71
0402 21 91 400		125,81
0402 21 91 500		129,25
0402 21 91 600		142,31
0402 21 91 700		150,25
0402 21 91 900		159,00
0402 21 99 100		113,05

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		113,99
0402 21 99 300		115,71
0402 21 99 400		125,81
0402 21 99 500		129,25
0402 21 99 600		142,31
0402 21 99 700		150,25
0402 21 99 900		159,00
0402 29 15 200		0,6200
0402 29 15 300		0,9631
0402 29 15 500		1,0284
0402 29 15 900		1,1206
0402 29 19 200		0,6200
0402 29 19 300		0,9631
0402 29 19 500		1,0284
0402 29 19 900		1,1206
0402 29 91 100		1,1305
0402 29 91 500		1,2581
0402 29 99 100		1,1305
0402 29 99 500		1,2581
0402 91 11 110		5,64
0402 91 11 120		12,31
0402 91 11 310		19,86
0402 91 11 350		25,09
0402 91 11 370		31,42
0402 91 19 110		5,64
0402 91 19 120		12,31
0402 91 19 310		19,86
0402 91 19 350		25,09
0402 91 19 370		31,42
0402 91 31 100		25,01
0402 91 31 300		37,13
0402 91 39 100		25,01
0402 91 39 300		37,13
0402 91 51 000		29,32
0402 91 59 000		29,32
0402 91 91 000		104,67
0402 91 99 000		104,67
0402 99 11 110		0,0564
0402 99 11 130		0,1231
0402 99 11 150		0,2056
0402 99 11 310		22,91
0402 99 11 330		28,25
0402 99 11 350		38,70
0402 99 19 110		0,0564
0402 99 19 130		0,1231
0402 99 19 150		0,2056
0402 99 19 310		22,91
0402 99 19 330		28,25
0402 99 19 350		38,70
0402 99 31 110		0,2717
0402 99 31 150		40,42
0402 99 31 300		0,5300
0402 99 31 500		0,9175
0402 99 39 110		0,2717
0402 99 39 150		40,42
0402 99 39 300		0,5300

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,9175
0402 99 91 000		1,0467
0402 99 99 000		1,0467
0403 10 11 100		5,64
0403 10 11 300		9,08
0403 10 13 000		12,31
0403 10 19 000		18,77
0403 10 31 100		0,0564
0403 10 31 300		0,0908
0403 10 33 000		0,1231
0403 10 39 000		0,1877
0403 90 11 000		62,00
0403 90 13 000		62,00
0403 90 19 000		113,05
0403 90 31 000		0,6200
0403 90 33 000		0,6200
0403 90 39 000		1,1305
0403 90 51 100		5,64
0403 90 51 300		9,08
0403 90 53 000		12,31
0403 90 59 110		18,77
0403 90 59 140		29,32
0403 90 59 170		44,39
0403 90 59 310		53,00
0403 90 59 340		83,14
0403 90 59 370		91,75
0403 90 59 510		104,67
0403 90 59 540		154,19
0403 90 59 570		180,02
0403 90 61 100		0,0564
0403 90 61 300		0,0908
0403 90 63 000		0,1231
0403 90 69 000		0,1877
0404 90 11 100		62,00
0404 90 11 910		5,64
0404 90 11 950		19,86
0404 90 13 120		62,00
0404 90 13 130		96,31
0404 90 13 140		102,84
0404 90 13 150		112,06
0404 90 13 911		5,64
0404 90 13 913		12,31
0404 90 13 915		18,77
0404 90 13 917		29,32
0404 90 13 919		44,39
0404 90 13 931		19,86
0404 90 13 933		25,09
0404 90 13 935		31,42
0404 90 13 937		37,13
0404 90 13 939		38,87
0404 90 19 110		113,05
0404 90 19 115		113,99
0404 90 19 120		115,71
0404 90 19 130		125,81
0404 90 19 135		129,25

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		142,31
0404 90 19 160		150,25
0404 90 19 180		159,00
0404 90 19 900		—
0404 90 31 100		62,00
0404 90 31 910		5,64
0404 90 31 950		19,86
0404 90 33 120		62,00
0404 90 33 130		96,31
0404 90 33 140		102,84
0404 90 33 150		112,06
0404 90 33 911		5,64
0404 90 33 913		12,31
0404 90 33 915		18,77
0404 90 33 917		29,32
0404 90 33 919		44,39
0404 90 33 931		19,86
0404 90 33 933		25,09
0404 90 33 935		31,42
0404 90 33 937		37,13
0404 90 33 939		38,87
0404 90 39 110		113,05
0404 90 39 115		113,99
0404 90 39 120		115,71
0404 90 39 130		125,81
0404 90 39 150		129,25
0404 90 39 900		—
0404 90 51 100		0,6200
0404 90 51 910		0,0564
0404 90 51 950		22,91
0404 90 53 110		0,6200
0404 90 53 130		0,9631
0404 90 53 150		1,0284
0404 90 53 170		1,1206
0404 90 53 911		0,0564
0404 90 53 913		0,1231
0404 90 53 915		0,1877
0404 90 53 917		0,2932
0404 90 53 919		0,4439
0404 90 53 931		22,91
0404 90 53 933		28,25
0404 90 53 935		38,70
0404 90 53 937		40,42
0404 90 53 939		—
0404 90 59 130		1,1305
0404 90 59 150		1,2581
0404 90 59 930		0,6377
0404 90 59 950		0,9175
0404 90 59 990		1,0467
0404 90 91 100		0,6200
0404 90 91 910		0,0564
0404 90 91 950		22,91
0404 90 93 110		0,6200
0404 90 93 130		0,9631
0404 90 93 150		1,0284

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1206
0404 90 93 911		0,0564
0404 90 93 913		0,1231
0404 90 93 915		0,1877
0404 90 93 917		0,2932
0404 90 93 919		0,4439
0404 90 93 931		22,91
0404 90 93 933		28,25
0404 90 93 935		38,70
0404 90 93 937		40,42
0404 90 93 939		—
0404 90 99 130		1,1305
0404 90 99 150		1,2581
0404 90 99 930		0,6377
0404 90 99 950		0,9175
0404 90 99 990		1,0467
0405 00 10 100		—
0405 00 10 200		139,88
0405 00 10 300		175,98
0405 00 10 500		180,49
0405 00 10 700		185,00
0405 00 90 100		185,00
0405 00 90 900		232,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	75,00
	404	—
	...	87,74
0406 20 90 915	028	—
	032	—
	400	100,00
	404	—
	...	116,99
0406 20 90 917	028	—
	032	—
	400	106,25
	404	—
	...	124,30
0406 20 90 919	028	—
	032	—
	400	118,75
	404	—
	...	138,92
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	15,41
	404	—
	...	23,26

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

Product code	Destination (*)	Amount of refund
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	—
	...	74,16
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	—
	...	74,16
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	20,00
	...	50,52

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

Product code	Destination (*)	Amount of refund
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	28,00
	...	74,16
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	87,34
	404	—
	...	131,82
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	87,34
	404	—
	...	131,82
0406 40 00 100	—	—
0406 40 00 900	028	—
	032	—
	038	—
	400	65,00
	404	—
	...	131,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34

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

Product code	Destination (*)	Amount of refund
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	156,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	43,18
	404	—
	...	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 33 959		—
0406 90 35 110		—

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

Product code	Destination (*)	Amount of refund
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	170,00
	404	140,00
	...	190,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	217,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	170,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	170,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	40,26
	404	—
	...	91,15

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

Product code	Destination (°)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	44,39
	404	—
	...	100,50
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	50,45
	404	—
	...	114,22
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	156,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	50,00
	404	—
	...	130,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	45,21
	404	—
	...	114,22

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	...	140,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	43,18
	404	—
	...	119,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 83 990	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	163,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	40,26
	404	—
	...	91,15
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	44,39
	404	—
	...	100,50
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	50,45
	404	—
	...	114,22
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	156,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	59,00
	404	—
	...	140,35
0406 90 89 972	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	59,00
	404	—
	...	140,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	18,09
	404	—
	...	21,46
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	31,72
	404	—
	...	37,62
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	38,62
	404	—
	...	45,81
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		18,60
2309 10 70 200		24,80
2309 10 70 300		31,00
2309 10 70 500		37,20
2309 10 70 600		43,40
2309 10 70 700		49,60
2309 10 70 800		54,56
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		18,60
2309 90 70 200		24,80
2309 90 70 300		31,00
2309 90 70 500		37,20
2309 90 70 600		43,40
2309 90 70 700		49,60
2309 90 70 800		54,56
2309 90 70 900		—

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

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

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

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

COMMISSION REGULATION (EEC) No 548/89**of 28 February 1989****concerning the classification of certain goods in the combined nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 20/89⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after 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, 28 February 1989.

For the Commission

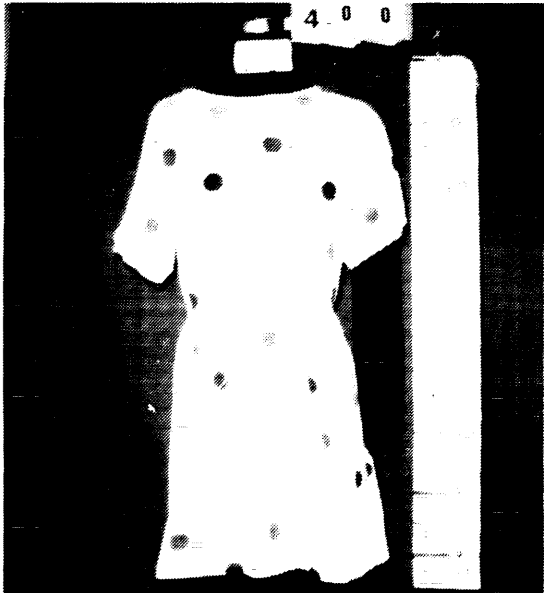
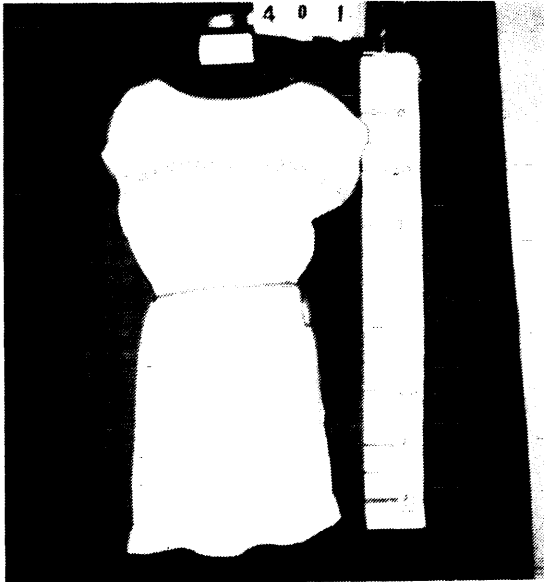
Christiane SCRIVENER

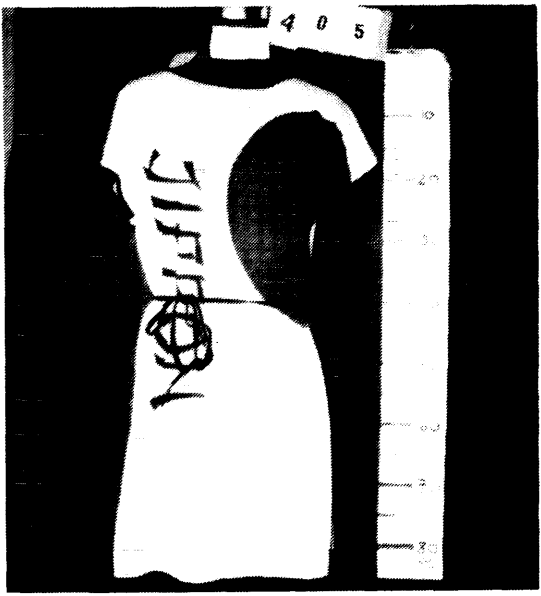
Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 4, 6. 1. 1989, p. 19.

ANNEX

Description of the goods	CN code	Reasons
(1)	(2)	(3)
1. Lightweight, loose-fitting, knitted garment (100 % cotton) intended to cover the upper part of the body reaching down to mid-thigh. It has a rounded, loose-fitting neckline with short loose-fitting sleeves and is hemmed at the base of the garment. There is knitted ribbing sewn on at the sleeve-ends. The garment also has a tie string sewn into the left seam at the waist. (See photograph No 400). 	6104 42 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, as well as by the texts of CN codes 6104 and 6104 42 00. Classification as a nightdress is excluded because the garment in question is not clearly identifiable as being intended to be worn exclusively as nightwear.
2. Lightweight, loose-fitting, knitted garment (65 % polyester, 35 % cotton) intended to cover the upper part of the body reaching down to mid-thigh. It has a rounded, loose-fitting neckline and very short loose-fitting sleeves and is hemmed at the base of the garment. There are knitted bands sewn on at the neckline and sleeve-ends. It also has tie-string and loops sewn into the side seams at the waist for the tie-string to pass through. (See photograph No 401). 	6104 43 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, as well as by the texts of CN codes 6104 and 6104 43 00. Classification as a nightdress is excluded because the garment in question is not clearly identifiable as being intended to be worn exclusively as nightwear.

Description of the goods	CN code	Reasons
(1)	(2)	(3)
3. Lightweight, loose-fitting, knitted garment of 100 % synthetic textile fibres intended to cover the upper part of the body reaching down to mid-thigh. It has a rounded, loose-fitting neckline with very short loose-fitting sleeves and is hemmed at the base of the garment. It also has knitted bands sewn on at the neckline and sleeve-ends. The garment also has a knitted tie-string sewn into the left seam at the waist. (See photograph No 405).	6104 43 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature as well as by the texts of CN codes 6104 und 6104 43 00. Classification as a nightdress is excluded because the garment in question is not clearly identifiable as being intended to be worn exclusively as nightwear.
		

COMMISSION REGULATION (EEC) No 549/89

of 1 March 1989

re-establishing the levying of customs duties on footwear with outer soles and uppers of rubber, falling within CN codes 6401 and 6402, originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of footwear with outer soles and uppers of rubber falling within CN codes 6401 and 6402 the individual ceiling was fixed at ECU 1 100 000; whereas, on 24 January 1989, imports of these products into the Community originating in Thailand reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 6 March 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88 shall be re-established on imports into the Community of the following products originating in Thailand:

Order No	CN code	Description
10.0660	6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
	6402	Other footwear with outer soles and uppers of rubber or plastics

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, 1 March 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 550/89

of 1 March 1989

re-establishing the levying of customs duties on reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting falling within CN codes 8527, 8528 and 8529, originating in Malaysia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting falling within CN codes 8527, 8528 and 8529 the individual ceiling was fixed at ECU 4 million; whereas, on 25 January 1989, imports of these products into the Community originating in Malaysia reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Malaysia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 6 March 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88 shall be re-established on imports into the Community of the following products originating in Malaysia

Order No	CN code	Description
10.1060	8527 11 10	Reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting, whether or not combined in the same housing with recording or reproducing apparatus or a clock
	8527 11 90	
	8527 21 10	
	8527 21 90	
	8527 29 00	
	8527 31 10	
	8527 31 91	
	8527 31 99	
	8527 32 10	
	8527 32 90	
	8527 39 10	
	8527 39 91	
	8527 39 99	
	8527 90 91	
	8527 90 99	
	8528 10 61	Television receivers (including video monitors and video projectors), whether or not combined in the same housing, with radio-broadcast receivers or sound or video recording or reproduction apparatus, excluding video recording or reproducing apparatus incorporating a video tuner and goods of codes 8528 10 50, 8528 10 71, 8528 10 73, 8528 10 79
	8528 10 69	
	8528 10 80	
	8528 10 91	
	8528 10 98	
	8528 20 20	
	8528 20 71	
	8528 20 73	
	8528 20 79	
	8528 20 91	
	8528 20 99	

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

Order No	CN code	Description
10.1060 (cont'd)	8529 10 20 8529 10 31 8529 10 39 8529 10 40 8529 10 50 8529 10 70 8529 10 90 8529 90 99	Parts suitable for use solely or principally with the apparatus of codes 8525 to 8528, excluding cabinets and cases

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, 1 March 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 551/89**of 2 March 1989****introducing a countervailing charge on fresh lemons originating in Cyprus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

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 to 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 for fresh lemons originating in Cyprus the entry prices calculated in this way have for six consecutive market days been alternatively above and below the reference price; whereas three of these entry prices are at least ECU 0,6 below the reference prices; 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 1,22 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 4 March 1989.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 9 March 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, 2 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 552/89
of 2 March 1989
introducing a countervailing charge on apples originating in Poland

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 Commission Regulation (EEC) No 434/89⁽³⁾ introduced a countervailing charge on apples originating in Poland;

Whereas for apples originating in Poland there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of apples originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 434/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 March 1989.

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

Done at Brussels, 2 March 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 50, 22. 2. 1989, p. 12.

COMMISSION REGULATION (EEC) No 553/89
of 2 March 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 537/89 ⁽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 3 March 1989.

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

Done at Brussels, 2 March 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 59, 2. 3. 1989, p. 21.

ANNEX

to the Commission Regulation of 2 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,36 ⁽¹⁾
1701 11 90	34,36 ⁽¹⁾
1701 12 10	34,36 ⁽¹⁾
1701 12 90	34,36 ⁽¹⁾
1701 91 00	41,68
1701 99 10	41,68
1701 99 90	41,68 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 554/89

of 2 March 1989

fixing the export refunds 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 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 the fourth subparagraph of Article 16 ⁽²⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC of the Commission ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 ⁽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;

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 March 1989.

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

Done at Brussels, 2 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 2 March 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (2)
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	05	49,00
	07	22,00
	06	54,00
	02	20,00
	08	21,00
	09	19,00
1002 00 00 000	06	54,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	57,00
	07	22,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	84,00
1101 00 00 120	01	84,00
1101 00 00 130	01	76,00
1101 00 00 150	01	66,00
1101 00 00 170	01	56,00
1101 00 00 180	01	46,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	84,00
1102 10 00 200	01	84,00
1102 10 00 300	01	84,00
1102 10 00 500	01	84,00
1102 10 00 900	—	—
1103 11 10 100	01	191,00
1103 11 10 200	01	181,00
1103 11 10 500	01	161,00
1103 11 10 900	01	152,00
1103 11 90 100	01	84,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Algeria,
- 05 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 06 Zone II b),
- 07 Poland,
- 08 China,
- 09 Soviet Union.

(²) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Commission Regulation (EEC) No 1569/77 (OJ No L 174, 14. 7. 1977, p. 15), with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis); 7 % maximum, of which 5 % of soft wheat or other cereals.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

COMMISSION REGULATION (EEC) No 555/89

of 2 March 1989

fixing the export refunds on 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 the fourth subpara-
graph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
those Regulations and prices for those products within
the Community may be covered by an export refund;

Whereas Article 2 of Regulation (EEC) No 2746/75 of the
Council of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds⁽³⁾ provides that when refunds
are being fixed account must be taken of the existing
situation and the future trend with regard to prices and
availabilities of cereals on the Community market on the
one hand and prices for cereals and cereal products on
the world market on the other; whereas the same Article
provides that it is also important to ensure equilibrium
and the natural development of prices and trade on cereal
markets and, furthermore, to take into account the
economic aspect of the proposed exports, and the need to
avoid disturbances on the Community market;

Whereas Regulation (EEC) No 2744/75 of the Council of
29 October 1975 on the import and export system for
products processed from cereals and from rice⁽⁴⁾, as last
amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the
specific criteria to be taken into account when the refund
on these products is being calculated;

Whereas it follows from applying these detailed rules to
the present situation on the market in products processed

from cereals and rice that the export refund should be
fixed at an amount which will cover the difference
between Community prices and world market prices;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

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 rela-
tion 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 Regula-
tion (EEC) No 1676/85⁽⁶⁾, as last amended by Regula-
tion (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 for a given period in rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regu-
lation (EEC) No 2727/75 subject to Regulation (EEC) No
2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 3 March 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽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, 2 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 2 March 1989 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	67,00
1107 10 99 000	87,00
1107 20 00 000	101,00

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 February 1989

on a first multiannual programme (1988-1993) for biotechnology-based agro-industrial research and technology development — Eclair (European Collaborative Linkage of Agriculture and Industry through Research)

(89/160/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular to Article 130 Q (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 130 K of the Treaty stipulates that the framework programme shall be implemented through specific programmes developed within each of its activities ;

Whereas, by its Decision 87/516/Euratom/EEC, the Council adopted a framework programme of Community research and technological development (1987 to 1991) ⁽⁴⁾, providing for activities to be implemented to ensure, among other things, the exploitation and optimum use of biological resources ;

Whereas the said Decision stipulates that a specific objective of Community research must be to strengthen

the scientific and technological basis of European industry, particularly in strategic sectors of advanced technology, and to encourage industry by making it more competitive at international level ; whereas that Decision also lays down that Community action is justified if it contributes, among other things, to enhancing the Community's economic and social cohesion and to encouraging its overall harmonious development, while at the same time being consistent with the pursuit of scientific and technical excellence ; whereas the Eclair (European Collaborative Linkage of Agriculture and Industry through Research) programme, which is the subject of this Decision, is planned to contribute to the pursuit of these objectives ;

Whereas the specialized skills and capabilities relevant to agro-industrial development are numerous, and Europe's most internationally competitive capabilities are located in diverse Member States, mutual benefit shall be derived from collaboration in a Community programme ;

Whereas the activities undertaken in the programme need to be accompanied by ongoing analysis of their associated costs and benefits to avoid their giving rise to new industries, which can only survive on the basis of permanently subsidized sales of agricultural products, or to agricultural surpluses ;

Whereas such activities should constitute a logical complement to the Community research programmes in the areas of biotechnology and agriculture, promoting the application of their results to the social and economic objectives of the Community.

⁽¹⁾ OJ No C 62, 5. 3. 1988, p. 7 and OJ No C 294, 18. 11. 1988, p. 7.

⁽²⁾ Opinion published in OJ No C 261, 10. 10. 1988, p. 71 and Decision of 18 January 1989 (not yet published in the Official Journal).

⁽³⁾ OJ No C 134, 24. 5. 1988, p. 15.

⁽⁴⁾ OJ No L 302, 24. 10. 1987, p. 1.

Whereas the European Parliament has called for a study to be conducted into the structural and social consequences of promoting biotechnologies and genetic engineering and has also pointed to the risks associated with the use, especially the release, of genetically engineered organisms; whereas the revised Community biotechnology research programme adopted on 29 June 1988⁽¹⁾ is undertaking research into these risks;

Whereas development activities at the interfaces between agriculture and industry could contribute to the solution of some of the problems which agriculture is currently facing within the Community;

Whereas the principal and most urgent requirements that must be satisfied focus on the development of types of agricultural production suitable for industrial purposes, of transformation technologies and of industrial inputs in agriculture, such as pesticides or fertilizers less harmful to the environment;

Whereas it is important to avoid any adverse effects for small and medium-sized agricultural enterprises which may be caused by a concentration of agricultural structures and further specialization;

Whereas it is necessary to involve small and medium-sized agricultural and industrial enterprises to the maximum extent possible in this biotechnology-based agro-industrial technological development programme;

Whereas the Scientific and Technical Research Committee (Crest) has expressed its opinion,

HAS ADOPTED THIS DECISION:

Article 1

A research and development programme in the field of biotechnology-based agro-industrial research and technology development is hereby adopted in the form set out in Annex I for a five-year period starting on 1 July 1988.

The programme shall consist of work carried out as contract research and as coordination actions and by training/mobility grants. Participants may be industrial and agricultural enterprises — individual enterprises, associations or cooperatives — research institutions,

universities or combinations of them, established in the Community.

Article 2

1. In the case of projects carried out by shared-cost contracts, the Community contribution shall not normally exceed 50 % of the total expenditure, the remainder to be provided by the partners, predominantly from industrial or agricultural sources.

Alternatively, in respect of projects carried out by universities and research institutes, the Community may bear up to 100 % of the additional expenditure involved.

2. The proposals for projects shall be submitted in reply to a call for proposals and involve, as a rule, the participation of at least two independent partners not established in the same Member State. As a rule, research institutes and universities should participate in a group together with one or more industrial or agricultural organization(s). Research institutes which are funded principally or exclusively by industrial organizations shall be considered as industrial partners.

Article 3

The funds estimated as necessary for the execution of the programme amount to ECU 80 million, including expenditure on a staff of 13.

Article 4

The Commission shall be responsible for implementing the programme.

The Commission shall be assisted by a committee of an advisory nature, hereinafter referred to as 'the Committee', composed of the representative of the Commission.

Article 5

1. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

2. The opinion shall be recorded in the minutes of the Committee; in addition, each Member State shall have the right to have its position recorded in the minutes.

3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

⁽¹⁾ OJ No L 206, 30. 7. 1988, p. 38.

Article 6

1. In the third year of the programme's implementation, the Commission shall undertake a review of the programme and shall report to the European Parliament and the Council on the results thereof, together, if necessary, with any proposals for modification of the content and funding, or for prolongation.

2. After the completion of the programme, an evaluation of the results achieved shall be conducted by the Commission, which shall report to the European Parliament and the Council. The report shall be drawn up by independent experts.

3. The reports referred to in paragraphs 1 and 2 shall be established having regard to the objectives set out in Annex II and in conformity with the provisions of Article 2 (2) of Decision 87/516/Euratom/EEC.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 23 February 1989.

For the Council

The President

C. ROMERO HERRERA

*ANNEX I***PROGRAMME**

for the first multiannual programme (1988 to 1993) for biotechnology-based agro-industrial research and technological development — Eclair (European Collaborative Linkage of Agriculture and Industry through Research)

AIMS

The objective of the programme here proposed is to promote in Europe the useful application of recent developments in the life sciences and biotechnology. This shall be achieved by a programme of precompetitive research and technical development projects and coordination activities, based on close collaboration between agriculture and industrial activities, and supported by training/mobility grants. The programme shall contribute in the medium and longer terms to enhancing Europe's competitiveness in the economic activities which will be based on these developments and to strengthening economic and social cohesion in the Community.

The programme shall avoid adverse effects on public health and the environment and the creation of problems in respect of the protection and enhancement of nature.

The principal objectives of this programme are set out below :

- (i) research, adaptation and development of agricultural products destined for industrial use, as well as the research and promotion of new industrial techniques for processing and transforming agricultural raw materials with a view to obtaining, under economically viable conditions, industrial products which meet the needs of the market ;
- (ii) research and development of industrial inputs in agriculture, such as pesticides and fertilizers, and of eradication and disease control systems less harmful or better adapted to the environment ; the reduction and elimination of by-products of processing by recovering resources and reducing waste.

CONTENT

The programme shall be pursued through the measures set out below :

1. Evaluation trials and production of new species or organisms

This sector shall consist of test trials at appropriate scale and under various conditions of novel or modified species or organisms (plants, livestock, others) in order to test performance, pest resistance, input requirements, and aspects relevant to suitability for industrial processing, animal nutrition and market acceptability of the organism, its constituents, and the products derived from them with special emphasis on the use of new biotechnological methods in the identification, characterization, selection, modification, propagation, cultivation or other aspects of developing and appraising the candidate organisms.

2. Industrial products and services

This sector shall consist of :

- 2.1. more precise and effective inputs to agriculture through research and development work, based on the use of life sciences and biotechnology, aiming at the creation of products and services for use in agriculture, offering advantages in terms of precision, cost-effectiveness, enhanced plant or animal performance, suitability for subsequent product processing and/or marketing, and avoiding possible undesirable side effects ;
- 2.2. more precise and effective extraction, transformation and production processes through research and development work on methods to increase the use and value of agricultural produce, by extraction, transformation or other processes, in industry or elsewhere, which by biotechnological or other means make greater or more valuable use of the intrinsic properties of these materials.

3. Integrated approaches

This sector shall consist of :

- 3.1. the improved utilization of the entire crop by the development, through trial systems, of systems for harvesting the whole crop, its preservation and splitting up into constituents appropriate for subsequent applications ; such trial system(s) to be of adequate scale to provide a basis for economic appraisals and the significant participation of industrial and agricultural interests. Priority will be given to projects using new biotechnology ;
- 3.2. studies and development projects for the integrated use of new technologies which shall focus on the joint exploitation of progress in biological knowledge and techniques in conjunction with new-technology-based agricultural systems.

IMPLEMENTATION

Implementation of the projects shall be through cost-shared research and development actions and coordination activities. Training/mobility grants shall be included to facilitate the assembly of relevant skills at appropriate locations for the work of the projects and to promote effective diffusion of the knowledge resulting from them. The programme shall also include the organization of meetings, consultation of experts, studies on related topics, and diffusion of information on the progress and results of the projects to all appropriate groups.

Each proposal shall include an environmental impact statement, indicating the possible effects of the project on man, fauna, flora, soils, water, air and on the interactions between these different factors. This statement must also include an undertaking to respect existing national safety regulations.

The contracts entered into by the Commission shall regulate the rights and obligations of each party, including the methods of disseminating, protecting and exploiting research results.

ANNEX II**EVALUATION CRITERIA**

for the first multiannual programme (1988 to 1993) for biotechnology-based agro-industrial research and technological development — Eclair.

(European Collaborative Linkage of Agriculture and Industry through Research)

The Commission's communication to the Council concerning a Community Plan of Action relating to the evaluation of Community research and development activities for the years 1987 to 1991 states that the objectives and milestones of each research programme have to be set out in a testable form. The objectives and milestones of the above programme are set out below.

1. The long-term objective of this programme is described in Annex I.
2. The primary short-term objective is that the programme should succeed in eliciting proposals, with commitments to co-finance from industry and/or agriculture, for development projects on a scale commensurate with the Community resources proposed. This objective shall be testable in 1991 to 1992.

By this time, the programme should also have demonstrated its promotion and encouragement of inter-sectoral collaboration across the Member States.

3. The criteria for the evaluation of the objectives to be attained during the first three years of the programme's implementation are:
 - 3.1. that tests of new or modified species or organisms have been conducted, and have given grounds to expect that these organisms, or the processes used to produce or modify them, represent progress and could find applications;
 - 3.2. that tests have been conducted of new or modified products, techniques or services for use in agriculture; that advantages in terms of precision, effectiveness, or the avoidance of possible adverse side effects have been indicated; and that, as a result of the tests, the products, techniques or services have practical applications;
 - 3.3. that tests have been conducted of more precise and effective extraction, transformation and production processes, applying biotechnological and/or other methods to an agricultural output; and that, as a result of the tests, the processes are useful;
 - 3.4. that, through the programme, arrangements have been organized between farming and industrial/processing interests and facilities or equipment created, modified or made available, to test on one or more crops the technical feasibility of harvesting and using the whole plant; and that corresponding measures of performance have been, or are in course of being, defined to provide a basis for further system improvements and a basis for decision on the replication and diffusion of similar larger scale activities;
 - 3.5. that studies have been financed and completed, and development projects supported, involving the use in agriculture of new technologies (e.g. involving sophisticated detection/measurement/recording techniques, information processing, automation of equipment and facilities), in conjunction with the application of biotechnology; and that, as a result of such studies and projects, new applications have been found;
 - 3.6. that studies have been carried out examining the sociostructural and ecological impact of promoting biotechnology and genetic technology in agriculture.
4. In addition, the programme should ensure that the following general criteria are met:
 - 4.1. that the potential increase in market opportunities, in the medium or long-term, as a result of the improvements or benefits demonstrated, is of a size to justify the Community expenditures committed, which imply an analysis of the costs and benefits of these activities and their possible applications;
 - 4.2. taking account of the final reports on the biotechnology action programme, which ends in December 1989, and of the biomolecular engineering programme (1982 to 1986), and of the evaluation report(s) on these programmes, consideration should be given to whether this programme is in fact effectively promoting the transfer towards application of the results of the earlier biotechnology (or biomolecular engineering) research programmes;

- 4.3. that the execution of the programme has avoided harmful effects on public health and the environment and has not created problems with respect to the protection and enhancement of nature ;
 - 4.4. taking account of the results of Community, national or private sector research activities in biotechnology, the Evaluation Panel shall consider whether the Eclair programme has given adequate consideration to all the selection criteria set out in Annex III to Decision 87/516/Euratom/EEC which includes that of contributing to the strengthening of the economic and social cohesion of the Community, while being consistent with the pursuit of scientific and technical quality.
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Information on the date of entry into force of the agreement between the EEC and the Republic of Austria on the control and reciprocal protection of quality wines and 'retsina' wine (1)

The EEC and the Republic of Austria notified each other of the completion of the procedures essential to the entry into force of the agreement on 28 and 21 February 1989 respectively. The agreement will, therefore, enter into force on 1 April 1989, in accordance with Article 19 thereof.

(1) OJ No L 56, 27. 2. 1989, p. 2.

CORRIGENDA

Corrigendum to Council Directive 88/664/EEC of 21 December 1988 amending for the ninth time Directive 69/169/EEC on the harmonization of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international level

(Official Journal of the European Communities No L 382 of 31 December 1988)

On page 41 the title shall read as follows :

'Council Directive 88/664/EEC of 21 December 1988 amending for the ninth time Directive 69/169/EEC on the harmonization of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel'.

Corrigendum to Commission Regulation (EEC) No 363/89 of 10 February 1989 fixing definitively the amount of the supplementary aid for dried fodder provisionally fixed for the period 1 November 1987 to 31 July 1988

(Official Journal of the European Communities No L 43 of 15 February 1989)

Pages 14 and 15, Annex :

DEHYDRATED FODDER — PROTEIN CONCENTRATES

Regulation (EEC) No	Community as constituted at 31 December 1985		Spain		Portugal	
	<i>for :</i>	<i>read :</i>	<i>for :</i>	<i>read :</i>	<i>for :</i>	<i>read :</i>
1192/88, column 'May'	72,476	72,931	54,826	55,281	70,480	70,944
1192/88, column 'June'	73,423	73,878	55,773	56,228	71,445	71,908
1517/88, column 'June'	65,151	65,606	47,501	47,956	63,018	63,481

FODDER OTHERWISE DRIED

1192/88, column 'May'	29,476	29,931	11,826	12,281	27,480	27,944
1192/88, column 'June'	30,423	30,878	12,773	13,228	28,445	28,908
1517/88, column 'June'	22,151	22,606	4,501	4,956	20,018	20,481