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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 763/89**of 20 March 1989****amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 5c (1a) of Regulation (EEC) No 804/68 ⁽⁴⁾, as last amended by Regulation (EEC) No 1109/88 ⁽⁵⁾, allows Member States to authorize temporary and partial transfers of reference quantities; whereas this facility was introduced specifically to deal with a drop in

production; whereas the possibility that temporary transfers could be used for speculative purposes must be covered and limits set to the use of such transfers,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 5c (6) of Regulation (EEC) No 804/68:

'The Council shall, where necessary and in accordance with the same procedure, set limits to the temporary transfers referred to in paragraph 1a.'

Article 2

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

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No C 265, 12. 10. 1988, p. 4.

⁽²⁾ OJ No C 12, 16. 1. 1989.

⁽³⁾ OJ No C 337, 31. 12. 1988, p. 16.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 110, 29. 4. 1988, p. 27.

COUNCIL REGULATION (EEC) No 764/89**of 20 March 1989****amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 763/89⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas Article 3 of Regulation (EEC) No 857/84⁽⁵⁾, as last amended by Regulation (EEC) No 1110/88⁽⁶⁾, provides for certain special situations to be taken into account in determining the reference quantities; whereas the situations which may entail the grant of a special quantity from the national reserve do not cover producers who entered into an undertaking pursuant to Council Regulation (EEC) No 1078/77 of 17 May 1977 introducing a system of premiums for the non-marketing of milk and milk products and for the conversion of dairy herds⁽⁷⁾, as last amended by Regulation (EEC) No 1300/84⁽⁸⁾, and who for that reason did not deliver any milk or milk products during the reference year selected by the Member State concerned, unless such producers have made investments, have implemented a development plan or rank as young farmers; whereas the Court of Justice, in the judgments it handed down on 28 April 1988 in Cases 120/86 and 170/86 considered that the producers in question may not be excluded from the allocation of a reference quantity by reason of their undertaking not to deliver milk during the reference year in question; whereas the list of special situations in Article 3 must therefore be supplemented by a new Article, so that the producers concerned can receive a special reference quantity from 'deliveries' and/or from 'direct sales';

Whereas, however, producers may claim such special quantities only if they comply with certain eligibility criteria thus making clear that they intend and are really able to resume milk production and find it impossible to

obtain a reference quantity pursuant to Article 2 of Regulation (EEC) No 857/84;

Whereas, by way of contrast to the producers referred to in Article 2 of Regulation (EEC) No 857/84, these producers have not delivered milk during the reference year and, thus, have not contributed to the establishment of the overall guaranteed quantity per Member State, fixed on the basis of quantities actually delivered in each Member State; whereas, by way of contrast to the producers referred to in Article 3 of that Regulation, save those referred to in paragraph 3 of that Article, the same producers may invoke an entitlement to allocation of a certain reference quantity, as the Court recognized in its abovementioned judgments; whereas, under those conditions, the situation of the producers in question is characterized by the factors specific thereto;

Whereas a reference production should therefore be set on the basis of the most recent figures known and accepted by the competent authority prior to the implementation of the non-marketing and conversion programme;

Whereas, it is advisable in these circumstances, in order to take account of the various interests involved, on the one hand to increase by 600 000 tonnes the Community reserve fixed by Regulation (EEC) No 2237/88⁽⁹⁾, in order to create the necessary availability of supplies so as to allow allocation of the necessary reference quantities to the producers concerned, and on the other hand to limit such quantities to 60 % of the abovementioned reference production taking into account the overriding necessity of not jeopardizing the fragile stability that currently obtains in the milk products sector;

Whereas the quantities granted are not intended to confer an undue advantage but must in fact be produced by those to whom they are allocated; whereas such quantities should therefore be made subject to certain restrictive conditions;

Whereas where the producer has resumed production prior to receiving his special reference quantity, it seems fair not to subject the quantities thus produced to the levy, within the limit of the reference quantity allocated;

Whereas Article 4a authorizes quantities which have not been used by purchasers or producers to be redistributed to other purchasers or producers; whereas the levy is then collected only on those quantities which exceed the individual reference quantities, as corrected by the said redistribution; whereas these provisions, which are applicable to the person liable to the levy and to the

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 12, 16. 1. 1989.

⁽⁴⁾ OJ No C 337, 31. 12. 1988, p. 16.

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁶⁾ OJ No L 110, 29. 4. 1988, p. 28.

⁽⁷⁾ OJ No L 131, 26. 5. 1977, p. 1.

⁽⁸⁾ OJ No L 125, 12. 5. 1984, p. 3.

⁽⁹⁾ OJ No L 197, 26. 7. 1988, p. 39.

amount of the reference quantity to which he is entitled, may have caused the Member States some problems in applying the additional levy scheme when it was first implemented; whereas the difficulties experienced by Member States should be taken into account by requiring the levy to be paid to the Community, in the case of the first two periods of application of the scheme, only if one or other of the two overall guaranteed quantities is exceeded,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 857/84 is hereby amended as follows:

1. The following Article is added:

Article 3a

1. Producers referred to in the third paragraph of Article 12 (c):

— whose period of non-marketing or conversion, pursuant to the undertaking given under Regulation (EEC) No 1078/77, expires after 31 December 1983, or after 30 September 1983 in Member States where the milk collection in the months April to September is at least twice that of the months October to the March of the following year;

— who have not received a reference quantity under the terms laid down pursuant to Article 5 (4) (b) and/or Article 9 (2) of Regulation (EEC) No 1546/88⁽¹⁾ and/or, with regard to the person to whom the premium is transferred, pursuant to Article 2 of this Regulation,

shall receive provisionally, if they so request within three months from 29 March 1989, a special reference quantity and provided that such producers:

- (a) did not cease farming within the meaning of Article 2 (3) and (4) of Regulation (EEC) No 1078/77 or transfer the whole of their dairy enterprise before the end of the non-marketing or conversion period;
- (b) establish in support of their request, to the satisfaction of the competent authority, that they are able to produce on their holding up to the reference quantity requested;
- (c) undertake to sell milk or other products direct to the consumer and/or to deliver milk to a buyer;
- (d) undertake, as regards the special reference quantity, not to apply for assistance under any programme

for the abandonment of reference quantities until the end of the additional levy scheme.

2. The special reference quantity shall be equal to 60 % of the quantity of milk delivered or the quantity of milk equivalent sold by the producer during the 12 calendar months preceding the month in which the application for the non-marketing or conversion premium was made, as determined by the competent authority concerned pursuant to Article 5 (1) (e) of Regulation (EEC) No 1391/78⁽²⁾, as last amended by Regulation (EEC) No 84/83⁽³⁾, and for which the producer has not lost his entitlement to the premium.

Where the producer has obtained a reference quantity pursuant to Article 3, points 1 and 2, and/or Article 4 (1) (b) and (c), the special reference quantity referred to in the first subparagraph of the paragraph shall be reduced by such quantity.

Where the producer has transferred part of his holding during the non-marketing or conversion period:

- the transferor's special reference quantity as established above shall be equal to 60 % of the quantity for which entitlement to the premium has been retained,
- the transferee's special reference quantity as established above shall be equal to 60 % of the quantity for which entitlement to the premium has been acquired.

3. If, within two years from 29 March 1989, producers can prove to the satisfaction of the competent authority that they have actually resumed direct sales and/or deliveries, and that such direct sales and/or deliveries have attained during the previous 12 months a level equal to or greater than 80 % of the provisional reference quantity, the special reference quantity shall be definitively allocated to the producers. Should this not prove to be the case, the provisional reference quantity shall be returned in its entirety to the Community reserve. The level of direct sales and/or actual deliveries shall be determined by taking into account production rate trends on the producers's holding, seasonal conditions and any exceptional circumstances.

4. That part of the special reference quantity which is not intended for use during a 12-month period may not be the subject of a temporary transfer as referred to in Article 5c (1a) of Regulation (EEC) No 804/68.

Where the holding is sold or leased before the end of the eighth period of application of the additional levy scheme, the special reference quantity shall be returned to the Community reserve. Where only part of the holding is sold or leased, part of the special

reference quantity shall be returned to the Community reserve. Such part shall be calculated on the basis of the feed-crop area sold or leased in accordance with the detailed rules to be defined under the procedure laid down in Article 30 of Regulation (EEC) No 804/68.

5. Producers eligible under paragraph 1 who receive a special reference quantity on the terms laid down in paragraphs 2, 3 and 4 shall not be liable to the additional levy in respect of quantities produced prior to the sixth period of application of the scheme which do not exceed the provisional special quantity.

6. The special reference quantities allocated pursuant to this Article may not be the subject of any programme for the cessation of milk production until the end of the additional levy scheme.

2. The following subparagraph is added to Article 4a (3a):

'However, for the first two periods of application in each Member State of the additional levy scheme, levies shall be due to the Community only on the quantity by which either the overall guaranteed quantity referred to in Article 5c (3) of Regulation (EEC) No 804/68 and/or the overall guaranteed quantity referred to in Article 6 (2) of this Regulation is exceeded.'

3. The following subparagraph is added to Article 12 (c):

'For the purposes of applying Article 3a, any natural or legal person or group of natural or legal persons farming a holding located within the geographical territory of the Community shall be deemed to be a producer of an agricultural holding.'

Article 2

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

(¹) OJ No L 139, 4. 6. 1988, p. 12.

(²) OJ No L 167, 24. 6. 1978, p. 45.

(³) OJ No L 13, 15. 1. 1983, p. 5."

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 765/89

of 20 March 1989

amending Regulation (EEC) No 1079/77 on a co-responsibility levy and on measures for expanding the markets in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

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

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

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

Whereas Regulation (EEC) No 1079/77 ⁽⁴⁾, as last amended by Regulation (EEC) No 2234/88 ⁽⁵⁾ introduced a co-responsibility levy due, in principle, on all milk delivered to dairies and on certain farm sales of milk products;

Whereas pursuant to Article 5c of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽⁶⁾, as last amended by Regulation (EEC) No 763/89 ⁽⁷⁾, the additional levy scheme was extended from five to eight consecutive 12-month periods; whereas it was also decided to renew the co-responsibility levy at the rate of 2 % with effect from 1 July 1988; whereas it would, therefore, appear appropriate to ease the burden of the co-responsibility levy on small producers,

Article 1

The following paragraph is added to Article 1 of Regulation (EEC) No 1079/77:

'4. With regard to producers whose deliveries during the 12 months of the fourth period of application of the additional levy scheme referred to in Article 5c of Regulation (EEC) No 804/68 did not exceed 60 000 kilograms, the amount of the levy resulting from the application of Article 2 of this Regulation, and, where appropriate, of paragraph 3 of this Article, shall be reduced by 0,5 points during the sixth period of application of the additional levy.

Any producer who commenced or recommenced deliveries after the beginning of the fourth 12-month period before a date specified each year by the Member State concerned and whose deliveries as recorded or, where appropriate, estimated, for the first year of production, do not exceed 60 000 kilograms shall also qualify for the 0,5 point reduction.'

Article 2

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

It shall apply with effect from 1 April 1989.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No C 265, 12. 10. 1988, p. 6.

⁽²⁾ OJ No C 12, 16. 1. 1989.

⁽³⁾ OJ No C 337, 31. 12. 1988, p. 16.

⁽⁴⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽⁵⁾ OJ No L 197, 26. 7. 1988, p. 36.

⁽⁶⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁷⁾ See page 1 of this Official Journal.

COUNCIL REGULATION (EEC) No 766/89

of 20 March 1989

establishing, for the period running from 1 April 1989 to 31 March 1990, the Community reserve for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 763/89⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁵⁾,

Whereas Article 5c (4) of Regulation (EEC) No 804/68 provides for the establishment of a Community reserve in order to supplement, at the beginning of each 12-month period, the overall guaranteed quantities of Member States in which the levy scheme gives rise to particular difficulties; whereas, for the sixth 12-month period, the Community reserve should be fixed at 1 043 000 tonnes, including 600 000 tonnes intended to temper the

difficulties faced by Member States in allocating special reference quantities pursuant to Article 3a of Regulation (EEC) No 857/84⁽⁶⁾, as last amended by Regulation (EEC) No 764/89⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

For the period running from 1 April 1989 to 31 March 1990, the Community reserve provided for in Article 5c (4) of Regulation (EEC) No 804/68 is hereby fixed at 1 043 000 tonnes, including 600 000 tonnes intended to temper the difficulties faced by Member States in allocating special reference quantities in accordance with Article 3a of Regulation (EEC) No 857/84.

Article 2

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

It shall be applicable from 1 April 1989.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 265, 12. 10. 1988, p. 5.

⁽⁴⁾ OJ No C 12, 16. 1. 1989.

⁽⁵⁾ OJ No C 337, 31. 12. 1988, p. 16.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁷⁾ See page 2 of this Official Journal.

COUNCIL REGULATION (EEC) No 767/89
of 20 March 1989
fixing the intervention price for butter from 1 April 1989

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁵⁾,

Whereas Regulation (EEC) No 2233/88⁽⁶⁾ fixes for the 1988/89 milk year, the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano and Parmigiano Reggiano cheeses;

Whereas the market situation has changed since that Regulation was adopted, in particular as a result of a rapid reduction in butter stocks; whereas in order to prevent those stocks from building up again, the intervention price for butter should be reduced,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 April 1989 the intervention price for butter shall be ECU 306,94 per 100 kilograms for the Community of Ten and ECU 332,87 per 100 kilograms for Spain.

Article 2

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

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 265, 12. 10. 1988, p. 6.

⁽⁴⁾ OJ No C 12, 16. 1. 1989.

⁽⁵⁾ OJ No C 337, 31. 12. 1988, p. 16.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 34.

COUNCIL REGULATION (EEC) No 768/89
of 21 March 1989
establishing a system of transitional aids to agricultural income

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

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

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

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

Whereas the Community's policy on agricultural structures has been supplemented by certain measures designed, in particular, to make it easier for farmers to adapt to the new circumstances obtaining on agricultural markets in the context of the current reform of the common agricultural policy and in particular of the adjustment of the market organizations; whereas, however, such measures may not provide sufficient assistance for certain categories of family holdings;

Whereas, this being the case, and in accordance with the conclusions of the European Council which met in February 1988 in Brussels, Member States should have the option of granting transitional aids to agricultural income to provide support for the efforts of weak agricultural holdings, which would otherwise not be able to adapt successfully owing to their economic and structural situation, to adjust; whereas such aids also contribute towards maintaining a fair standard of living for the agricultural community in accordance with the objective laid down in Article 39 (1) (b) of the Treaty and therefore towards safeguarding the balances necessary to the vitality of rural society, given the requirements relating to the protection of the landscape and of the environment;

Whereas, in order to ensure the necessary transparency of such temporary aids and compliance with Community conditions laid down to prevent any jeopardizing of the Community's objectives as regards market reform in particular, the aids to income under consideration should be granted subject to prior approval by the Commission of programmes of agricultural income aids drawn up by the Member States planning to introduce such measures; whereas, in order to avoid distortion of competition between agricultural producers, such programmes must in particular establish and comply with the link existing

between the aid provided for and the injury resulting from the adjustment of conditions on the markets;

Whereas account should also be taken of the fact that the holdings of the type concerned are unevenly distributed in the Community and are relatively concentrated in the Member States where budget funds and, consequently, the possibilities for granting transitional aids are much more restricted than in other Member States; whereas the cohesion sought by the Single European Act therefore requires, in the latter cases in particular, a Community contribution towards the income aids granted to persons practising farming as their main occupation; whereas the level of the community contribution must be varied according to the requirements and the financial resources available in the various regions of the Community;

Whereas the Community contribution is to be financed from appropriations entered in a special chapter of the general budget of the Community; whereas, in order to facilitate the management and financial execution of the system, the financing rules should be those applying to the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section under Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. To assist, in their efforts to adjust family agricultural holdings which have been weakened in the context of the reform of the common agricultural policy by the new conditions obtaining on the markets and which are not able through their own efforts to carry out successfully the process of adaptation owing to their economic and structural situation, a Community system is hereby instituted whereby the Member States may be authorized to grant transitional aids to agricultural income, hereinafter referred to as 'income aids'.

Articles 92, 93 and 94 of the Treaty shall not apply to the aids granted in conformity with this Regulation.

2. Income aids may contribute in particular to:

(a) safeguarding income at fair levels during a process of adaptation which may affect the structure, organization or management of agricultural holdings;

⁽¹⁾ OJ No C 236, 2. 9. 1987, p. 4, and OJ No C 180, 9. 7. 1988, p. 9.

⁽²⁾ OJ No C 49, 29. 2. 1988, p. 97, and OJ No C 290, 14. 11. 1988, p. 161.

⁽³⁾ OJ No C 319, 30. 11. 1987, p. 32.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

- (b) alleviating the impact, in terms of income, arising from the financial obligations of agricultural holdings;
- (c) supporting the level of agricultural income during efforts to diversify the farmer's activity outside agriculture.

They must not stimulate agricultural production nor bring about distortion of competition.

- 3. The Community shall contribute towards the financing of the income aids on the terms laid down in Title II.

TITLE I

The system of income aids

Article 2

Income aids may only be authorized within the scope of this system where:

- (a) they form part of a programme drawn up by the Member State concerned in accordance with Article 3;
- (b) the recipients meet the conditions laid down in Article 4 (1);
- (c) they do not exceed in amount the level determined in accordance with Article 5; and
- (d) they are granted in compliance with the special detailed rules set out in Article 6.

Article 3

- 1. Programmes of agricultural income aids (hereinafter referred to as 'PAIA') shall constitute the general framework laid down by the Member State concerned for granting income aids at national, regional and/or sectoral level.
- 2. Each PAIA shall include at least the following details:
 - (a) the precise objectives sought by the introduction of the PAIA;
 - (b) the geographical area and, where appropriate, the agricultural sector or sectors concerned by the PAIA;
 - (c) definition of the potential recipients of the income aid in compliance with the conditions laid down in Article 4;
 - (d) detailed rules for granting the aid in compliance with the conditions laid down in Articles 5 and 6, with proof of the injury referred to in Article 5, as intended to serve as a basis for the granting of the aid;
 - (e) the maximum overall annual amount of estimated expenditure resulting from the application of the PAIA, with details of the amount likely to qualify for a Community contribution pursuant to Articles 8 and 9.
- 3. Where the geographical scope of the PAIA is not the national territory, it shall be delimited in terms of the administrative regions of the Member State concerned. However, the PAIA may relate only partially to one or

more administrative regions where the socio-structural characteristics of agricultural holdings are broadly homogeneous in the planned area of application.

Article 4

- 1. The farmers and members of their families working on the holding may qualify for income aid only where the overall family income amounts, per work unit, to less than a threshold determined by the Member State concerned, having regard to the national provisions in force for similar measures and the objectives and detailed rules on granting the aid laid down in the PAIA in question.

That threshold may in no case exceed 70 % of the national gross domestic product or 90 % of the regional gross domestic product per member of the working population.

'Overall family income' means the income of the farmer and of those members of his family working on the holding, including any non-agricultural resources.

- 2. The agricultural income of the holding to be taken into account shall be established:
 - on the basis of an indicator consistent with the concept of gross domestic product referred to in paragraph 1, second subparagraph,
 - by means of accounting data or other objective criteria relating to the holding, to be determined in accordance with the procedure laid down in Article 13.

Article 5

- 1. The level of income aid shall be determined on the basis of the injury arising for potential recipients from the adjustment of the markets in the context of the reform of the common agricultural policy and of the adjustment of the common organizations of the markets; it shall be established, as the Member State concerned so chooses, on a flat-rate or individual basis.
- 2. Where the level of the aid is established on a flat-rate basis for the PAIA application area and/or sector:
 - (a) the injury referred to in paragraph 1 shall, in compliance with the detailed rules to be adopted in accordance with the procedure provided for in Article 13, be established overall on the basis of a multi-annual reference period for the holdings in the application area and/or sector in question, expressed as a total amount;
 - (b) the aid granted to individual recipients in the application area and/or sector may not exceed overall the amount referred to in (a); the amount of aid may be differentiated on the basis of objective data relating to the holding (utilized agricultural area, standard gross margin, etc.).
- 3. Where the level of the aid is established individually, it may at most cover the injury referred to in paragraph 1, suffered by the holding concerned. That injury shall be established on the basis of a multi-annual reference period and in compliance with detailed rules to be determined in accordance with the procedure laid down in Article 13.

Article 6

1. The detailed rules for granting the income aids shall be governed by the following special conditions:

- (a) the aids may not be granted on the basis of the prices and/or quantity of production of the holding concerned;
- (b) the aids may be granted to an individual recipient only degressively and for no more than a maximum of five years from the first payment;
- (c) the Member States shall exclude from income aids households where farming accounts for a negligible part of the income.

2. In order to prevent distortion of competition, maximum amounts of aid per work unit, expressed as a percentage of the average regional or national income shall be fixed in accordance with the procedure laid down in Article 13.

In no case may aid exceed ECU 2 500 per year per work unit on the holding concerned.

3. In order to achieve the objectives in Article 1 (2) (a) and (b),

- (a) the amount of the aid to be granted to individual recipients may be capitalized;
- (b) for the application of the threshold referred to in Article 4 (1) and for the purpose of applying Article 5, the net agricultural income of the holding may be used, determined by means of accounting figures.

The detailed rules for the application of this paragraph shall be determined in accordance with the procedure laid down in Article 13.

Article 7

1. Where a Member State plans to introduce or amend a PAIA, it shall notify the Commission of the draft programme or the proposed amendment. The notification must contain the information required for assessing whether the conditions laid down in this Regulation are met.

At the request of the Commission, the Member State concerned shall provide additional information for assessment purposes.

2. Member States may not implement the planned measure before the Commission has approved the PAIA concerned.

When making its assessment the Commission shall ensure that the planned measures are in accordance with the provisions of this Regulation, having regard in particular to the objectives referred to in the second subparagraph of Article 1 (2).

3. Within three months from the date of receipt of a draft PAIA or amendments thereto, the Commission, having consulted the Committee provided for in Article 13, shall decide whether to approve the draft PAIA or the amendments thereto provided that all the particulars set out in Article 3 and, where appropriate, the additional

information referred to in the second subparagraph of paragraph 1, are provided.

4. The first subparagraph of paragraph 2 shall be without prejudice to the Member State concerned implementing, in the framework of a PAIA approved in accordance with paragraph 3, income aid measures which are more restrictive than those laid down in the PAIA in question as regards in particular:

- the geographical or sectoral scope,
- the detailed rules for the grant in accordance with Articles 4 and 5,
- and

— the duration of application of income aids actually granted.

5. In accordance with detailed rules to be determined in accordance with the procedure laid down in Article 13, the Member States shall notify the Commission periodically of progress in approved PAIAs.

TITLE II

Community financing of income aids

Article 8

1. Income aids which are part of a PAIA approved in accordance with Article 7 (3) and which, in addition to meeting the conditions set out in Articles 4, 5 and 6, also relate to holdings where the farmer or a member of his family working on the holding possesses adequate occupational skill and competence and practises farming as his main occupation shall be eligible for Community financing.

For the purposes of applying this condition, Article 2 (5) and (6) of Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 1137/88⁽²⁾, shall apply.

2. However, only that proportion of income aid shall be eligible for Community financing which:

- (a) is granted in respect of not more than two work units per holding and amounts to not more than ECU 1 000 per work unit per year; and
- (b) constitutes, in the second, third, fourth and fifth years of its grant to individual recipients, 85 %, 70 %, 55 % and 40 % respectively of the eligible income aid granted to them in the first year in accordance with Articles 4 and 5.

3. To ensure that the appropriations entered in the Community budget are not exceeded by expenditure, additional conditions relating to the eligibility of PAIAs may be laid down in accordance with the procedure laid down in Article 13, the EAGGF Committee having been consulted on the financial aspects.

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

Article 9

1. The Community contribution to the financing of the income aids shall amount to:

- 70 % of the eligible amount where the holding concerned is located in a region covered by objective 1 in Article 1 of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾,
- 25 % of the eligible amount in other cases.

2. However, in accordance with the procedure laid down in Article 43 (2) of the Treaty, and intermediate rate of Community contribution may be fixed for certain areas covered by objective 5 (b) in Article 1 of Regulation (EEC) No 2052/88.

Article 10

The Community contribution provided for in Articles 8 and 9 shall be financed from appropriations entered in a special chapter of the general budget of the Communities. The financing rules shall be those applying to the EAGGF Guarantee Section.

TITLE III

General provisions

Article 11

Without prejudice to other specific or sectoral Community provisions, agricultural income aids shall be prohibited if the conditions or rules governing the granting thereof differ from those laid down in this Regulation, and in particular if the amount of such aids is determined by reference to prices, quantities or agricultural products or inputs.

Article 92, with the exception of paragraph 3 thereof, and Article 93 of the Treaty shall apply to such aids.

Article 12

Detailed rules for the application of this Regulation and, if need be, transitional measures relating to Article 11, shall be adopted in accordance with the procedure laid down in Article 13.

Article 13

1. A Management Committee for Agricultural Income Aids, hereinafter referred to as the 'Committee', shall be

set up comprising representatives from the Member States and chaired by a Commission representative.

2. Within the Committee the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

3. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

4. 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. It shall require a majority of 54 votes.

5. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time-limit referred to in the previous paragraph.

6. The Committee may examine any other matter referred to it by its chairman, either on his own initiative or at the request of the representative of a Member State.

Article 14

1. At the end of a three-year period starting from the entry into force of this Regulation, the Commission shall submit to the European Parliament and to the Council a report on the operation of the system provided for in this Regulation, on the basis of the information provided by the Member States.

2. Having examined that report, the Council, acting in accordance with the procedure laid down in Article 43 (2) of the Treaty, may decide, in the light of experience and of the development of economic conditions and agricultural incomes, to amend this system where necessary.

Article 15

This Regulation shall enter into force on 1 April 1989.

It shall apply until 31 March 1993.

No PAIA may be approved after that date pursuant to Article 7 and no income aid provided for in a PAIA approved before that date may be granted to individual recipients after 31 March 1998.

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

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

Done at Brussels, 21 March 1989.

For the Council

The President

C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 769/89**of 21 March 1989****extending the 1988/89 marketing year in the milk and beef and veal sectors**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 763/89 ⁽²⁾, and in particular Article 2 thereof,Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽³⁾, as last amended by Regulation (EEC) No 571/89 ⁽⁴⁾, and in particular Article 4 thereof,

Having regard to the proposal from the Commission,

Whereas it has proved necessary to reconsider all the problems relating to the fixing of prices for the forthcoming marketing year, which will involve delay in

the fixing of those prices ; whereas the 1988/89 marketing year must therefore be extended in the milk and beef and veal sectors until 30 April 1989,

HAS ADOPTED THIS REGULATION :

Article 1

1. The 1988/89 milk year shall end on 30 April 1989 and the 1989/90 milk year shall begin on 1 May 1989.
2. The 1988/89 marketing year for beef and veal shall end on 30 April 1989 and the 1989/90 marketing year shall begin on 1 May 1989.

Article 2

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, 21 March 1989.

*For the Council**The President*

C. ROMERO HERRERA

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ See page 1 of this Official Journal.⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽⁴⁾ OJ No L 61, 4. 3. 1989, p. 43.

COUNCIL REGULATION (EEC) No 770/89

of 21 March 1989

amending Regulation (EEC) No 3667/83 relating to the continuing of the import of New Zealand butter into the United Kingdom on special terms

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the 1972 Act of Accession, and in particular Article 5 (2) of Protocol 18 thereto,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3667/83 ⁽¹⁾, as last amended by Regulation (EEC) No 4131/88 ⁽²⁾, gave the United Kingdom temporary authorization to import a quantity of New Zealand butter on special terms during the period from 1 January 1984 to 31 December 1988;

Whereas the Council was unable to agree in good time on new import arrangements for a longer term; whereas, in order to prevent an interruption of the imports, a further temporary authorization should be granted for the period 1 January to 31 March 1989;

Whereas for the same reasons it is appropriate to extend the temporary authorization up to 31 May 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3667/83 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

'1. These arrangements shall apply during the period 1 January 1984 to 31 May 1989.

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

Done at Brussels, 21 March 1989.

The quantities which may be imported shall be as follows:

- 83 000 tonnes in 1984,
- 81 000 tonnes in 1985,
- 79 000 tonnes in 1986,
- 76 500 tonnes in 1987,
- 74 500 tonnes in 1988,
- 31 040 tonnes for the period 1 January to 31 May 1989.'

2. Article 2 (3) is replaced by the following:

'3. Before 31 May 1989 the Council, acting unanimously on a proposal from the Commission, shall take a decision on the maintenance of exceptional arrangements.'

Article 2

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

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 366, 28. 12. 1983, p. 16.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 3.

COMMISSION REGULATION (EEC) No 771/89
of 28 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 24 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 29 March 1989.

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

Done at Brussels, 28 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 28 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	128,27
0712 90 19	21,98	128,27
1001 10 10	55,14	183,59 ⁽¹⁾ ⁽²⁾
1001 10 90	55,14	183,59 ⁽¹⁾ ⁽²⁾
1001 90 91	32,44	118,83
1001 90 99	32,44	118,83
1002 00 00	60,11	110,86 ⁽⁶⁾
1003 00 10	50,67	111,34
1003 00 90	50,67	111,34
1004 00 10	41,73	76,74
1004 00 90	41,73	76,74
1005 10 90	21,98	128,27 ⁽²⁾ ⁽³⁾
1005 90 00	21,98	128,27 ⁽²⁾ ⁽³⁾
1007 00 90	45,32	136,97 ⁽⁴⁾
1008 10 00	50,67	22,56
1008 20 00	50,67	33,44 ⁽⁴⁾
1008 30 00	50,67	0,00 ⁽²⁾
1008 90 10	(?)	(?)
1008 90 90	50,67	0,00
1101 00 00	59,77	180,72
1102 10 00	98,51	168,61
1103 11 10	98,98	298,07
1103 11 90	63,11	193,73

⁽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 772/89

of 28 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 24 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 29 March 1989.

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

Done at Brussels, 28 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 28 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	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	1,21
1001 10 90	0	0	0	1,21
1001 90 91	0	0	0	0,81
1001 90 99	0	0	0	0,81
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	1,12

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	1,44	1,44
1107 10 19	0	0	0	1,08	1,08
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 773/89**of 28 March 1989****fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States are to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 1821/87 ⁽²⁾, and in particular Article 4 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 486/85 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must

be calculated in conformity with Article 3 of Commission Regulation (EEC) No 552/85 ⁽³⁾, as amended by Regulation (EEC) No 3815/85 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 4 (1) of Regulation (EEC) No 486/85 shall, in respect of importations during the second quarter of 1989, be as shown in the Annex hereto.

Article 2

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, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.
⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽³⁾ OJ No L 63, 2. 3. 1985, p. 13.
⁽⁴⁾ OJ No L 368, 31. 12. 1985, p. 11.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρ/100 χγρ	España Pta/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	United Kingdom £/100 kg
0102 90 10	5 257,9	962,76	257,09	14 772,87	17 150,71	850,46	93,292	179 424	288,23	77,218
0102 90 31	5 257,9	962,76	257,09	14 772,87	17 150,71	850,46	93,292	179 424	288,23	77,218
0102 90 33	5 257,9	962,76	257,09	14 772,87	17 150,71	850,46	93,292	179 424	288,23	77,218
0102 90 35	5 257,9	962,76	257,09	14 772,87	17 150,71	850,46	93,292	179 424	288,23	77,218
0102 90 37	5 257,9	962,76	257,09	14 772,87	17 150,71	850,46	93,292	179 424	288,23	77,218
0201 10 10	9 990,1	1 829,25	488,48	28 068,54	32 586,44	1 615,89	177,256	340 907	547,65	146,715
0201 10 90	9 990,1	1 829,25	488,48	28 068,54	32 586,44	1 615,89	177,256	340 907	547,65	146,715
0201 20 21	9 990,1	1 829,25	488,48	28 068,54	32 586,44	1 615,89	177,256	340 907	547,65	146,715
0201 20 29	9 990,1	1 829,25	488,48	28 068,54	30 425,68	1 615,89	177,256	340 907	547,65	146,715
0201 20 31	7 992,1	1 463,41	390,79	22 454,90	26 069,24	1 292,72	141,806	272 726	438,12	117,373
0201 20 39	7 992,1	1 463,41	390,79	22 454,90	26 069,24	1 292,72	141,806	272 726	438,12	117,373
0201 20 51	11 988,1	2 195,10	586,19	33 682,09	39 103,66	1 939,06	212,707	409 087	657,17	176,057
0201 20 59	11 988,1	2 195,10	586,19	33 682,09	39 103,66	1 939,06	212,707	409 087	657,17	176,057
0201 20 90	14 985,1	2 743,88	732,74	50 324,40	47 367,14	2 423,83	265,884	515 084	821,47	221,305
0201 30 00	17 140,9	3 138,61	838,14	52 239,54	55 160,87	2 772,52	304,134	586 771	939,65	252,344
0202 10 00	9 702,1	1 776,52	474,41	28 218,93	31 470,50	1 569,30	172,147	331 513	531,86	142,629
0202 20 10	9 702,1	1 776,52	474,41	28 218,93	31 470,50	1 569,30	172,147	331 513	531,86	142,629
0202 20 30	7 761,6	1 421,21	379,52	22 574,96	25 176,29	1 255,44	137,716	265 209	425,48	114,104
0202 20 50	12 127,6	2 220,65	593,01	35 273,67	39 338,16	1 961,63	215,183	414 392	664,82	178,287
0202 20 90	14 553,1	2 664,77	711,61	49 641,17	45 860,33	2 353,95	258,219	500 581	797,79	215,040
0202 30 10	12 127,6	2 220,65	593,01	35 273,67	39 338,16	1 961,63	215,183	414 392	664,82	178,287
0202 30 50	12 127,6	2 220,65	593,01	35 273,67	39 338,16	1 961,63	215,183	414 392	664,82	178,287
0202 30 90	16 687,5	3 055,60	815,98	53 446,50	53 225,86	2 699,20	296,091	572 426	914,80	246,058
0206 10 95	17 140,9	3 138,61	838,14	52 239,54	55 160,87	2 772,52	304,134	586 771	939,65	252,344
0206 29 91	16 687,5	3 055,60	815,98	53 446,50	53 225,86	2 699,20	296,091	572 426	914,80	246,058
0210 20 10	14 985,1	2 743,88	732,74	50 324,40	47 367,14	2 423,83	265,884	515 084	821,47	221,305
0210 20 90	17 140,9	3 138,61	838,14	54 897,69	54 671,85	2 772,52	304,134	587 975	939,65	252,743
0210 90 41	17 140,9	3 138,61	838,14	54 897,69	54 671,85	2 772,52	304,134	587 975	939,65	252,743
0210 90 90	17 140,9	3 138,61	838,14	54 897,69	54 671,85	2 772,52	304,134	587 975	939,65	252,743
1602 50 10	17 140,9	3 138,61	838,14	54 897,69	54 671,85	2 772,52	304,134	587 975	939,65	252,743
1602 90 61	17 140,9	3 138,61	838,14	62 933,88	53 193,43	2 772,52	304,134	591 615	939,65	253,947

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

NB: KN-kodeerne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) nº 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificata.

NB: GN-codes en voetnoten : zie de gewijzigde Verordening (BEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) nº 2658/87 alterado.

**COMMISSION REGULATION (EEC) No 774/89
of 28 March 1989**

amending Regulation (EEC) No 130/89 determining the amounts of the variable components and additional duties applicable from 1 February to 30 April 1989 inclusive on the importation into the Community of goods covered by Council Regulation (EEC) No 3033/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as amended by Regulation (EEC) No 3743/87 ⁽²⁾, and in particular Articles 6 and 8 thereof,

Whereas Commission Regulation (EEC) No 130/89 ⁽³⁾ lays down the amounts of the variable components and additional duties applicable from 1 February to 30 April 1989 inclusive on the importation into the Community of goods covered by Council Regulation (EEC) No 3033/80,

Whereas the amount of ECU 17,499 per 100 kilograms indicated as the average cif price for long-grain husked rice is incorrect; whereas the correct amount is ECU 17,891 per 100 kilograms; whereas as a result of the use of the amount of ECU 17,499 per 100 kilograms the calculation of the difference in price for that basic product and of certain variable components was

incorrect; whereas Regulation (EEC) No 130/89 must therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts indicated in the second column of the Annex to this Regulation replace those given in Annex I to Regulation (EEC) No 130/89 in relation to the CN codes set out in the first column of the Annex to this Regulation.

2. The amount of '38,586' indicated in Annex III to Regulation (EEC) No 130/89 for long-grain husked rice is replaced by the amount of '38,194'.

Article 2

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

However, it shall be applicable, if such a request is made with proper statement of reasons and submitted within three months from the date of entry into force of this Regulation, in respect of operations executed from 1 February 1989 onwards.

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

Done at Brussels, 28 March 1989.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1987, p. 29.

⁽³⁾ OJ No L 21, 25. 1. 1989, p. 1.

ANNEX

CN code	ECU/100 kg
(1)	(2)
1904 10 30	66,46
1904 10 90	44,36
1904 90 10	66,46

COMMISSION REGULATION (EEC) No 775/89**of 28 March 1989****fixing advance payments in respect of the production levies in the sugar sector
for the 1988/89 marketing year**

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

Having regard to Council Regulation (EEC) No 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 28 (8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector⁽³⁾, as last amended by Regulation (EEC) No 1964/88⁽⁴⁾, provides for the fixing before 1 April, and the collection before the following 1 June, of the unit amounts to be paid by sugar producers and isoglucose producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28 (3) and (4) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5(1)(b) of Regulation (EEC) No 1443/82 in respect of the 1988/89 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,542 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 10,159 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,433 per 100 kilograms of dry matter.

Article 2

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

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

Done at Brussels, 28 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 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 173, 5. 7. 1988, p. 10.

COMMISSION REGULATION (EEC) No 776/89

of 28 March 1989

amending Regulation (EEC) No 1767/82 as regards imports of certain cheeses
from Romania

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk products ⁽¹⁾, as last amended by Regulation (EEC)
No 1109/88 ⁽²⁾, and in particular Article 14 (7) thereof,

Whereas by letter of 3 February 1989 Romania notified
the Commission that the agency issuing the IMA 1
certificates provided for in Article 1 of Commission
Regulation (EEC) No 1767/82 ⁽³⁾, as last amended by
Regulation (EEC) No 4147/88 ⁽⁴⁾, is no longer called the
'Oficiul de Control al Marfurilor' but the 'Organisatia de
control al marfurilor „Romcontrol”'; whereas the name as
set out in Annex IV to the abovementioned Regulation
must accordingly be amended; whereas that Regulation
should, at the request of the persons concerned, be made
applicable from 1 September 1988, from which date
difficulties have arisen in connection with customs
clearance operations owing to the change of name;

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

In Annex IV to Regulation (EEC) No 1767/82, the name
of the issuing agency for Romania is hereby replaced by
'Organisatia de control al marfurilor „Romcontrol”'.

Article 2

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

It shall apply at the request of the parties concerned from
1 September 1988.

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

Done at Brussels, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 362, 30. 12. 1988, p. 40.

COMMISSION REGULATION (EEC) No 777/89**of 28 March 1989****authorizing Spain not to apply in certain areas the scheme for the set-aside of arable land**

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

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 591/89 ⁽²⁾, and in particular Article 32a (1) thereof,

Whereas Spain has submitted an application to be exempted from the scheme for land set-aside in respect of, on the one hand, areas with the highest risk of depopulation and, on the other, territorial units (comarcas) with particularly serious socio-economic situations; whereas these areas do not exceed 29,48 % of the arable land in Spain;

Whereas, in view of the particular structure of Spanish territory, the areas listed in the abovementioned application satisfy the criteria laid down in Commission Regulation (EEC) No 1273/88 ⁽³⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Spain is hereby authorized, pursuant to Article 32a (1) of Regulation (EEC) No 797/85, not to apply the scheme for the set-aside of arable land provided for in Title 01 of that Regulation in the areas set out in the Annex, which do not exceed 29,48 % of the arable land in Spain.

Article 2

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

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

Done at Brussels, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 65, 9. 3. 1989, p. 1.

⁽³⁾ OJ No L 121, 11. 5. 1988, p. 41.

ANNEX

Areas in respect of which Spain is authorized not to apply the scheme for the set-aside of arable land provided for in Title 01 of Council Regulation (EEC) No 797/85

COMARCAS DE ALBACETE

- 03. Sierra Alcaraz
- 06. Sierra Segura

COMARCAS DE ÁVILA

- 03. Barco Ávila-Piedrahita
- 04. Gredos

COMARCAS DE BADAJOZ

- 01. Alburquerque
- 02. Mérida
- 03. Don Benito
- 04. Puebla Alcocer
- 05. Herrera del Duque
- 06. Badajoz
- 07. Almendralejo
- 08. Castuera
- 09. Olivenza
- 10. Jerez de los Caballeros
- 11. Llerena
- 12. Azuaga

COMARCAS DE CÁCERES

- 02. Trujillo
- 03. Brozas
- 04. Valencia de Alcántara
- 05. Logrosán
- 06. Navalmoral de la Mata
- 08. Plasencia

COMARCAS DE CÁDIZ

- 01. Campiña de Cádiz
- 02. Costa Noroeste
- 04. De la Janda

COMARCAS DE CIUDAD REAL

- 01. Montes Norte
- 04. Montes Sur
- 05. Pastos
- 06. Campo de Montiel

COMARCAS DE CÓRDOBA

- 02. La Sierra
- 03. Campiña Baja
- 04. Las Colonias
- 05. Campiña Alta
- 06. Penibética

COMARCAS DE CUENCA

- 01. Alcarria
- 02. Serranía Alta
- 04. Serranía Baja

COMARCAS DE GRANADA

- 05. Iznalloz
- 06. Montefrío

COMARCAS DE GUADALAJARA

- 02. Sierra
- 03. Alcarria Alta
- 04. Molina de Aragón
- 05. Alcarria Baja

COMARCAS DE HUELVA

- 05. Condado Campiña
- 06. Condado Litoral

COMARCAS DE JAÉN

- 01. Sierra Morena
- 04. Campiña del Norte
- 05. La Loma
- 06. Campiña del Sur
- 07. Magina
- 09. Sierra Sur

COMARCAS DE MÁLAGA

- 01. Norte o Antequera

COMARCAS DE PALENCIA

- 03. Saldana-Valdavia
- 04. Boedo-Ojeda
- 06. Cervera

COMARCAS DE SEGOVIA

- 02. Sepúlveda

COMARCAS DE SEVILLA

- 02. La Vega
- 03. El Aljarafe
- 04. Las Marismas
- 05. La Campiña
- 06. La Sierra Sur
- 07. De Estepa

COMARCAS DE SORIA

- 01. Pinares
- 02. Tierras Altas y Valle del Tera
- 03. Burgo de Osma
- 05. Campo de Gomara
- 06. Almazán
- 07. Arcos de Jalón

COMARCAS DE TERUEL

- 01. Cuenca del Jiloca
- 02. Serranía de Montalbán
- 04. Serranía de Albarracín
- 06. Maestrazgo

COMARCAS DE ZAMORA

- 01. Sanabria
- 03. Aliste
- 05. Sayago

COMMISSION REGULATION (EEC) No 778/89

of 28 March 1989

authorizing France not to apply in certain areas the scheme for the set-aside of arable land

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

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 591/89⁽²⁾, and in particular Article 32a (1) thereof,

Whereas France has submitted an application to be exempted from the scheme for the set-aside of arable land in respect of the fire-risk areas of the departments of Alpes de Haute Provence, Hautes Alpes, Alpes Maritimes, Ardèche, Aude, Bouches du Rhône, Corse du Sud, Haute Corse, Drôme, Gard, Hérault, Lozère, Pyrénées-Orientales, Var and Vaucluse; whereas these areas do not exceed 2 % of the arable land in France and will be delimited by Prefectoral Order;

Whereas the areas listed in the abovementioned application satisfy the criteria laid down by Commission Regulation (EEC) No 1273/88⁽³⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

France is hereby authorized, pursuant to Article 32a (1) of Regulation (EEC) No 797/85, not to apply the scheme for the set-aside of arable land provided for in Title 01 of that Regulation in the fire-risk areas of the departments set out in the Annex, which do not exceed 2 % of the arable land in France.

Article 2

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

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

Done at Brussels, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 65, 9. 3. 1989, p. 1.

⁽³⁾ OJ No L 121, 11. 5. 1988, p. 41.

ANNEX

Alpes-de-Haute-Provence	Drôme
Hautes-Alpes	Gard
Alpes-Maritimes	Hérault
Ardèche	Lozère
Aude	Pyrénées-Orientales
Bouches-du-Rhône	Var
Corse-du-Sud	Vaucluse
Haute-Corse	

COMMISSION REGULATION (EEC) No 779/89

of 28 March 1989

fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89 (2), and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 10, 0201 10 90, 0201 20 11 and 0201 20 19, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3988/87⁽⁴⁾;

Whereas the guide prices for adult bovine animals to be applied from 4 July 1988 were fixed by Council Regulation (EEC) No 2249/88⁽⁵⁾; whereas Council Regulation (EEC) No 769/89⁽⁶⁾ has extended the 1988/89 marketing year for beef and veal;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

⁽¹⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽²⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽³⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁴⁾ OJ No L 198, 26. 7. 1988.

⁽⁵⁾ OJ No L 148, 28. 6. 1968, p. 24.

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77 of 18 March 1977⁽¹⁾, as amended by Regulation (EEC) No 925/77⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least 1,21 ECU per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on

the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the appropriate coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86⁽³⁾, as last amended by Regulation (EEC) No 4132/88⁽⁴⁾; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽⁵⁾, as last amended by Regulation (EEC) No 1547/88⁽⁶⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

⁽⁶⁾ See page 13 of this Official Journal.

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 109, 30. 4. 1977, p. 1.

⁽³⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽⁴⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽⁵⁾ OJ No L 77, 25. 3. 1977, p. 1.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas levies must be fixed having regard to the obligations arising from international agreements concluded by the Community; whereas account should also be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and of Council Decision 87/605/EEC of 21 December 1987 on the conclusion of the additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽²⁾, anticipating a reduction in the levy applicable on imports into the Community of certain products in the beef and veal sector originating in and coming from Yugoslavia;

Whereas Council Regulation (EEC) No 486/85⁽³⁾, last amended by Regulation (EEC) No 1821/87⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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 coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾,
- 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, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 3 April 1989.

⁽¹⁾ OJ No L 139, 4. 6. 1988, p. 22.

⁽²⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽³⁾ OJ No L 389, 31. 12. 1987, p. 72.

⁽⁴⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁵⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 28 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 28 March 1989 fixing the import levies on live cattle and on beef and veal other than frozen ⁽¹⁾

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	17,896	120,988
0102 90 31	21,226	17,896	120,988
0102 90 33	—	17,896	120,988
0102 90 35	21,226	17,896	120,988
0102 90 37	21,226	17,896	120,988
— Net weight —			
0201 10 10	—	34,002	229,878
0201 10 90	40,329	34,002	229,878
0201 20 21	—	34,002	229,878
0201 20 29	40,329	34,002	229,878
0201 20 31	—	27,202	183,903
0201 20 39	32,264	27,202	183,903
0201 20 51	48,395	40,802	275,853
0201 20 59	48,395	40,802	275,853
0201 20 90	—	51,002	344,817
0201 30 00	—	58,340	394,422
0206 10 95	—	58,340	394,422
0210 20 10	—	51,002	344,817
0210 20 90	—	58,340	394,422
0210 90 41	—	58,340	394,422
0210 90 90	—	58,340	394,422
1602 50 10	—	58,340	394,422
1602 90 61	—	58,340	394,422

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, 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.

⁽²⁾ This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 780/89

of 28 March 1989

fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/88⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3988/87⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at 6,65 ECU;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 4 July 1988 have been fixed by Council Regulation (EEC) No 2249/88⁽⁵⁾; whereas Council Regulation (EEC) No 769/89⁽⁶⁾ has extended the 1988/89 marketing year for beef and veal;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard coef-

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 198, 26. 7. 1988.

⁽⁶⁾ See page 13 of this Official Journal.

ficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the relevant coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage ; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86 ⁽¹⁾, as last amended by Regulation (EEC) No 4132/88 ⁽²⁾ ; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽³⁾, as last amended by Regulation (EEC) No 1547/88 ⁽⁴⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several

times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 486/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1821/87 ⁽⁶⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 139, 4. 6. 1988, p. 22.

⁽⁵⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁶⁾ OJ No L 172, 30. 6. 1987, p. 102.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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 Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in rela-

tion to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 3 April 1989.

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

Done at Brussels, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 28 March 1989 fixing the import levies on frozen beef and veal ⁽¹⁾

(ECU/100 kg)	
CN code	Levy
	— Net weight —
0202 10 00	210,939
0202 20 10	210,939
0202 20 30	168,751
0202 20 50	263,674
0202 20 90	316,408
0202 30 10	263,674
0202 30 50	263,674
0202 30 90	362,814
0206 29 91	362,814

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, 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.

COMMISSION REGULATION (EEC) No 781/89

of 28 March 1989

abolishing the countervailing charge on fresh lemons originating in Spain
(except the Canary Islands).

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 636/89⁽³⁾ introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands).

Whereas the present trend of prices for products originating in Spain (except in the Canary Islands) on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions

specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 636/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 29 March 1989.

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

Done at Brussels, 28 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 70, 14. 3. 1989, p. 20.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 782/89**of 28 March 1989****amending for the ninth time Regulation (EEC) No 151/89 introducing a countervailing charge on fresh lemons originating in Turkey**

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 151/89⁽³⁾, as last amended by Regulation (EEC) No 698/89⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 151/89 'ECU 20,80 is hereby replaced by 'ECU 36,64'.

Article 2

This Regulation shall enter into force on 29 March 1989.

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

Done at Brussels, 28 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 17, 21. 1. 1989, p. 45.

⁽⁴⁾ OJ No L 76, 18. 3. 1989, p. 26.

COMMISSION REGULATION (EEC) No 783/89

of 28 March 1989

introducing a countervailing charge on cabbage lettuce originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 3137/88 of 12 October 1988 fixing for the 1988/89 marketing year the reference prices for cabbage lettuce⁽³⁾ fixed the reference price for products of class I for the period 1 March to 31 May 1989 at ECU 81,50 per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of 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 cabbage lettuce originating in Israel the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these cabbage lettuce;

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 18,27 per 100 kilograms net is applied to cabbage lettuce (CN codes 0705 11 10 and 0705 11 90) originating in Israel.

Article 2

This Regulation shall enter into force on 30 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 280, 13. 10. 1988, p. 11.

⁽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, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 784/89

of 28 March 1989

introducing a countervailing charge on artichokes originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 3138/88 of 12 October 1987 fixing for the 1988/89 marketing year the reference prices for artichokes⁽³⁾ fixed the reference price for products of class I at 78,03 ECU per 100 kilograms net for the period 1 January to 30 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 artichokes originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these artichokes;

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;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 7,29 ECU per 100 kilograms net is applied to artichokes (CN code 0709 10 00) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 30 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 280, 13. 10. 1988, p. 13.

⁽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, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 785/89
of 28 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 756/89 ⁽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 29 March 1989.

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

Done at Brussels, 28 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 80, 23. 3. 1989, p. 65.

ANNEX

to the Commission Regulation of 28 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code...	Levy
1701 11 10	34,58 ⁽¹⁾
1701 11 90	34,58 ⁽¹⁾
1701 12 10	34,58 ⁽¹⁾
1701 12 90	34,58 ⁽¹⁾
1701 91 00	41,43
1701 99 10	41,43
1701 99 90	41,43 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

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

COMMISSION REGULATION (EEC) No 786/89**of 28 March 1989****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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 syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 506/89 ⁽³⁾, as amended by Regulation (EEC) No 614/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 506/89 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 506/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 March 1989.

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

Done at Brussels, 28 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 58, 1. 3. 1989, p. 9.

⁽⁴⁾ OJ No L 66, 10. 3. 1989, p. 33.

ANNEX

to the Commission Regulation of 28 March 1989 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4143	—
1702 20 90	0,4143	—
1702 30 10	—	51,23
1702 40 10	—	51,23
1702 60 10	—	51,23
1702 60 90	0,4143	—
1702 90 30	—	51,23
1702 90 60	0,4143	—
1702 90 71	0,4143	—
1702 90 90	0,4143	—
2106 90 30	—	51,23
2106 90 59	0,4143	—

II

(Acts whose publication is not obligatory)

COUNCIL

Information on the date of entry into force of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 29 February 1988 to 28 February 1990 ⁽¹⁾...

The Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 29 February 1988 to 28 February 1990 was signed in Brussels on 17 March 1989.

The Protocol, which applied with effect from 29 February 1988, accordingly entered into force on 17 March 1989, in accordance with Article 7 thereof.

⁽¹⁾ OJ No L 127, 20. 5. 1988, p. 18.