

Official Journal

of the European Communities

ISSN 0378-6978

L 86

Volume 32

31 March 1989

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 807/89 of 20 March 1989 amending Annex I to Regulation (EEC) No 571/88 as regards the set-aside of arable land** 1
- Commission Regulation (EEC) No 808/89 of 30 March 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal 11
- Commission Regulation (EEC) No 809/89 of 30 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt 13
- Commission Regulation (EEC) No 810/89 of 30 March 1989 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 15
- Commission Regulation (EEC) No 811/89 of 30 March 1989 fixing the import levies on milk and milk products 18
- ★ **Commission Regulation (EEC) No 812/89 of 21 March 1989 concerning the classification of certain goods in the combined nomenclature** 25
- ★ **Commission Regulation (EEC) No 813/89 of 30 March 1989 re-establishing the levying of customs duties on reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting falling within CN codes 8527, 8528 and 8529, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply** 29
- Commission Regulation (EEC) No 814/89 of 30 March 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5 31
- ★ **Commission Regulation (EEC) No 815/89 of 30 March 1989 on the grant of refunds for coloured barley** 34

Price : ECU 10,50

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

* Commission Regulation (EEC) No 816/89 of 30 March 1989 establishing the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector	35
* Commission Regulation (EEC) No 817/89 of 30 March 1989 amending Regulation (EEC) No 1136/79 laying down detailed rules for the application of special import arrangements for certain types of frozen beef intended for processing	37
Commission Regulation (EEC) No 818/89 of 30 March 1989 fixing the export refunds on milk and milk products	38
Commission Regulation (EEC) No 819/89 of 30 March 1989 fixing the import levies on white sugar and raw sugar	56
Commission Regulation (EEC) No 820/89 of 30 March 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	58
Commission Regulation (EEC) No 821/89 of 30 March 1989 altering the export refunds on white sugar and raw sugar exported in the natural state	60
* Commission Regulation (EEC) No 822/89 of 30 March 1989 amending Regulation (EEC) No 382/89 on measures to facilitate the implementation of Council Directive 85/397/EEC on health and animal-health problems affecting intra-Community trade in heat-treated milk	62
* Commission Regulation (EEC) No 823/89 of 30 March 1989 amending Council Regulation (EEC) No 3878/87 on the production aid for certain varieties of rice	63
Commission Regulation (EEC) No 824/89 of 30 March 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	65
Commission Regulation (EEC) No 825/89 of 30 March 1989 fixing the corrective amount applicable to the refund on cereals	69
Commission Regulation (EEC) No 826/89 of 30 March 1989 fixing the export refunds on malt	72
Commission Regulation (EEC) No 827/89 of 30 March 1989 fixing the corrective amount applicable to the refund on malt	74

II Acts whose publication is not obligatory

Commission

89/218/ECSC :

* Commission Decision of 23 December 1988 concerning aid that the Italian Government proposes to grant to the public steel sector	76
---	----

Corrigenda

* Corrigendum to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries (OJ No L 375 of 31.12.1988)	82
* Corrigendum to Council Regulation (EEC) No 4258/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain agricultural products originating in developing countries (OJ No L 375 of 31.12.1988)	82
* Corrigendum to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries (OJ No L 375 of 31.12.1988)	84

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 807/89

of 20 March 1989

amending Annex I to Regulation (EEC) No 571/88 as regards the set-aside of arable land

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⁾,

Whereas Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽³⁾, as last amended by Regulation (EEC) No 1137/88 ⁽⁴⁾, for which implementing rules are laid down in Regulation (EEC) No 1272/88 ⁽⁵⁾, obliges Member States to introduce an aid scheme designed to encourage the set-aside of arable land; whereas at the same time the said Regulation creates new forms of land use, combining agricultural use and a legal status, depending on whether or not the land qualifies for the aid instituted by the Regulation;

Whereas the structure of agricultural holdings largely determines the potential income of farmers, making it necessary to monitor the effects of new common agricultural policy measures on land use, production and the economic potential of agricultural holdings;

Whereas the Community surveys on the structure of agricultural holdings to be held between 1988 and 1997 in accordance with Regulation (EEC) No 571/88 ⁽⁶⁾ represent the main instruments for monitoring and analysing developments in statistical terms by relating the set-aside of arable land to other structural characteristics

such as the age of the holding manager, the technical and economic type of farming and size of holdings, other crops and livestock;

Whereas it is necessary to record the set-aside of arable land on the basis of a suitable classification, which should be harmonized and compulsory in all Member States, in order to obtain statistical data which are comparable between Member States and over time; whereas it is therefore necessary to add to Annex I of Regulation (EEC) No 571/88 a new characteristic for agricultural areas which are subject to the set-aside incentive scheme for arable land;

Whereas the general structure of the list of characteristics should not be changed and in consequence land subject to the set-aside incentive scheme for arable land must be classified in the category corresponding to its possible agricultural use as well as in a separate category;

Whereas, in order to facilitate the implementation of this Regulation, close cooperation between the Member States and the Commission should continue, in particular via the Standing Committee on Agricultural Statistics set up by Decision 72/279/EEC ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 571/88 is hereby replaced by the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ No C 319, 12. 12. 1988, p. 48.

⁽²⁾ OJ No C 69, 20. 3. 1989.

⁽³⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁴⁾ OJ No L 108, 29. 4. 1988, p. 1.

⁽⁵⁾ OJ No L 121, 11. 5. 1988, p. 36.

⁽⁶⁾ OJ No L 56, 2. 3. 1988, p. 1.

⁽⁷⁾ OJ No L 179, 7. 8. 1972, p. 1.

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

ANNEX

ANNEX I

LIST OF CHARACTERISTICS

A. Geographical situation of the holding

- 01 Survey district
- 02 Less-favoured area yes/no
- (a) Mountain area yes/no

B. Legal personality and management of the holding (on the day of the survey)

- 01 Is the legal and economic responsibility of the holding assumed by a natural person ? ⁽¹⁾ yes/no
- 02 If yes, is this person (the holder) also the manager? yes/no
- (a) If the answer to question B/02 is "no", is the manager a member of the holder's family? yes/no
- 03 Manager's agricultural training
- only practical experience yes/no
 - basic training yes/no
 - full agricultural training yes/no
- 04 Are accounts kept for the management of the holding? yes/no

C. Type of tenure (in relation to the holder) and fragmentation of the holding

- Agricultural area utilized : ha/a
- 01 For owner farming /
- 02 For tenant farming /
- 03 For share farming or other modes /
- number of parcels
- 04 Number of parcels making up the utilized agricultural area ⁽²⁾

D. Arable land

- ha/a
- Cereals for the production of grain (including seed):
- 01 Common wheat and spelt /
- 02 Durum wheat /
- 03 Rye /
- 04 Barley /
- 05 Oats /
- 06 Grain maize /
- 07 Rice /
- 08 Other cereals /

⁽¹⁾ In France, GAECs (Groupements agricoles d'exploitation en commun — agricultural groups for joint farming), EARLs (exploitations agricoles à responsabilité limitée — limited liability agricultural holdings) and *de facto* groups are regarded as agricultural holdings managed by natural persons.

⁽²⁾ Optional for Germany, France, Ireland and Denmark; for Italy the number of parcels concerns the total area of the holding.

	ha/a
09 Dried vegetables for the production of grain (including seed and mixtures of cereals and dried vegetables)	 /
(a) of which as pure crops for fodder : peas, broad and field beans, vetches, sweet lupins	 /
(b) other (as pure or mixed crops)	 /
10 Potatoes (including early potatoes and seed potatoes)	 /
11 Sugar beet (excluding seeds)	 /
12 Fodder roots and brassicas (excluding seeds)	 /
13 Industrial plants (including seeds for herbaceous oil-seed plants ; excluding seeds for fibre plants, hops, tobacco and other industrial plants)	 /
of which :	
(a) tobacco	 /
(b) hops	 /
(c) cotton ⁽¹⁾	 /
(d) other oil-seed plants or fibre plants and other industrial plants :	 /
(i) oil seeds (total)	 /
of which :	
— rape and turnip rape	 /
— sunflower ⁽²⁾	 /
— soya ⁽²⁾	 /
(ii) aromatic plants, medicinal and culinary plants ⁽³⁾	 /
(iii) other industrial plants	 /
of which :	
— sugar cane ⁽⁴⁾	 /
Fresh vegetables, melons, strawberries :	
14 — outdoor or under low (not accessible) protective cover	 /
of which :	
(a) open field	 /
(b) market gardening	 /
15 — under glass or other (accessible) protective cover	 /
Flowers and ornamental plants (excluding nurseries) :	
16 — outdoor or under low (not accessible) protective cover	 /
17 — under glass or other (accessible) protective cover	 /
18 Forage plants :	 /
(a) temporary grass	 /
(b) other	 /

⁽¹⁾ Optional except for Greece, Spain and Italy.

⁽²⁾ Optional except for Greece, Spain, France, Italy and Portugal.

⁽³⁾ Optional for the United Kingdom.

⁽⁴⁾ Optional except for Spain and Portugal.

	ha/a
19 Arable land seeds and seedlings (excluding cereals, dried vegetables, potatoes and oil-seed plants)	 /
20 Other arable land crops	 /
21 Fallow land	 /
E. Kitchen gardens ⁽¹⁾	 /
F. Permanent pasture and meadow ⁽²⁾	 /
01 Pasture and meadow, excluding rough grazings	 /
02 Rough grazings	 /
G. Permanent crops	
01 Fruit and berry plantations	 /
(a) fresh fruit and berry species of temperate climate zones	 /
(b) fruit and berry species of subtropical climate zones ⁽³⁾	 /
(c) nuts ⁽³⁾	 /
02 Citrus plantations	 /
03 Olive plantations	 /
(a) normally producing table olives ⁽⁴⁾	 /
(b) normally producing olives for oil production ⁽⁴⁾	 /
04 Vineyards	 /
of which normally producing :	
(a) quality wine	 /
(b) other wines	 /
(c) table grapes	 /
(d) raisins ⁽⁵⁾	 /
05 Nurseries	 /
06 Other permanent crops	 /
07 Permanent crops under glass	 /
H. Other land	
01 + 03 Unutilized agricultural land (agricultural land which is no longer farmed, for economic, social or other reasons, and which is not used in the crop rotation system) and other land (land occupied by buildings, farmyards, tracks, ponds, quarries, infertile land, rock, etc.)	 /

⁽¹⁾ Optional for Denmark, the Netherlands and the United Kingdom.

⁽²⁾ Greece and Italy may merge heading 01 with heading 02.

⁽³⁾ Optional except for Greece, Spain, France, Italy and Portugal.

⁽⁴⁾ Optional for France.

⁽⁵⁾ Optional except for Greece and Spain.

	ha/a
02 Wooded area	 /
of which :	
(a) non-commercial ⁽¹⁾	 /
(b) commercial ⁽¹⁾	 /
and/or	
(c) deciduous ⁽¹⁾	 /
(d) coniferous ⁽¹⁾	 /
(e) mixed ⁽¹⁾	 /
I. Combined and successive secondary cropping, mushrooms, irrigation, green-	
houses, set-aside of arable land	
01 Successive secondary crops (excluding market-garden crops and crops under glass)	 /
of which :	
(a) non-fodder cereals (D/01 to D/08)	 /
(b) non-fodder dried vegetables (D/09)	 /
(c) non-fodder oil-seed plants (D/13 (d) (i))	 /
(d) other successive secondary crops	 /
02 Mushrooms	 /
03 Irrigated area	 /
(a) total irrigable area	 /
(b) cultivated area irrigated at least once a year ⁽²⁾	 /
at least once a year	
of which :	
(1) durum wheat	 /
(2) maize	 /
(3) potatoes	 /
(4) sugar beet	 /
(5) sunflower	 /
(6) soya	 /
(7) fodder plants	 /
(8) fruit and berry orchards	 /
(9) citrus fruit	 /
(10) vines	 /
04 Ground area covered by greenhouses in use	 /
05 Combined (associated) crops ⁽²⁾	 /
(a) agricultural crops (including pasture and meadow) — forestry species ⁽³⁾	 /
(b) permanent crops — annual crops ⁽³⁾	 /
(c) permanent crops — permanent crops ⁽³⁾	 /
(d) other combined crops	 /

⁽¹⁾ Optional.⁽²⁾ Optional except for Greece, Spain, France, Italy and Portugal.⁽³⁾ Optional except for Greece, Spain, Italy and Portugal.

	ha/a
06 Land subject to the set-aside incentive scheme for arable land and recorded under :	
(a) fallow land, with rotation possibilities (D/21)	 /
(b) permanent pasture and meadow used as grazing for extensive livestock farming (F/01 + F/02)	 /
(c) lentils, chick peas and vetches (D/09)	 /
(d) wooded areas or areas being preoared for afforestation (H/02)	 /
(e) areas for the time being or permanently used for non-agricultural purposes (H/01 + H/03)	 /
(f) total	 /
 J. Livestock (on the reference day of the survey)	
	Number of head
01 Equidae	.....
Bovine animals :	
02 Under one year old	.....
(a) male ⁽¹⁾	
(b) female ⁽¹⁾	
One year or over but under two years :	
03 Male animals	.....
04 Female animals	.....
Two years old and over :	
05 Male animals	.....
06 Heifers	.....
07 Dairy cows	.....
08 Other cows	.....
Sheep and goats :	
09 Sheep (all ages)	.....
(a) breeding females	.....
(b) other sheep	.....
10 Goats (all ages)	.....
(a) breeding females ⁽²⁾	
(b) other goats ⁽²⁾	
Pigs :	
11 Piglets having a live weight of under 20 kilograms	.....
12 Breeding sows weighing 50 kilograms and over	.....
13 Other pigs	.....
Poultry :	
14 Broilers	.....
15 Laying hens	.....
16 Other poultry (ducks, turkeys, geese, guinea-fowl)	.....
17 Rabbits, breeding females ⁽³⁾	
	Number of hives
18 Bees ⁽¹⁾	
19 Other livestock ⁽¹⁾	Yes/no

⁽¹⁾ Optional.⁽²⁾ Optional except for Greece, Spain, France, Italy and Portugal.⁽³⁾ Optional for Denmark, Germany, Ireland and the United Kingdom.

K. Tractors, cultivators, machinery and equipment

	On day of survey	Machinery used in the last 12 months ⁽¹⁾				
	Belonging exclusively to the holding	Used by several holdings (belonging to another holding, to a cooperative or owned jointly with other holdings) or belonging to a service supply agency				
	1	2				
	Number	(tick)				
	by power rating from ... to ... (Kw)					
	<table border="1"> <tr> <td>< 25</td> <td>25 — < 40</td> <td>40 — < 60</td> <td>≥ 60</td> </tr> </table>	< 25	25 — < 40	40 — < 60	≥ 60	
< 25	25 — < 40	40 — < 60	≥ 60			
01 Four-wheel tractors, track-laying tractors, tool carriers						
02 Cultivators, hoeing machines, rotary hoes and motor mowers ⁽¹⁾						
03 Combine harvesters						
04 Forage harvesters						
05 Potato harvesters (fully mechanized)						
06 Sugar-beet harvesters (fully mechanized)						
07 Do you have fixed or movable milking equipment?	yes/no					
08 Do you have a separate milking parlour?	yes/no					
08 (a) If so, is it fully automated	yes/no					

⁽¹⁾ Optional for Denmark.

L. Farm labour force

(in the 12 months preceding the day of the survey)

Farm labour force	Sex	Age groups											Farm work for holding ⁽¹⁾					
		(tick)											(tick)					
		<25 ⁽¹⁾	25—29	30—34	35—39	40—44	45—49	50—54	55—59	60—64	65 and over	Part-time with working hours of:			full-time			
	m.	f.											0	>0— <25 %	25— <50 %	50— <75 %	75— < %	
01 Holder:																		
(a) manager of the holding ⁽²⁾																		
02 Spouse of the holder carrying out farm work for holding																		
03a Other members of holder's family carrying out farm work for the holding: male ⁽⁴⁾ (5)																		
03b Other members of holder's family carrying out farm work for the holding: female ⁽⁴⁾ (5)																		
04a Non-family labour regularly employed: male ⁽⁴⁾ (5)																		
04b Non-family labour regularly employed: female ⁽⁴⁾ (5)																		
05 Non-family labour employed on a non-regular basis																		
06																		
05 Male ⁽⁶⁾																		
06 Female ⁽⁶⁾																		
Number of working days																		

(1) From school-leaving age.

(2) Apart from household.

(3) To be completed only when the answer to questions B/01 or B/02 is 'no'.

(4) Table to be prepared for each category (03a to 04b).

(5) Excluding persons in L/01 and L/02.

(6) Optional.

L 07 If the holder is also the manager, does he have any other gainful activity :

- as his/her major occupation ?
- as a subsidiary occupation ?

Tick as appropriate

L 08 Does the holder's spouse, carrying out farm work for the holding, have any other gainful activity :

- as his/her major occupation ?
- as a subsidiary occupation ?

Tick as appropriate

L 09 Does any other member of the holder's family engaged in the farm work of the holding have any other gainful activity ⁽¹⁾ :

- as his/her major occupation ?
- as a subsidiary occupation ?

Insert number of persons

L 10 Total number of equivalent full-time working days of farm work, not included under L 01 to L 06, undertaken on the holding by persons not employed directly by the holding (e.g. contractors' employees) ⁽²⁾.

--

Insert number of equivalent full-time working days during the 12 months preceding the day of the survey ⁽³⁾.

⁽¹⁾ Optional for Denmark.

⁽²⁾ Optional for Member States which are able to provide an overall estimate for this characteristic at national level.

⁽³⁾ The United Kingdom is authorized to submit this information in equivalent working weeks.

COMMISSION REGULATION (EEC) No 808/89

of 30 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 29 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 31 March 1989.

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

Done at Brussels, 30 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 30 March 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	21,98	126,20
0712 90 19	21,98	126,20
1001 10 10	55,14	182,56 ⁽¹⁾ ⁽²⁾
1001 10 90	55,14	182,56 ⁽¹⁾ ⁽²⁾
1001 90 91	32,44	117,83
1001 90 99	32,44	117,83
1002 00 00	60,11	109,55 ⁽³⁾
1003 00 10	50,67	110,36
1003 00 90	50,67	110,36
1004 00 10	41,73	76,74
1004 00 90	41,73	76,74
1005 10 90	21,98	126,20 ⁽²⁾ ⁽³⁾
1005 90 00	21,98	126,20 ⁽²⁾ ⁽³⁾
1007 00 90	45,32	135,93 ⁽⁴⁾
1008 10 00	50,67	20,68
1008 20 00	50,67	31,56 ⁽⁴⁾
1008 30 00	50,67	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	50,67	0,00
1101 00 00	59,77	178,40
1102 10 00	98,51	166,97
1103 11 10	98,98	297,30
1103 11 90	63,11	191,22

⁽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 809/89

of 30 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 29 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 31 March 1989.

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

Done at Brussels, 30 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 30 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	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	2,04
1001 10 90	0	0	0	2,04
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

(ECU/tonne)

CN code	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 810/89**of 30 March 1989****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 31 March 1989.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

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

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

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

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

COMMISSION REGULATION (EEC) No 811/89

of 30 March 1989

fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 804/68 of the Council 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 14 ⁽⁸⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products ⁽³⁾, as last amended by Regulation (EEC) No 3609/88 ⁽⁴⁾;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1988/89 milk year by Council Regulation (EEC) No 2235/88 ⁽⁵⁾; whereas Council Regulation (EEC) No 769/89 ⁽⁶⁾ has extended the 1988/89 marketing year for milk;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁷⁾, as last amended by Regulation (EEC) No 4147/88 ⁽⁸⁾;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14 ⁽³⁾ of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Regulation (EEC) No 1073/68 ⁽⁹⁾, as amended by Regulation (EEC) No 222/88 ⁽¹⁰⁾, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 315, 22. 11. 1988, p. 1.

⁽⁵⁾ OJ No L 197, 26. 7. 1988, p. 37.

⁽⁶⁾ OJ No L 84, 29. 3. 1989, p. 13.

⁽⁷⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁸⁾ OJ No L 362, 30. 12. 1988, p. 40.

⁽⁹⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽¹⁰⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas Regulation (EEC) No 788/86 ⁽¹⁾, as last amended by Regulation (EEC) No 2431/88 ⁽²⁾, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas

they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Regulation (EEC) No 2730/75 of the Council of 29 October 1975 on glucose and lactose ⁽³⁾ stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.
2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 1 April 1989.

⁽¹⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽²⁾ OJ No L 210, 3. 8. 1988, p. 6.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ 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, 30 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1989 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		14,73
0401 10 90		13,52
0401 20 11		20,55
0401 20 19		19,34
0401 20 91		25,75
0401 20 99		24,54
0401 30 11		66,63
0401 30 19		65,42
0401 30 31		128,91
0401 30 39		127,70
0401 30 91		217,19
0401 30 99		215,98
0402 10 11		97,28
0402 10 19		90,03
0402 10 91	(¹)	0,9003 / kg + 27,56
0402 10 99	(¹)	0,9003 / kg + 20,31
0402 21 11		150,42
0402 21 17		143,17
0402 21 19		143,17
0402 21 91		193,74
0402 21 99		186,49
0402 29 11	(¹) (²)	1,4317 / kg + 27,56
0402 29 15	(¹)	1,4317 / kg + 27,56
0402 29 19	(¹)	1,4317 / kg + 20,31
0402 29 91	(¹)	1,8649 / kg + 27,56
0402 29 99	(¹)	1,8649 / kg + 20,31
0402 91 11		31,42
0402 91 19		31,42
0402 91 31		39,27
0402 91 39		39,27
0402 91 51		128,91
0402 91 59		127,70
0402 91 91		217,19
0402 91 99		215,98
0402 99 11		53,76
0402 99 19		53,76
0402 99 31	(¹)	1,2528 / kg + 23,94
0402 99 39	(¹)	1,2528 / kg + 22,73
0402 99 91	(¹)	2,1356 / kg + 23,94
0402 99 99	(¹)	2,1356 / kg + 22,73

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

CN code	Note	Import levy
0403 10 11		22,96
0403 10 13		28,16
0403 10 19		69,04
0403 10 31	(¹)	0,1692/kg + 26,35
0403 10 33	(¹)	0,2212/kg + 26,35
0403 10 39	(¹)	0,6300/kg + 26,35
0403 90 11		97,28
0403 90 13		150,42
0403 90 19		193,74
0403 90 31	(¹)	0,9003/kg + 27,56
0403 90 33	(¹)	1,4317/kg + 27,56
0403 90 39	(¹)	1,8649/kg + 27,56
0403 90 51		22,96
0403 90 53		28,16
0403 90 59		69,04
0403 90 61	(¹)	0,1692/kg + 26,35
0403 90 63	(¹)	0,2212/kg + 26,35
0403 90 69	(¹)	0,6300/kg + 26,35
0404 10 11		18,49
0404 10 19	(¹)	0,1849/kg + 20,31
0404 10 91	(²)	0,1849/kg
0404 10 99	(²)	0,1849/kg + 20,31
0404 90 11		97,28
0404 90 13		150,42
0404 90 19		193,74
0404 90 31		97,28
0404 90 33		150,42
0404 90 39		193,74
0404 90 51	(¹)	0,9003/kg + 27,56
0404 90 53	(¹)	1,4317/kg + 27,56
0404 90 59	(¹)	1,8649/kg + 27,56
0404 90 91	(¹)	0,9003/kg + 27,56
0404 90 93	(¹)	1,4317/kg + 27,56
0404 90 99	(¹)	1,8649/kg + 27,56
0405 00 10		223,53
0405 00 90		272,71
0406 10 10		249,27
0406 10 90		305,75
0406 20 10	(³)	375,94
0406 20 90		375,94
0406 30 10	(³)	191,16
0406 30 31	(³)	190,49
0406 30 39	(³)	191,16
0406 30 90	(³)	287,88
0406 40 00	(³)	157,44
0406 90 11	(³)	241,12

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

CN code	Note	Import levy
0406 90 13	(³)	233,49
0406 90 15	(³)	233,49
0406 90 17	(³)	233,49
0406 90 19	(³)	375,94
0406 90 21	(³)	241,12
0406 90 23	(³)	209,03
0406 90 25	(³)	209,03
0406 90 27	(³)	209,03
0406 90 29	(³)	209,03
0406 90 31	(³)	209,03
0406 90 33		209,03
0406 90 35	(³)	209,03
0406 90 37	(³)	209,03
0406 90 39	(³)	209,03
0406 90 50	(³)	209,03
0406 90 61		375,94
0406 90 63		375,94
0406 90 69		375,94
0406 90 71		249,27
0406 90 73		209,03
0406 90 75		209,03
0406 90 77		209,03
0406 90 79		209,03
0406 90 81		209,03
0406 90 83		209,03
0406 90 85		209,03
0406 90 89	(³)	209,03
0406 90 91		249,27
0406 90 93		249,27
0406 90 97		305,75
0406 90 99		305,75
1702 10 10		33,06
1702 10 90		33,06
2106 90 51		33,06
2309 10 15		69,94
2309 10 19		90,65
2309 10 39		85,48
2309 10 59		71,80
2309 10 70		90,65
2309 90 35		69,94
2309 90 39		90,65
2309 90 49		85,48
2309 90 59		71,80
2309 90 70		90,65

-
- (¹) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
-

COMMISSION REGULATION (EEC) No 812/89**of 21 March 1989****concerning the classification of certain goods in the combined nomenclature**

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the 21st day after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 21 March 1989.

For the Commission

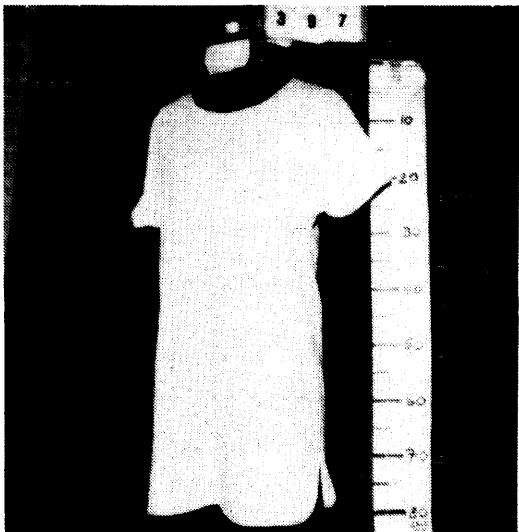
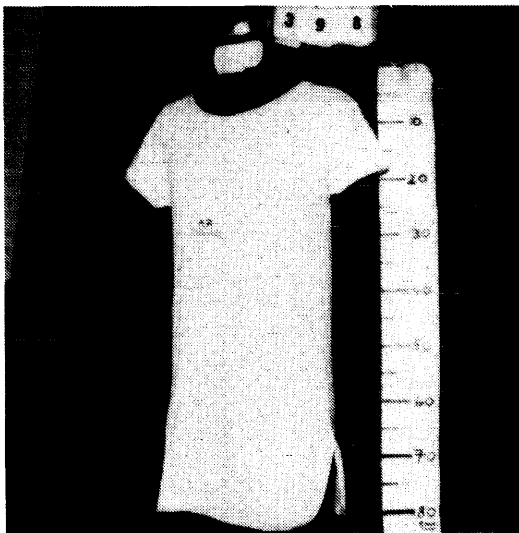
Christiane SCRIVENER

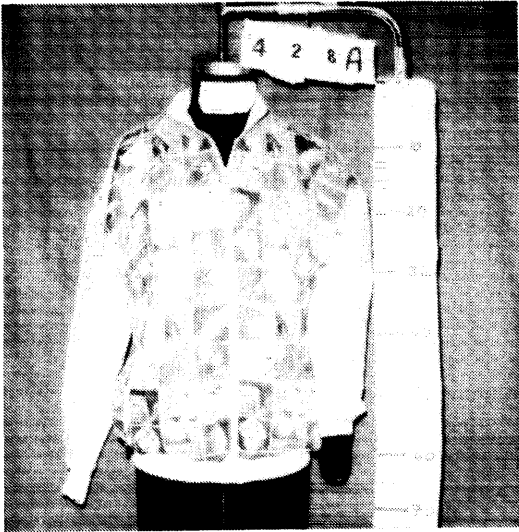
Member of the Commission

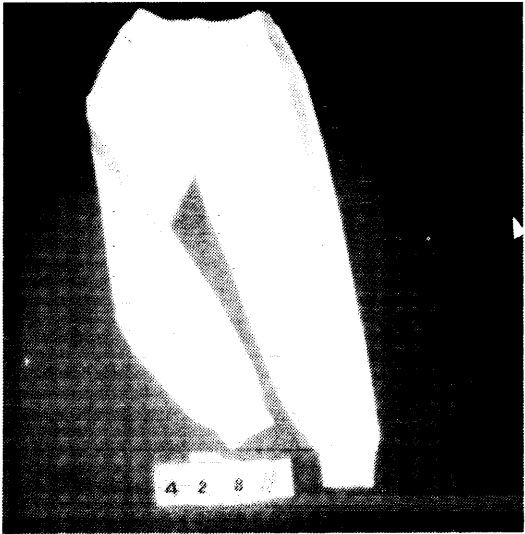
⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 4, 6. 1. 1989, p. 19.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Lightweight knitted garment (100 % cotton) reaching down to mid-thigh. It has a rounded neckline, short loose-fitting sleeves and side slits of approximately 12 cms in length at the bottom of the garment. The neckline, sleeve-ends and the bottom of the garment have been finished with a sewn-on band of knitted fabric approximately 1 cm in width. (See photograph No 397 (")) 	6104 42 00	The classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature as well as by the texts of CN codes 6104 and 6104 42 00. Classification as a nightdress is excluded because the garment in question is not clearly identifiable as being intended to be worn exclusively as night-wear
2. Lightweight knitted garment (100 % cotton) reaching down to mid-thigh. It has a rounded neckline, short loose-fitting sleeves and side slits of approximately 16 cms in length at the bottom of the garment. There is a sewn-on band of knitted fabric at the neckline, the sleeve-ends and the bottom of the garment. At the front there is a sewn-on decorative motif. (See photograph No 398 (")) 	6104 42 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature as well as by the texts of CN codes 6104 and 6104 42 00. Classification as a nightdress is excluded because the garment in question is not clearly identifiable as being intended to be worn exclusively as night-wear

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
3. Lightweight knitted garment (100 % cotton) reaching down to mid-thigh. It has a rounded neckline, short loose-fitting sleeves and side slits of approximately 13 cms in length at the bottom of the garment. There is a band of knitted fabric at the neckline and at the sleeve-ends. The bottom of the garment is hemmed. (See photograph No 399 (")) 	6104 42 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature as well as the texts of CN codes 6104 and 6104 42 00. Classification as a nightdress is excluded because the garment in question is not clearly identifiable as being intended to be worn exclusively as night-wear
4. Set of two garments put up for retail sale consisting of: (a) a knitted unlined blouson (100 % cotton), with a collar, fully opening at the front with a zip fastening, with long sleeves. There is knitted ribbing at the base of the garment and the sleeve ends. A band of woven fabric of another colour has been sewn onto the outside length of the sleeves and around the armholes. The two front panels of the garment are fully covered with an appliquéd, woven, multi-coloured, printed-patterned fabric. There are two zipped pockets above the waist. (See photograph No 428 A (")) 	6112 11 00	The classifications are determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, as well as by the texts of CN codes 6112 and 6112 11 00 (see also the explanatory note to heading No 6112 of the harmonized system)

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
(b) a knitted unlined pair of trousers (100 % cotton), reaching from the waist to the ankles, tightened at the waist by means of elastics and a drawstring. This garment has two zipped pockets but no opening at the waist. There is knitted ribbing at the bottom of the trouser legs. A woven band of fabric of another colour is sewn on the outer side of the trouser legs, extending from the top of the trousers to the knitted ribbing at the leg ends. (See photograph No 428 B (*)) 		

(*) The photographs are merely of an illustrative nature.

COMMISSION REGULATION (EEC) No 813/89

of 30 March 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas, in the case of reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting falling within CN codes 8527, 8528 and 8529 the individual ceiling was fixed at ECU 4 million; whereas, on 28 February 1989, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 April 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in China:

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

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

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

Article 2

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

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

Done at Brussels, 30 March 1989.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 814/89**of 30 March 1989****fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 6 March 1989, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 6

March 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 6 March 1989, the level of the premium is fixed at 138,427 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 6 March 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 6 March 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	65,061	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	138,427	0
0204 21 00	138,427	0
0204 50 11		0
0204 22 10	96,899	
0204 22 30	152,270	
0204 22 50	179,955	
0204 22 90	179,955	
0204 23 00	251,937	
0204 30 00	103,820	
0204 41 00	103,820	
0204 42 10	72,674	
0204 42 30	114,202	
0204 42 50	134,966	
0204 42 90	134,966	
0204 43 00	188,952	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	179,955	
0210 90 19	251,937	
1602 90 71 :		
— unboned (bone-in)	179,955	
— boned or boneless	251,937	

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

COMMISSION REGULATION (EEC) No 815/89
of 30 March 1989
on the grant of refunds for coloured barley

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular Articles 16 (6) and 24 thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 8 (2), second subparagraph, and (3) thereof,

Whereas Article 4 (1) of Commission Regulation (EEC) No 3665/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 3993/88 ⁽⁵⁾, provides that the export refund is to be paid subject in particular to proof being furnished that the product in question has actually left the customs territory of the Community in the unaltered state;

Whereas certain requirements of third countries require exporters to colour barley before it leaves the customs territory of the Community;

Whereas, in order to avoid divergences in the Community in the application of Articles 4 and 28 (4) of Regulation (EEC) No 3665/87, it should be indicated clearly that where barley is coloured in agreement with the customs authorities this does not affect entitlement to the refund for the product in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

After prior notification to the customs authorities and in agreement with the latter, barley to be exported which is the subject of an export declaration as referred to in Article 3 of Regulation (EEC) No 3665/87 or a payment declaration as referred to in Article 25 of that Regulation may be coloured without the product's conformity with the provisions of Article 4 of the same Regulation and Article 5 of Council Regulation (EEC) No 565/80 ⁽⁶⁾ being called into question.

In that case, the T 5 control copy referred to in Article 1 of Commission Regulation (EEC) No 2823/87 ⁽⁷⁾ shall be endorsed accordingly.

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 January 1988, with exception of the obligation in Article 1 regarding prior notification.

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

Done at Brussels, 30 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 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 351, 14. 12. 1987, p. 1.
⁽⁵⁾ OJ No L 354, 22. 12. 1988, p. 22.

⁽⁶⁾ OJ No L 62, 7. 3. 1980, p. 5.
⁽⁷⁾ OJ No L 270, 23. 9. 1987, p. 1.

COMMISSION REGULATION (EEC) No 816/89**of 30 March 1989****establishing the list of products subject to the supplementary trade mechanism
in the fresh fruit and vegetables 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, and in particular Article 81 (3) thereof,

Whereas Article 81 (2) of the Act of Accession of Spain and Portugal makes products covered by 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⁾, subject to the supplementary trade mechanism from 1 January 1990 as regards trade between Spain and the Community as constituted at 31 December 1985; whereas, however, Article 81 (3) (b) of the Act permits certain products to be withdrawn from the list in particular nine months at the latest before the expiry of the fourth year following accession; whereas, for the sake of clarity a list of products which are currently sensitive in imports from Spain into the Community as constituted at 31 December 1985 and which must remain subject to the abovementioned mechanism should be drawn up; whereas, however, maintaining the application of the mechanism in question does not appear justified in the case of imports into Spain from the rest of the Community market;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the *ad hoc* committee,

HAS ADOPTED THIS REGULATION:

Article 1

The products covered by Regulation (EEC) No 1035/72 and subject from 1 January 1990 to the supplementary trade mechanism (STM) on import from Spain into the Community as constituted at 31 December 1985, shall be as set out in the list in the Annex hereto.

The STM shall not apply to imports into Spain from the Community as constituted at 31 December 1985, of the products listed in Article 81 (2) (b) (cc) of the Act of Accession,

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, 30 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.

ANNEX

List of products in the fruit and vegetable sector subject to the STM on import from Spain into the Community as constituted at 31 December 1985

CN code	Product
0702 00	Tomatoes
0705 11 10 } 0705 11 90 } 0705 19 00 }	Lettuce
ex 0705 29 00	Broad-leaf endives
ex 0706 10 00	Carrots
0709 10 00	Artichokes
0806 10 11 } 0806 10 15 } 0806 10 19 }	Table grapes
0807 10 90	Melons (excluding watermelons)
0809 10 00	Apricots
ex 0809 30 00	Peaches (excluding nectarines)
0810 10	Strawberries

COMMISSION REGULATION (EEC) No 817/89
of 30 March 1989

**amending Regulation (EEC) No 1136/79 laying down detailed rules for the
application of special import arrangements for certain types of frozen beef
intended for processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 14 (4) (c) thereof,

Whereas Commission Regulation (EEC) No 1136/79 ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, lays down detailed rules for the application of special import arrangements for certain types of frozen beef intended for processing and defines in particular the products manufactured therefrom;

Whereas, in order to ensure satisfactory supply to industries processing dried or smoked meat in the face of competition from products originating in third countries, such meat should be included among the manufactured products;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 2 (6) of Regulation (EEC) No 1136/79:

'However, processing into products falling within CN code ex 0210 20 90 which have been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be deemed manufacture within the meaning of Article 14 (1) (b) of the abovementioned Regulation.'

Article 2

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

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 146, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 141, 9. 6. 1979, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

COMMISSION REGULATION (EEC) No 818/89

of 30 March 1989

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

— the economic aspect of the proposed exports;

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

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

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

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

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

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

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

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

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

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

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

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

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

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

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 March 1989.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 30 March 1989 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		5,00
0401 10 90 000		5,00
0401 20 11 100		5,00
0401 20 11 500		8,17
0401 20 19 100		5,00
0401 20 19 500		8,17
0401 20 91 100		11,14
0401 20 91 500		13,12
0401 20 99 100		11,14
0401 20 99 500		13,12
0401 30 11 100		17,08
0401 30 11 400		26,78
0401 30 11 700		40,64
0401 30 19 100		17,08
0401 30 19 400		26,78
0401 30 19 700		40,64
0401 30 31 100		48,56
0401 30 31 400		76,29
0401 30 31 700		84,21
0401 30 39 100		48,56
0401 30 39 400		76,29
0401 30 39 700		84,21
0401 30 91 100		96,09
0401 30 91 400		141,63
0401 30 91 700		165,39
0401 30 99 100		96,09
0401 30 99 400		141,63
0401 30 99 700		165,39
0402 10 11 000		55,00
0402 10 19 000		55,00
0402 10 91 000		0,5500
0402 10 99 000		0,5500
0402 21 11 200		55,00
0402 21 11 300		85,94
0402 21 11 500		91,77
0402 21 11 900		100,00
0402 21 17 000		55,00
0402 21 19 300		85,94
0402 21 19 500		91,77
0402 21 19 900		100,00
0402 21 91 100		100,88
0402 21 91 200		101,72
0402 21 91 300		103,26
0402 21 91 400		112,27
0402 21 91 500		115,34
0402 21 91 600		127,00
0402 21 91 700		134,08
0402 21 91 900		141,89
0402 21 99 100		100,88

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		101,72
0402 21 99 300		103,26
0402 21 99 400		112,27
0402 21 99 500		115,34
0402 21 99 600		127,00
0402 21 99 700		134,08
0402 21 99 900		141,89
0402 29 15 200		0,5500
0402 29 15 300		0,8594
0402 29 15 500		0,9177
0402 29 15 900		1,0000
0402 29 19 200		0,5500
0402 29 19 300		0,8594
0402 29 19 500		0,9177
0402 29 19 900		1,0000
0402 29 91 100		1,0088
0402 29 91 500		1,1227
0402 29 99 100		1,0088
0402 29 99 500		1,1227
0402 91 11 110		5,00
0402 91 11 120		11,14
0402 91 11 310		18,33
0402 91 11 350		23,16
0402 91 11 370		29,00
0402 91 19 110		5,00
0402 91 19 120		11,14
0402 91 19 310		18,33
0402 91 19 350		23,16
0402 91 19 370		29,00
0402 91 31 100		22,82
0402 91 31 300		34,27
0402 91 39 100		22,82
0402 91 39 300		34,27
0402 91 51 000		26,78
0402 91 59 000		26,78
0402 91 91 000		96,09
0402 91 99 000		96,09
0402 99 11 110		0,0500
0402 99 11 130		0,1114
0402 99 11 150		0,1897
0402 99 11 310		21,15
0402 99 11 330		26,07
0402 99 11 350		35,72
0402 99 19 110		0,0500
0402 99 19 130		0,1114
0402 99 19 150		0,1897
0402 99 19 310		21,15
0402 99 19 330		26,07
0402 99 19 350		35,72
0402 99 31 110		0,2480
0402 99 31 150		37,31
0402 99 31 300		0,4856
0402 99 31 500		0,8421
0402 99 39 110		0,2480
0402 99 39 150		37,31
0402 99 39 300		0,4856

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8421
0402 99 91 000		0,9609
0402 99 99 000		0,9609
0403 10 11 100		5,00
0403 10 11 300		8,17
0403 10 13 000		11,14
0403 10 19 000		17,08
0403 10 31 100		0,0500
0403 10 31 300		0,0817
0403 10 33 000		0,1114
0403 10 39 000		0,1708
0403 90 11 000		55,00
0403 90 13 000		55,00
0403 90 19 000		100,88
0403 90 31 000		0,5500
0403 90 33 000		0,5500
0403 90 39 000		1,0088
0403 90 51 100		5,00
0403 90 51 300		8,17
0403 90 53 000		11,14
0403 90 59 110		17,08
0403 90 59 140		26,78
0403 90 59 170		40,64
0403 90 59 310		48,56
0403 90 59 340		76,29
0403 90 59 370		84,21
0403 90 59 510		96,09
0403 90 59 540		141,63
0403 90 59 570		165,39
0403 90 61 100		0,0500
0403 90 61 300		0,0817
0403 90 63 000		0,1114
0403 90 69 000		0,1708
0404 90 11 100		55,00
0404 90 11 910		5,00
0404 90 11 950		18,33
0404 90 13 120		55,00
0404 90 13 130		85,94
0404 90 13 140		91,77
0404 90 13 150		100,00
0404 90 13 911		5,00
0404 90 13 913		11,14
0404 90 13 915		17,08
0404 90 13 917		26,78
0404 90 13 919		40,64
0404 90 13 931		18,33
0404 90 13 933		23,16
0404 90 13 935		29,00
0404 90 13 937		34,27
0404 90 13 939		35,87
0404 90 19 110		100,88
0404 90 19 115		101,72
0404 90 19 120		103,26
0404 90 19 130		112,27
0404 90 19 135		115,34

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		127,00
0404 90 19 160		134,08
0404 90 19 180		141,89
0404 90 19 900		—
0404 90 31 100		55,00
0404 90 31 910		5,00
0404 90 31 950		18,33
0404 90 33 120		55,00
0404 90 33 130		85,94
0404 90 33 140		91,77
0404 90 33 150		100,00
0404 90 33 911		5,00
0404 90 33 913		11,14
0404 90 33 915		17,08
0404 90 33 917		26,78
0404 90 33 919		40,64
0404 90 33 931		18,33
0404 90 33 933		23,16
0404 90 33 935		29,00
0404 90 33 937		34,27
0404 90 33 939		35,87
0404 90 39 110		100,88
0404 90 39 115		101,72
0404 90 39 120		103,26
0404 90 39 130		112,27
0404 90 39 150		115,34
0404 90 39 900		—
0404 90 51 100		0,5500
0404 90 51 910		0,0500
0404 90 51 950		21,15
0404 90 53 110		0,5500
0404 90 53 130		0,8594
0404 90 53 150		0,9177
0404 90 53 170		1,0000
0404 90 53 911		0,0500
0404 90 53 913		0,1114
0404 90 53 915		0,1708
0404 90 53 917		0,2678
0404 90 53 919		0,4064
0404 90 53 931		21,15
0404 90 53 933		26,07
0404 90 53 935		35,72
0404 90 53 937		37,31
0404 90 53 939		—
0404 90 59 130		1,0088
0404 90 59 150		1,1227
0404 90 59 930		0,5846
0404 90 59 950		0,8421
0404 90 59 990		0,9609
0404 90 91 100		0,5500
0404 90 91 910		0,0500
0404 90 91 950		21,15
0404 90 93 110		0,5500
0404 90 93 130		0,8594
0404 90 93 150		0,9177

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,0000
0404 90 93 911		0,0500
0404 90 93 913		0,1114
0404 90 93 915		0,1708
0404 90 93 917		0,2678
0404 90 93 919		0,4064
0404 90 93 931		21,15
0404 90 93 933		26,07
0404 90 93 935		35,72
0404 90 93 937		37,31
0404 90 93 939		—
0404 90 99 130		1,0088
0404 90 99 150		1,1227
0404 90 99 930		0,5846
0404 90 99 950		0,8421
0404 90 99 990		0,9609
0405 00 10 100		—
0405 00 10 200		128,54
0405 00 10 300		161,71
0405 00 10 500		165,85
0405 00 10 700		170,00
0405 00 90 100		170,00
0405 00 90 900		214,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	75,00
	404	—
	...	87,74
0406 20 90 915	028	—
	032	—
	400	100,00
	404	—
	...	116,99
0406 20 90 917	028	—
	032	—
	400	106,25
	404	—
	...	124,30
0406 20 90 919	028	—
	032	—
	400	118,75
	404	—
	...	138,92
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	15,41
	404	—
	...	23,26

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		16,50
2309 10 70 200		22,00
2309 10 70 300		27,50
2309 10 70 500		33,00
2309 10 70 600		38,50
2309 10 70 700		44,00
2309 10 70 800		48,40
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		16,50
2309 90 70 200		22,00
2309 90 70 300		27,50
2309 90 70 500		33,00
2309 90 70 600		38,50
2309 90 70 700		44,00
2309 90 70 800		48,40
2309 90 70 900		—

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

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

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

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

COMMISSION REGULATION (EEC) No 819/89
of 30 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 802/89 ⁽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 31 March 1989.

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

Done at Brussels, 30 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 85, 30. 3. 1989, p. 35.

ANNEX

to the Commission Regulation of 30 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,96 ⁽¹⁾
1701 11 90	32,96 ⁽¹⁾
1701 12 10	32,96 ⁽¹⁾
1701 12 90	32,96 ⁽¹⁾
1701 91 00	40,03
1701 99 10	40,03
1701 99 90	40,03 ⁽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 820/89**of 30 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 last amended by Regulation (EEC) No 786/89 ⁽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 31 March 1989.

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

Done at Brussels, 30 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 84, 29. 3. 1989, p. 46.

ANNEX

to the Commission Regulation of 30 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	0,4003	—
1702 20 90	0,4003	—
1702 30 10	—	51,23
1702 40 10	—	51,23
1702 60 10	—	51,23
1702 60 90	0,4003	—
1702 90 30	—	51,23
1702 90 60	0,4003	—
1702 90 71	0,4003	—
1702 90 90	0,4003	—
2106 90 30	—	51,23
2106 90 59	0,4003	—

COMMISSION REGULATION (EEC) No 821/89
of 30 March 1989
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 795/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 795/89 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 795/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 March 1989.

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

Done at Brussels, 30 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 85, 30. 3. 1989, p. 15.

ANNEX

to the Commission Regulation of 30 March 1989 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	30,06 ⁽¹⁾	
1701 11 90 910	28,42 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	30,06 ⁽¹⁾	
1701 12 90 910	28,42 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3268
1701 99 10 100	32,68	
1701 99 10 910	32,45	
1701 99 10 950	32,45	
1701 99 90 100		0,3268

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

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

COMMISSION REGULATION (EEC) No 822/89

of 30 March 1989

amending Regulation (EEC) No 382/89 on measures to facilitate the implementation of Council Directive 85/397/EEC on health and animal-health problems affecting intra-Community trade in heat-treated milk

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 382/89⁽³⁾ provides for measures to facilitate the implementation of Council Directive 85/397/EEC⁽⁴⁾, as amended by Regulation (EEC) No 3768/85⁽⁵⁾, in respect of milk and milk products;

Whereas Article 3 (1) of Regulation (EEC) No 382/89 provides that proposals must reach the competent authority before 1 April 1989; whereas, in view of difficulties encountered in certain Member States with

respect to the forwarding of the proposals, that date should be put back;

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 Article 3 (1) of Regulation (EEC) No 382/89, '1 April 1989' is replaced by '15 April 1989'.

Article 2

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

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 7.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 36.

⁽³⁾ OJ No L 44, 16. 2. 1989, p. 28.

⁽⁴⁾ OJ No L 226, 24. 8. 1985, p. 13.

⁽⁵⁾ OJ No L 362, 31. 12. 1985, p. 8.

COMMISSION REGULATION (EEC) No 823/89
of 30 March 1989
amending Council Regulation (EEC) No 3878/87 on the production aid for certain
varieties of rice

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

Having regard to Council Regulation (EEC) No 3878/87 of 18 December 1987 on the production aid for certain varieties of rice ⁽¹⁾, as last amended by Regulation (EEC) No 1424/88 ⁽²⁾, and in particular Article 2 (3) thereof,

Whereas, in accordance with Regulation (EEC) No 3878/87 and Commission Regulation (EEC) No 2580/88 of 17 August 1988 laying down the rules for amending the list of rice varieties set out in Annex B to Regulation (EEC) No 3878/87 ⁽³⁾, from the 1988/89 marketing year, only those varieties of rice meeting the morphological characteristics set out in Article 2 (1) of that Regulation and certain qualitative characteristics may be listed in Annex B to Regulation (EEC) No 3878/87;

Whereas the analyses of samples of the varieties which are the subject of applications for inclusion in the abovementioned list have been conducted; whereas the findings result in changes in the list in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex B to Regulation (EEC) No 3878/87 is hereby replaced by the Annex hereto.

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 30 March 1989.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 365, 24. 12. 1987, p. 3.

⁽²⁾ OJ No L 131, 27. 5. 1988, p. 2.

⁽³⁾ OJ No L 230, 19. 8. 1988, p. 8.

ANNEX

List of varieties

Bluebelle E

Lemont

Rea

Star

Thaibonnet — L 202

COMMISSION REGULATION (EEC) No 824/89

of 30 March 1989

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 ⁽²⁾,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

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

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

⁽¹⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽²⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

HAS ADOPTED THIS REGULATION :

The refund on export to Portugal has not been fixed.

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1989.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (?)
	02	20,00 (?)
1001 90 91 000	01	0
1001 90 99 000	05	44,00
	06	49,00
	07	22,00
	08	21,00
	09	19,00
	02	20,00
1002 00 00 000	06	49,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	48,00
	07	22,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	62,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	80,00
1101 00 00 120	01	80,00
1101 00 00 130	01	72,00
1101 00 00 150	01	62,00
1101 00 00 170	01	52,00
1101 00 00 180	01	42,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	80,00
1102 10 00 200	01	80,00
1102 10 00 300	01	80,00
1102 10 00 500	01	80,00
1102 10 00 900	—	—
1103 11 10 100	01	197,00
1103 11 10 200	01	187,00
1103 11 10 500	01	167,00
1103 11 10 900	01	157,00
1103 11 90 100	01	80,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

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

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

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

COMMISSION REGULATION (EEC) No 825/89

of 30 March 1989

fixing the corrective amount applicable to the refund on cereals

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⁾,

Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75 of the Commission ⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and,

furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁸⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the preceding indent and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1989 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)								
Product code	Destination (1)	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9	6th period 10
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	—	—	—
1001 10 90 000	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	03	0	+ 4,50	+ 4,50	- 30,00	- 30,00	- 30,00	- 30,00
	02	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	0	—	—	—
1003 00 90 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1101 00 00 120	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1101 00 00 130	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1101 00 00 150	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1101 00 00 170	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1101 00 00 180	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1102 10 00 200	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1102 10 00 300	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1102 10 00 500	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

- 01 All third countries,
- 02 Other third countries,
- 03 Soviet Union and Poland.

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

COMMISSION REGULATION (EEC) No 826/89

of 30 March 1989

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 April 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1989 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	69,00
1107 10 99 000	89,00
1107 20 00 000	103,30

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

COMMISSION REGULATION (EEC) No 827/89

of 30 March 1989

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Regulation Commission (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account

must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the preceding indent, and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1.

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1989 fixing the corrective amount applicable to the refund on malt

Product code	(ECU/tonne)					
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

Product code	(ECU/tonne)					
	6th period 10	7th period 11	8th period 12	9th period 1	10th period 2	11th period 3
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1988

concerning aid that the Italian Government proposes to grant to the public steel sector

(Only the Italian text is authentic)

(89/218/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first and second paragraphs of Article 95 thereof,

Having consulted the Consultative Committee and with the unanimous assent of the Council,

Whereas :

I

Under Commission Decisions No 257/80/ECSC⁽¹⁾ and No 2320/81/ECSC⁽²⁾ establishing Community rules for aids to the steel industry considerable State aid was authorized by the Commission in favour of the Italian public steel enterprise Finsider during the period 1980 to 1985, in order to assist it in carrying out a restructuring programme which involved in particular the closure of hot rolling capacities of 4 604 000 tonnes, representing 23,6 % of its production capacity in 1980, and a reduction in employment of 43 200 persons, i.e. 32 % of its 1980 level of employment, and which was assessed to have the capability under normal market circumstances and by strict implementation and management control to restore the concern's viability.

In spite of these major structural changes the viability target was not attained during the following years by Finsider, which, by contrast to its main competitors in

other Member States, continued to accumulate losses and had difficulties in maintaining its market position.

An expert investigation into the reasons underlying this failure by Finsider to attain viability established that it had been mainly caused by an industrial and commercial structure still insufficiently competitive, by delays in the implementation of investments and by insufficiently rigorous management.

Consequently Finsider's losses in 1987 — a year in which most other flat product producers of the Community generated enough gross profits to assure not only a sufficient level of self-financing but also net profitable results — rose by Lit 1 700 thousand million, of which the flat product subsidiary Italsider alone representing the main activities of Finsider counted for Lit 1 000 thousand million. By the end of 1987 the total debts of the Finsider Group, including its ECSC as well as its EEC activities, had reached the level of Lit 10 030 thousand million, i.e. 104 % of consolidated turnover.

The continued credit extension, predominantly from credit institutions subject to state control, to a public undertaking which having reached a level of indebtedness which exceeds its yearly turnover is unable to finance its activities from own resources, led the Commission on 7 May 1988 to initiate the infringement procedure of Article 88 of the ECSC Treaty against the Italian Government as regards the net credit extensions of Lit 1 155 thousand million granted by public and private credit institutions to Finsider during 1987. This decision reflected the Commission's opinion that these debt extensions had not been granted under circumstances

⁽¹⁾ OJ No L 29, 6. 2. 1980, p. 5.

⁽²⁾ OJ No L 228, 13. 8. 1981, p. 14.

acceptable to a private investor operating under normal market economy conditions, but under the influence of a state guarantee and accordingly contained elements of illegal state aid incompatible with Article 4 (c) of the ECSC Treaty and with the provisions of Commission Decision No 3484/85/ECSC of 27 November 1985 establishing Community rules for aid to the steel industry⁽¹⁾.

On 10 May 1988, the General Assembly of Finsider's shareholders decided to let Finsider go into voluntary legal liquidation. 99,8 % of Finsider shares is held by the public holding company IRI.

On that occasion IRI, covered by its shareholder the Italian state, issued an explicit guarantee to the Finsider Group's creditors that all the principal and interest of the Group's existing loans would be repaid. This fact caused the Commission on 15 June 1988 to extend the Article 88 procedure already initiated against the Italian Government to include the grant of this guarantee.

II

On June 16 1988, the Italian Government advised the Commission of a plan to restructure the Italian public steel industry and notified the financing by which it intends to support this plan.

The restructuring plan submitted by the Italian Government envisages the transfer to a new public steel company ILVA of the most effective ECSC and non-ECSC steel activities of Finsider in liquidation, such as the steel-making facilities and plate and strip mills at Taranto, the steel-making facilities and long products mills at Piombino, the Novi Ligure and Cornigliano cold-rolling mills, the Dalmine, Torre Annunziata and Piombino tube plants, the Terni and Torino special steel plants and the Condove cold-drawing installations.

The plan on the other hand foresees the definite closure during the period end 1988 to 1990 of the steel-making facilities and the plate mill at Campi, the steel-making facilities and the bar and rod mill at Torino, the Terni concrete reinforcing bar mill, the bar and rod mill at Sesto S. Giovanni and the Torino cold-rolling mill, involving a total capacity reduction in hot-rolled and cold-rolled finished products of respectively 1 180 000 and 708 000 tonnes.

Furthermore, it is part of the plan that during the same period, besides Finsider's non-steel assets, the following steel assets will be sold to the private sector: the pig iron plant at Trieste, the Sisma steel-making facilities and the bar and rod mill, the Marghera and S. Giovanni Valdarno section mills and the Lovere steel-making facilities, while the Aosta steel-making facilities and bar and rod mill will be partly sold off to be operated in conjunction with the private sector. Thus hot-rolled finished product capacity

totalling 575 000 tonnes will be transferred to the private sector.

The future of the steel-making activities at the Bagnoli plant is subject to particular provisions by which in principle the upstream facilities will be closed no later than 1 July 1989 while the hot wide strip mill which in return for aid granted under the previous aid code by the demolition of a reheating furnace was held to a maximum production capacity of 1,2 million tonnes, could be incorporated into ILVA and will be operated according to the characteristics of the available rolling facilities, market trends and the overall economics of the operation.

The restructuring plan envisages employment reductions of 19 915 persons from 70 340 persons, i.e. a reduction of 28 %.

The aid proposed by the Italian Government in support of the plan amounts to a maximum of Lit 7 670 thousand million to be supplied directly by the state or indirectly through the state-owned holding company IRI and serves the following purposes:

- up to a maximum of Lit 6 932 thousand million for redemption of part of Finsider's debts, the remaining portion of these debts which total around Lit 10 500 thousand million will be partly transferred to ILVA and partly covered by the receipts from sales of steel and non-steel assets,
- up to a maximum of Lit 245 thousand million to cover losses derived from the continued provisional operation of Finsider's ECSC installations to be closed down or sold off,
- up to a maximum of Lit 288 thousand million, as contingency appropriation to cover the risk that the proceeds from the realization of Finsider's assets are less than forecast in the plan,
- up to a maximum of Lit 205 thousand million to cover expenditure incurred by the closure of steel plants.

The Commission, assisted by external experts has, by applying the same criteria as those which were imposed by the Commission during the previous restructuring of the Community steel industry, examined the submitted restructuring plan with regard to its capacity to assure the future viability of ILVA.

It has concluded that by a strict implementation of the restructuring plan the Italian public steel sector in the form of its new company ILVA would stand reasonable chances of achieving financial viability under normal market conditions by 1990.

III

The aim of providing the Italian steel industry with a solid and economically viable structure contributes to the achievement of the objectives of the Treaty, in particular Articles 2 and 3. The Commission considers that, so as to respect the specific conditions of the common interest of

⁽¹⁾ OJ No L 340, 18. 12. 1985, p. 1.

the Community as laid down in this Decision, the public interventions contemplated by the Italian government are necessary for and proportional to the effect sought.

The Community thus finds itself faced with a situation not specifically provided for in the ECSC Treaty and yet requiring action. In these circumstances, recourse must be had to the first paragraph of Article 95 of the Treaty, so as to enable the Community to pursue the objectives set out in the initial Articles thereof.

At the same time it is, however, important to ensure that aid approved does not adversely affect trading conditions within the Community steel industry to an extent contrary to the common interest.

In the latter context it is important that a major contribution to the structural adjustment still required in this sector be made by the Italian public steel sector in the form of capacity reductions as counterpart for the aid exceptionally approved.

It must, however, be taken into account in this connection that the state of the steel market is presently cyclically in a boom situation which makes it difficult for the time being to call for capacity cuts which are proportional to the approval of the full aid amount proposed by the Italian Government.

Under these circumstances it seems appropriate and reasonable as counterpart for the capacity reductions contained in the restructuring plan for the Italian public steel sector communicated to the Commission on 16 June 1988, including the closing down of the upstream steel-making facilities of the Bagnoli plant, to authorize two-thirds of the public financing envisaged by the Italian Government to accompany the plan.

The discussion of the anticipated requirement for the balance of the aid and for the release of that aid shall be postponed until September 1990 or earlier in the event of a rapid market decline. At such time a decision shall be taken by the Commission, following the assent of the Council, in accordance with Article 95 ECSC, on the release of the aid and, in the light of the prevailing Community market situation, on the proportional additional reduction in production capacity where there are major problems of overcapacity.

IV

The grant of operating aid must be limited to what is absolutely necessary.

Therefore the timetable for the closures foreseen in the plan must be tightened considerably, and all closures must, unless there are well-founded technical reasons, be

achieved at the latest by 31 March 1989, apart from that of the liquid phase of Bagnoli where the envisaged date of 30 June 1989 is acceptable.

It must be ensured that all the envisaged closures are definite and irreversible and that the capacities concerned no longer depress the Community steel market.

Considerations of aid necessity and the present favourable state of the market make it necessary to impose a similar tightening of the calendar for the envisaged disposals of steel plants to the private sector and, in case this timetable is not complied with, to demand their closures three months later on 30 June 1989. Due to the more complicated solution pursued for the Aosta plant the corresponding dates of respectively partial disposal or closure are extended by six months.

V

It is not only necessary to make sure during the whole restructuring period that the aid approved gives sufficient viability prospects for ILVA by the end of the restructuring period, end 1990, but it must also be ensured that this steel enterprise does not as a result of the financial restructuring of the public steel sector obtain an unfair advantage in relation to other competitors by being provided with financial charges below 4,5 % of turnover, which was the level set as a minimum threshold for aid for financial restructuring according to the principles laid down in Commission Decision No 1018/85/ECSC of 19 April 1985 amending Decision No 2320/81/ECSC establishing Community rules for aids to the steel industry⁽¹⁾. It is even appropriate, for reasons of control during the interval until a position has been taken on the unapproved balance of the notified aid, by a sufficient debt transfer from Finsider to impose a level of financial charges for ILVA of 5,5 % of its turnover.

As part of the steel activities transferred to ILVA are non-ECSC steel activities it must be ensured that these are being transferred with all their existing total liabilities.

VI

The implementation of this Decision requires close surveillance by the Commission during the whole restructuring period of elements such as for example :

- assets being sold at market value and the proceeds being applied to reduce the aid requirement of the public steel sector as much as possible,
- compliance with revised timetable for closures and disposals by sales,
- closure aid only covering normal costs resulting from closures,

⁽¹⁾ OJ No L 110, 23. 4. 1985, p. 5.

- ILVA strictly implementing the restructuring measures laid down in the restructuring plan and making the envisaged progress towards viability,
- ILVA not operating below the level of financial charges imposed.

In order to exercise this surveillance with the necessary authority the Commission will proceed by release of the approved aid in segments in line with the fulfilment of the imposed conditions.

The implementation of the Decision also necessitates close collaboration between the Commission and the Italian Government in the form of clear and strict reporting obligations for the latter.

The Commission will by exercising all its powers in the field of state aid ensure that the aided undertaking fulfils the conditions of this Decision, additional conditions imposed as regards progress towards viability and its other obligations resulting from the application of the ECSC Treaty.

VII

In view of all the above, the Commission can authorize two-thirds of the aid proposed subject to observance of the conditions and requirements it lays down.

The Commission will at the same time close the initiated Article 88 ECSC Treaty procedure to the extent that it involves the authorized aid,

HAS ADOPTED THIS DECISION :

Article 1

The following maximum amounts of aid which the Italian Government plans to grant directly or through its

public holding IRI to the public steel undertaking Finsider in liquidation and in the same context to the new public steel undertaking ILVA which will take over and continue part of the steel-making activities of Finsider may be regarded as compatible with the orderly functioning of the common market to the extent that the conditions and requirements set out in Articles 2 to 7 are satisfied :

(a) Aid for financial restructuring and other operating aid:

- redemption of up to a maximum of Lit 4 432 000 million of Finsider's debts which on 1 October 1988 amounted to around Lit 10 517 000 million,
- coverage of losses up to a maximum of Lit 245 000 million deriving from the continued provisional operating of the ECSC installations of Finsider to be closed down or to be sold off,
- a contingency appropriation of maximum Lit 288 000 million to cover the risk that the proceeds from the realization of Finsider's assets do not reach Lit 1 500 000 million forecasted by the restructuring plan submitted by the Italian Government to the Commission on 16 June 1988 ;

(b) Closure aid:

- coverage of expenditure incurred by the closure of steel plants up to a maximum of Lit 205 000 million.

Article 2

1. The following definitive closures of production capacity shall be carried out :

(thousand tonnes)

	Pig iron	Steel	Finished products	
			Hot-rolled	Cold-rolled
Bagnoli	2 350	2 700		
Campi (heavy plate)		350	400	
Turin (merchant bar, wire rod)		375	250	
Terni (concrete reinforcing bar)			300	
Sesto S. Giovanni (merchant bar, wire rod)			230	
Turin				708
Total	2 350	3 425	1 180	708

2. The capacity of the hot wide strip mill at Bagnoli shall not be increased by the reinstallation of a second reheating furnace.

3. To the extent that the closures mentioned in paragraph 1 are not according to the restructuring plan submitted to the Commission on 16 June 1988 envisaged to take place at an earlier date, they must be achieved at the latest by 31 March 1989 with the exception of the closure of the liquid phase at Bagnoli, which must be achieved at the latest by 30 June 1989.

4. The Commission may, if provided with well-founded technical reasons, accord a short-term extension of the 31 March 1989 closure deadline.

5. The finality of the closures mentioned in paragraph 1 shall be ensured either by the demolition of the installation concerned or by their disposal outside Europe.

Article 3

1. The recipient public steel group shall dispose by sale totally of the following steel plants :

	Pig iron	Steel	(in thousand tonnes)	
			Finished products	
			Hot-rolled	Cold-rolled
Marghera (heavy and light sections)	590	240	130	
S. Giovanni Valdarno (light sections)			150	
Sisma (heavy and light sections, wire rod)			230	
Trieste		145		
Lovere				
Total	590	385	510	

2. If the abovementioned plants have not been sold at the latest by 31 March 1989 they shall be definitively closed at the latest by 30 June 1989.

3. The recipient public steel industry shall also dispose by sale to the private sector in total or in a substantial part its steel plant in Aosta (crude steel 460 000 tonnes; merchant bars/wire rod 65 000 tonnes) at the latest by 30 September 1989. If this has not been achieved the plant must be definitively closed down by 31 December 1989, unless its individual viability has been undisputably demonstrated to the Commission.

Article 4

1. The transfer of assets and liabilities from Finsider to ILVA shall be accomplished at the latest by 31 March 1989.

2. Any non-ECSC undertaking being transferred from Finsider to ILVA shall be taken over with its existing total liabilities.

3. The liabilities to be transferred from Finsider to ILVA shall reach such a level that the total net financial charges to be borne by the latter company during the restructuring period ending 31 December 1990 are brought to a level of 5,5 % of the company's turnover, unless during that period assent is received from the Council according to Article 95 of the ECSC Treaty to a Commission proposal to authorize an additional part of the total aid which has been notified by the Italian Government on 16 June 1988 in support of the restructuring plan of the public steel sector. In the latter case the financial charges of ILVA may by such aid be allowed to be reduced to a minimum level of 4,5 % of the company's turnover.

Article 5

1. Subject to the modifications imposed by the previous Articles, ILVA and all present and future interested parties shall carry out, according to the timetable, as a minimum, all the restructuring measures laid down in the restructuring plan submitted by the Italian Government to the Commission on 16 June 1988.

2. For the purpose of monitoring both this requirement and the minimum level of financial charges to be borne by ILVA according to Article 4 (3), the Italian Government shall supply six-monthly reports to the Commission containing details of the progress that the aid recipient has made towards viability under the restructuring plan.

3. This report shall be supplied within two months of the end of each six-month period in a form to be determined by the Commission. The first report shall be submitted at the latest by 31 August 1989 covering the period 1 October 1988 to 30 June 1989.

4. If the six-monthly reports give reason to doubt that the aid recipient will not return to viability by the end of 1990, the Commission may impose additional conditions relating to its restructuring.

Article 6

1. None of the aid referred to in Article 1 shall be paid unless the following conditions are fulfilled:

(a) as regards aid for debt redemption:

- that the selling price of assets corresponds to their market value,
- that all proceeds from assets sold are being used exclusively to bring down Finsider's debts,
- that these proceeds, and the aid, are being paid to a blocked account which can only be drawn upon for the purpose of bringing down Finsider's debts,
- that in the case of sales of assets, account is taken of the possible debt reduction as a corollary of these sales,
- that the net financial charges of ILVA are at a level of 5,5 % of turnover;

(b) as regards other operating aid:

- that it is limited in amount to what is absolutely necessary in order to enable the provisional operating at orderly market terms of the installations to be closed down or sold off within the time limits set down in Article 2 (3) and (4) and Article 3 (2), (3) and (4);

(c) as regards the contingency aid :

- that the assets have been disposed of at the highest obtainable market price ;

(d) as regards the closure aid :

- that the expenditures defrayed are normal costs resulting from the partial or total closures of plants.

2. The Commission releases the aid in segments after being satisfied of the fulfilment of the aforementioned conditions.

3. An initial segment of the debt redemption referred to in Article 1 (a) first indent, will be released by the Commission for payment at the latest by 31 March 1989. When deciding on the size of the aid segment then to be released the Commission shall take into consideration the state of progress of the restructuring programme and the legal requirements connected with the foundation of ILVA.

4. Another segment of aid comprising the aid referred to in Article 1 (a) second and third indents, and Article 1 (b) will be released by the Commission by 15 July 1989 conditional upon the complete fulfilment of the closure and transfer conditions laid down in Articles 2 (3) and 3 (2).

5. The aid must be paid at the latest by 31 December 1990.

Article 7

Without prejudice to any penalties it may impose by virtue of the ECSC Treaty, the Commission may refuse to release aid for payment, require the suspension of payments of aid already released or order the recovery of paid aid, if at any time it were to find that :

- aid has been paid in disregard of the conditions laid down in the preceding Articles,

- the aid beneficiary does not comply with additional conditions relating to the restructuring of the undertaking imposed by the Commission under Article 5 (4),

- that the recipient public steel industry has breached its obligations according to the price rules of the ECSC Treaty.

Article 8

1. Besides the six-monthly reports on progress towards viability referred to in Article 5 (2), the Italian Government shall supply the Commission with reports on aid disbursed in the course of the preceding six months, on the uses made of such aid and on the results achieved during the same period as regards restructuring. These reports must be supplied within two months of the end of each six-monthly period. The first of these reports will concern the year 1988, and subsequent reports will concern each succeeding half-year period.

2. The Commission may carry out on-the-spot inspections to verify that the closures and production limitations referred to in Article 2 (1) and (2) and Article 3 (2) and (3) have been implemented.

3. The Commission may at any time during the restructuring period demand the insertion of a close on-the-spot surveillance system in order to supervise the strict implementation of the restructuring plan.

Article 9

This Decision is addressed to the Italian Republic.

Done at Brussels, 23 December 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries*(Official Journal of the European Communities No L 375 of 31 December 1988)*

Page 17, Annex I, order No 10.0670, column (4):

After 'Brazil', insert '""'.

Page 17, Annex I, footnote (d):

for: '(d) 10.690: South Korea',

read: '(d) 10.0680: South Korea'.

Page 26, Annex I, order No 10.1060, column (2):

Delete: '8527 32 10'.

Page 29, Annex I, order No 10.1320, column (2), second line:

for: '9505 30 00',

read: '9405 30 00'.

Page 41, Annex II, Part 3, first column:

for: '8501 69 00',

read: '8501 64 00'.

Page 42, Annex II, Part 3, first column:

Delete: '8525 30 10'.

Corrigendum to Council Regulation (EEC) No 4258/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain agricultural products originating in developing countries*(Official Journal of the European Communities No L 375 of 31 December 1988)*

Page 49, Article 1 (2), second indent, last line:

for: 'Annexes I and IV',

read: 'Annex IV'.

Page 52, Annex I, order No 50.0030, column (6):

for: 'D 200',

read: 'D 2 000'.

Page 52, Annex I, order No 50.0040, column (4):

Delete: 'or 0 % (countries listed in Annex V)'.

Page 61, Annex II, order No 52.1870, column (2):

Delete: '1513 29 11'.

Page 61, Annex II, order No 52.1880, column (2):

Delete: '1513 29 19'.

Page 64, Annex II, order No 52.2405, column (2):

for: '1604 19 90',

read: '1604 19 99'.

Page 67, Annex II, order No 52.2795, column (2):

for: 'ex 2005 90 10',

read: '2005 90 10'.

Page 68, Annex II, order No 52.2920, column (3):

for: 'Other, in immediate packings of a net content not exceeding 1 kg
Almonds, walnuts and hazelnuts

read: 'Other, in immediate packings of a net content not exceeding 1 kg',
'Other, in immediate packings of a net content not exceeding 1 kg, excluding almonds,
walnuts and hazelnuts

Other, in immediate packings of a net content not exceeding 1 kg :
Almonds, walnuts and hazelnuts'.

Page 69, Annex II, order Nos 52.3140, 52.3160 and 52.3170, column (3):

Add: 'in which no single fruit exceeds 50 % of the total weight of the fruits'.

Page 73, Annex II, order No 52.3780, column (2):

Insert: '2309 90 91'.

Page 73, Annex II, order No 52.3790, column (2):

for: '2402 10 10',

read: '2402 10 00'.

Page 78, Annex IV, order No 57.0450, column (3):

for: 'Citrus fruit, fresh or dried
Clementines
Montreales and satsumas, from 15 May to 15 September
Mandarins and wilkings, from 15 May to 15 September
Tangerines
Other
Limes
Grapefruit
Other',

read: 'Citrus fruit, fresh or dried
Clementines
Montreales and satsumas
Mandarins and wilkings
Tangerines
Other
Limes
Grapefruit
Other',
}, from 15 May to 15 September

Page 79, Annex IV, order No 57.0520, columns (2) and (3):

for:

'0813 except 0813 50 99	Fruit, dried, other than that of heading Nos 0801 to 0806 ; mixtures of nuts or dried fruit of this chapter
0813 50 30 0813 50 91	Mixtures, exclusively of tropical nuts Other mixtures of dried tropical fruit',

read:

'0813 10 00 to 0813 50 19	Fruit, dried, other than that of heading Nos 0801 to 0806 ; mixtures of nuts or dried fruit of this chapter
ex 0813 50 30	Mixtures of coconuts, Brazil nuts, cashew nuts, Areca (or betel) nuts or colanuts
ex 0813 50 91	Mixtures of guavas, mangoes, mangosteens, papaws, tamarinds, cashewapples, jackfruit, lychees or sappodilla plums'.

Page 79, Annex IV, order No 57.0570, column (2):

for: '1106 10 10',

read: '1106 10 00'.

Corrigendum to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries

(Official Journal of the European Communities No L 375 of 31 December 1988)

Page 88, Article 7, second subparagraph :

Delete : ', not later than 15 October 1989'.

Page 91, Annex I, footnote (1), first line :

for: '... of this ceiling, ...',

read: '... of this quota, ...'.

Page 96, Annex I, order No 40.0220, column (8) :

for: '6,8',

read: '618'.
