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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1213/89

of 3 May 1989

amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

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

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

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

Whereas, pursuant to Article 4b of Regulation (EEC) No 2727/75⁽⁴⁾, as last amended by Regulation (EEC) No 166/89⁽⁵⁾, if the maximum guaranteed quantity is exceeded, the target prices are adjusted by the Council; whereas it would be suitable to provide that, as for the intervention prices, the adjustment be made by the Commission;

Whereas, moreover, the need to reform the cereals sector makes it appropriate that the period during which cereals may be offered for intervention should be shortened; whereas Regulation (EEC) No 2727/75 should be amended accordingly,

Article 1

Regulation (EEC) No 2727/75 is hereby amended as follows:

1. The second subparagraph of Article 4b (3) is replaced by the following:
'In this event, the Commission shall adjust the target prices using the derivation components by means of which they are established under Article 3 (4).'
2. Article 7 (2) is replaced by the following:
'2. Buying-in as provided for in paragraph 1 may take place only in the following periods:
 - from 1 August to 30 April in the case of Italy, Spain, Greece and Portugal,
 - from 1 November to 31 May in the case of the other Member States.'

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, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No C 82, 3. 4. 1989, p. 1.

⁽²⁾ OJ No C 120, 16. 5. 1989.

⁽³⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁵⁾ OJ No L 20, 25. 1. 1989, p. 16.

COUNCIL REGULATION (EEC) No 1214/89

of 3 May 1989

fixing the prices applicable to cereals for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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 1213/89⁽²⁾, and in particular Article 3 (5) thereof,

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

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

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

Whereas the markets and prices policy, based on modern farms, is the main instrument of the common agricultural policy; whereas full advantage cannot be drawn from such a policy unless it is integrated into an overall policy which includes a dynamic social and structural policy and the application of the rules on competition contained in the Treaty;

Whereas, in many cases, surpluses can no longer be disposed of on normal terms either inside or outside the Community; whereas, in order to reduce the cost to the budget of disposing of surpluses on markets of third countries and to encourage greater consumption within the Community, the restrictive price policy should continue to be applied; whereas, given the new intervention arrangement and further application of the stabilizing mechanism indicated in Article 4b (3) of Regulation (EEC) No 2727/75, this aim may be achieved by maintaining for 1989/90 the intervention prices for common wheat, barley, rye, maize and sorghum applied during the previous marketing year;

Whereas, as part of a quality policy, production of common wheat of higher breadmaking quality and production of rye of breadmaking quality should be supported; whereas, accordingly, the special premiums for common wheat of breadmaking quality and for rye of breadmaking quality should be continued; whereas, however, the level of these premiums should be adjusted in line with the further reduction in the intervention price provided for in Article 4b (3) of Regulation (EEC) No 2727/75;

Whereas in 1986/87 of Council began a process of aligning the intervention price of durum wheat on that of common wheat; whereas, in view of, on the one hand, the present ratio between the prices of those cereals and, on the other, the imbalance recorded on the durum wheat market, it is advisable to pursue that process; whereas, accordingly, the intervention price of durum wheat should be further reduced;

Whereas application of Article 68 of the Act of Accession of Spain and Portugal has meant that prices in Spain differ from the common prices; whereas, pursuant to Article 70 (1) of the Act of Accession, Spanish prices should be aligned with common prices each year at the start of the marketing year; whereas the rules for this alignment give the Spanish intervention price for durum wheat indicated below; whereas, as a result of the changes made since accession in the intervention mechanisms and of application of the stabilizing mechanisms, the Spanish intervention prices for barley, rye and sorghum should from the 1989/90 marketing year be the same as those applicable in the rest of the Community.

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the prices applicable in the cereals sector shall be as indicated in the Annex.

Article 2

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

It shall apply from the beginning of the 1989/90 marketing year.

(1) OJ No L 281, 1. 11. 1975, p. 1.

(2) See page 1 of this Official Journal.

(3) OJ No C 82, 3. 4. 1989, p. 2.

(4) OJ No C 120, 16. 5. 1989.

(5) Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

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

Done at Brussels, 3 May 1989.

For the Council
The President
 P. SOLBES

ANNEX

	(ECU/tonne)		(ECU/tonne)
COMMON WHEAT		MAIZE	
Intervention price ⁽¹⁾	179,44	Intervention price	179,44
Common target price	247,78	Common target price	225,48
RYE		SORGHUM	
Intervention price ⁽²⁾	170,47	Intervention price	170,47
Common target price	225,48	Common target price	225,48
BARLEY		DURUM WHEAT	
Intervention price	170,47	Intervention price:	
		— Community of Ten	261,09
		— Spain	222,51
Common target price	225,48	Common target price	315,39

⁽¹⁾ The price shall be increased by ECU 3,48 per tonne for common wheat of breadmaking quality which meets the specific quality requirements provided for in Regulation (EEC) No 1570/77.

⁽²⁾ The price shall be increased by ECU 8,70 per tonne for rye of breadmaking quality which meets the specific quality requirements provided for in Regulation (EEC) No 1570/77.

COUNCIL REGULATION (EEC) No 1215/89

of 3 May 1989

fixing the amount of the co-responsibility levy for cereals for the 1989/90 marketing year

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 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 1213/89⁽²⁾, and in particular Article 4 (2) thereof,

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

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

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

Whereas the amount of the co-responsibility levy referred to in Article 4 of Regulation (EEC) No 2727/75 is to be determined on the basis of cereal production, the quantities of cereals used in the Community without financial intervention and of imports of the substitute products shown in Annex D to the abovementioned Regulation; whereas,

however, in view of the cereal production situation in the Community and of the application of the stabilizing mechanism indicated in Article 4b (3) of Regulation (EEC) No 2727/75, the co-responsibility levy for the 1989/90 marketing year should be set at the level indicated below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the amount of the co-responsibility levy referred to in Article 4 of Regulation (EEC) No 2727/75 shall be ECU 5,22 per tonne.

Article 2

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

It shall apply from the beginning of the 1989/90 marketing year.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 4.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

COUNCIL REGULATION (EEC) No 1216/89

of 3 May 1989

amending Regulation (EEC) No 3103/76 on aid for durum wheat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular Article 10 ⁽⁴⁾ thereof,

Having regard to the proposal from the Commission,

Whereas, bearing in mind how important the production aid system for durum wheat is in forming the incomes of farmers in certain less-favoured areas of the Community where durum wheat production is of a traditional nature, it is appropriate to provide for the said system to apply also to the region of Thrace in Greece and, in the case of Spain, to the autonomous community of Navarre and to the provinces of Toledo, Zamora and Salamanca; whereas Regulation (EEC) No 3103/76 ⁽³⁾, as last amended by Regulation (EEC) No 1583/86 ⁽⁴⁾, should be amended as a result,

Article 1

The Annex to Regulation (EEC) No 3103/76 is hereby amended as follows:

1. 'Thrace' is added to the 'Greece' section:
2. The 'Spain' section is replaced by the following:

'SPAIN

- Comunidades Autonomas: Andalucia y Navarra
- Provincias: Badajoz — Burgos — Salamanca — Toledo — Zamora — Zaragoza'

Article 2

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

It shall apply from the beginning of the 1989/90 marketing year.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 351, 21. 12. 1976, p. 1.

⁽⁴⁾ OJ No L 139, 24. 5. 1986, p. 40.

COUNCIL REGULATION (EEC) No 1217/89

of 3 May 1989

fixing for the 1989/90 marketing year the amount of the aid for durum wheat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular Article 10 (3) thereof,

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

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

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

Whereas the purpose of the aid for durum wheat is to ensure a fair standard of living for farmers in regions of the Community where such production constitutes a traditional and important part of agricultural production; whereas these areas were specified by Council Regulation (EEC) No 3103/76 of 16 December 1976 on aid for durum wheat ⁽⁶⁾, as last amended by Regulation (EEC) No 1216/89 ⁽⁷⁾; whereas, to cushion the impact of the reduction in the

intervention price for durum wheat on producers' incomes, the aid for the 1989/90 marketing year should be increased;

Whereas the rules regarding the alignment of aid as laid down in Article 79 (2) of the Act of Accession mean that for Spain the amount of aid to be fixed should be that laid down in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the aid for durum wheat referred to in Article 10 of Regulation (EEC) No 2727/75 is hereby fixed for the regions listed in the Annex to Regulation (EEC) No 3103/76 at:

- ECU 158,98 per hectare for the Community of Ten, and
- ECU 80,61 per hectare for Spain.

Article 2

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

It shall apply from the beginning of the 1989/90 marketing year.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 5.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁶⁾ OJ No L 351, 21. 12. 1976, p. 1.

⁽⁷⁾ See page 5 of this Official Journal.

COUNCIL REGULATION (EEC) No 1218/89

of 3 May 1989

fixing the monthly price increases for cereals, wheat and rye flour and wheat groats and meal
for the 1989/90 marketing year

THE COUNCIL 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 1213/89 ⁽²⁾, and in particular Article 6 (2) thereof,

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

Whereas, when the number and amount of the monthly increases are fixed, account should be taken of the storage costs and financing charges for storing cereals in the Community; whereas experience has shown that the level of the monthly increases for cereals can encourage operators to hold on to cereals; whereas, so that stocks can be disposed of more smoothly, these increases should be reduced somewhat;

Whereas, as regards the threshold prices for maize and sorghum, the monthly increases are, moreover, determined in accordance with the last subparagraph of Article 5 (1) of Regulation (EEC) No 2727/75,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the monthly increases to be applied to the target price, threshold price, intervention price and to the buying-in price of the products referred to in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in this Regulation.

Article 2

The monthly increases to be applied to the target price, threshold price, intervention price and to the buying-in price for common wheat, rye, barley, maize, sorghum and durum wheat, operative for the first month of the marketing year, shall be as follows:

(ECU/tonne)

Period	Monthly increases in respect of the intervention price and the buying-in price		Monthly increases in respect of the target and threshold prices	
	Common wheat, rye, barley, maize and sorghum	Durum wheat	Common wheat, rye, barley, maize and sorghum	Durum wheat
July 1989	—	—	—	—
August 1989	—	—	1,31	1,78
September 1989	—	—	2,62	3,56
October 1989	—	—	3,93	5,34
November 1989	1,31	1,78	5,24	7,12
December 1989	2,62	3,56	6,55	8,90
January 1990	3,93	5,34	7,86	10,68
February 1990	5,24	7,12	9,17	12,46
March 1990	6,55	8,90	10,48	14,24
April 1990	7,86	10,68	11,79	16,02
May 1990	9,17	12,46	13,10	17,80
June 1990	—	—	13,10	17,80

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 6.

In the case of maize and sorghum, the monthly increase for August and September shall not apply to the threshold price.

Article 3

The monthly increases to be applied to the threshold prices for meslin, oats, buckwheat, millet, canary seed and 'other cereals' applicable for the first month of the marketing year, shall be the same as those applicable to common wheat.

Article 4

The monthly increases to be applied to the threshold price for wheat flour, meslin flour and rye flour and to the threshold price for groats and meal of common and of durum wheat, applicable for the first month of the marketing year, shall be as follows:

(ECU/tonne)

Period	Wheat flour, meslin flour and rye flour, groats and meal of common wheat	Groats and meal of durum wheat
July 1989	—	—
August 1989	1,98	2,81
September 1989	3,96	5,62
October 1989	5,94	8,43
November 1989	7,92	11,24
December 1989	9,90	14,05
January 1990	11,88	16,86
February 1990	13,86	19,67
March 1990	15,84	22,48
April 1990	17,82	25,29
May 1990	19,80	28,10
June 1990	19,80	28,10

Article 5

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

It shall apply from the beginning of the 1989/90 marketing year.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

COUNCIL REGULATION (EEC) No 1219/89

of 3 May 1989

amending Regulation (EEC) No 1418/76 on the common organization of the market in rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas there is a risk, for medium type rice in particular, that the imbalance between supply and demand will deteriorate; whereas stricter intervention provisions should therefore be introduced and in particular the period during which paddy rice may be offered for intervention should be shortened; whereas Regulation (EEC) No 1418/76 ⁽⁴⁾, as

last amended by Regulation (EEC) No 2229/88 ⁽⁵⁾, should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 (1) of Regulation (EEC) No 1418/76 is hereby replaced by:

'1. From 1 January to 31 July, the intervention agencies shall buy in paddy rice which is offered to them, provided the offers comply with conditions, in particular in respect of quantity and quality, to be determined in accordance with paragraph 5.'

Article 2

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

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No C 82, 3. 4. 1989, p. 8.

⁽²⁾ OJ No C 120, 16. 5. 1989.

⁽³⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 197, 26. 7. 1988, p. 30.

COUNCIL REGULATION (EEC) No 1220/89

of 3 May 1989

fixing rice prices for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1219/89 ⁽²⁾, and in particular Article 3 (3) thereof,

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

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

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

Whereas the markets and prices policy, based on modern farms, is the main instrument of the incomes policy in agriculture; whereas full advantage cannot be drawn from such a policy unless it is integrated into the common agricultural policy as a whole, including a dynamic social and structural policy and the application of the rules on competition contained in the Treaty;

Whereas the intervention prices for paddy rice must be fixed at a rate which takes account of the policy in respect of rice production, with a view to the uses to which it is put;

Whereas the target price for husked rice must be derived from the intervention price for paddy rice, in accordance with the criteria set out in Article 4 (3) of Regulation (EEC) No 1418/76;

Whereas, for the products referred to in this Regulation, the application of the criteria for the fixing of the different prices

and the application of the measures provided for in respect of the exchange rates to be applied in agriculture entail fixing those prices at the levels indicated below;

Whereas, under Article 68 of the Act of Accession of Spain and Portugal, prices in Spain were set at a level differing from that of the common prices; whereas, pursuant to Article 70 (1) of the Act of Accession, these prices should be aligned with the common prices in annual steps at the beginning of each marketing year; whereas the rules on this alignment laid down give the Spanish prices set below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, rice prices shall be as follows:

1. Community of Ten:
 - (a) intervention price, paddy rice:
ECU 314,19 per tonne;
 - (b) target price, husked rice: ECU 546,88 per tonne.
2. Spain:
 - (a) intervention price, paddy rice:
ECU 281,52 per tonne;
 - (b) target price, husked rice: ECU 546,88 per tonne.

Article 2

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

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ See page 9 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 9.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

COUNCIL REGULATION (EEC) No 1221/89

of 3 May 1989

fixing the monthly price increases for paddy rice and husked rice for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community

Having regard to Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation EEC No 1219/89 ⁽²⁾, and in particular Article 7 (2) thereof,

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

Whereas, when the number and amount of the monthly increases and the first month during which these increases are to apply are fixed, account should be taken of the storage costs and financing charges for storing rice in the Community and of the need to ensure that the disposal of stocks of rice conforms to market requirements; whereas, it is further appropriate that this disposal should be made more regular by avoiding operators holding on the stocks; whereas, to that end, the increases should be reduced,

Article 1

1. For the 1989/90 marketing year, the amount of each of the monthly increases provided for in Article 7 (1) of Regulation (EEC) No 1418/76 shall be:

- ECU 2,07 per tonne for the intervention price and for the purchase price,
- ECU 2,58 per tonne for the target price.

2. The monthly increases shall apply to the intervention price and the purchase price from 1 January to 1 July 1990, the price thus obtained for July 1990 remaining valid until 31 August 1990.

The monthly increases shall apply to the target price from 1 October 1989 to 1 July 1990, the price thus obtained for the month of July 1990 remaining valid until 31 August 1990.

Article 2

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

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ See page 9 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 10.

COUNCIL REGULATION (EEC) No 1222/89

of 3 May 1989

fixing the amount of the production aid for certain varieties of rice sown in the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1219/89 ⁽²⁾, and in particular Article 8 (a) (3) thereof,Having regard to the proposal from the Commission ⁽³⁾,Having regard to the opinion of the European Parliament ⁽⁴⁾,Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,Whereas Council Regulation (EEC) No 1423/88 of 24 May 1988 on the granting of aid for certain varieties of rice of the Indica type of profile in Portugal ⁽⁶⁾ extended the application of Article 8 a of Regulation (EEC) No 1418/76 to Portugal,

Whereas the objective of the production aid is to encourage varietal conversion of rice production to certain types of rice for which greater demand exists on the Community market; whereas the varieties for which demand exists normally have lower crop yields than those of the varieties that are traditionally grown;

Whereas the production aid must be fixed at a level which enables the lower revenue resulting from the decreased yields to be offset;

Whereas Council Regulation (EEC) No 3878/87 of 18 December 1989 on the production aid for certain varieties of rice ⁽⁷⁾, as amended by Regulation (EEC) No 823/89 ⁽⁸⁾ determines in particular the areas of the Community which may benefit from the aid,

HAS ADOPTED THIS REGULATION:

Article 1

The production aid for certain varieties of rice sown in 1989/90 referred to in Article 8 a of Regulation (EEC) No 1418/76 shall be ECU 300 per hectare for the countries referred to in the Annex A to Regulation (EEC) No 3878/87.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

*For the Council**The President*

P. SOLBES

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ See page 9 of this Official Journal.⁽³⁾ OJ No C 82, 3. 4. 1989, p. 11.⁽⁴⁾ OJ No C 120, 16. 5. 1989.⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).⁽⁶⁾ OJ No L 131, 27. 5. 1988, p. 1.⁽⁷⁾ OJ No L 356, 24. 12. 1987, p. 3.⁽⁸⁾ OJ No L 86, 31. 3. 1989, p. 63.

COUNCIL REGULATION (EEC) No 1223/89

of 3 May 1989

amending Regulation (EEC) No 1008/86 laying down detailed rules for production refunds
applicable to potato starch

THE COUNCIL 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 1213/89 ⁽²⁾, and in particular Article 11a ⁽²⁾ thereof,

Having regard to the proposal from the Commission,

Whereas, in view of the special situation in the potato-starch
sector, Regulation (EEC) No 2727/75 makes provision for
taking whatever measures may be necessary in that sector;Whereas Regulation (EEC) No 1008/86 ⁽³⁾ provides firstly
for the payment of a premium to potato-starch producers for
the 1986/87, 1987/88 and 1988/89 marketing years and
secondly that the Council is to decide before 1 April 1989
on the measures applicable from the 1989/90 marketing
year;Whereas the specific constraints, in particular of a structural
nature, affecting the potato-starch industry justify the
maintenance of a corrective provision in favour of that
industry, providing for the payment of a suitable special
premium;Whereas the grant of that premium for the potato-starch
industry must be subject to the payment of the minimum
price to the potato producer,

HAS ADOPTED THIS REGULATION:

*Article 1*Article 2 of Regulation (EEC) No 1008/86 is hereby
replaced by the following:*'Article 2*For the 1989/90 marketing year, Member States shall
pay producers of potato starch a premium of ECU 18,70
per tonne of potato starch produced.The premium shall be granted on condition that the
potato-starch manufacturer has paid the potato producer
the minimum price laid down in Article 1.'*Article 2*This Regulation shall enter into force on the third day
following its publication in the *Official Journal of the
European Communities*.

It shall apply from 1 July 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ See page 1 of this Official Journal.⁽³⁾ OJ No L 94, 9. 4. 1986, p. 5.

COUNCIL REGULATION (EEC) No 1224/89

of 3 May 1989

fixing the minimum price for potatoes to be paid by the starch manufacturer to the potato producer for the 1989/90 cereals marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1008/86 of 25 March 1986 laying down detailed rules for production refunds applicable to potato starch ⁽¹⁾, as amended by Regulation (EEC) No 1223/89 ⁽²⁾, and in particular Article 1 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, as provided for in Regulation (EEC) No 1008/86, the Council is to fix a minimum factory-gate price to be paid by the starch manufacturer to the potato producer for potatoes used to manufacture potato starch; whereas the premium is to be granted to the starch manufacturer subject to the payment of that minimum price;

Whereas the link between the supply prices of raw materials for the manufacture of cereals starch and potato starch should be maintained, in order to ensure equality in the conditions for competition between the potato and cereals starch industries,

Article 1

The minimum factory-gate price for potatoes to be paid by the starch manufacturer to the potato producer for the quantity of potatoes required to manufacture one tonne of potato starch shall be ECU 256,80 for the 1989/90 cereals marketing year.

This price shall be adjusted on the basis of the potato starch content.

Article 2

The detailed rules for implementing this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 ⁽³⁾.

Article 3

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

It shall apply from 1 July 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No L 94, 9. 4. 1986, p. 5.

⁽²⁾ See page 13 of this Official Journal.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

COUNCIL REGULATION (EEC) No 1225/89

of 3 May 1989

amending Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 5 of Regulation No 136/66/EEC ⁽⁴⁾, as last amended by Regulation (EEC) No 2210/88 ⁽⁵⁾, defines the concept of small producer of olive oil eligible for the special arrangements referred to in the said Article; whereas, in particular for reasons of good management, this definition should be reviewed;

Whereas Article 26 of Regulation No 136/66/EEC stipulates an intervention buying-in price for oil seeds of 94 % of the intervention price set by the Council for the marketing year; whereas the monthly increases are applicable to products bought in by intervention, as is the supplement for 'double zero' rape seed; whereas, if the maximum guaranteed quantities are exceeded, the buying-in price is to be adjusted by the same amount as the adjustment of the aid; whereas, for the sake of clarity, this provision should be made more precise;

Whereas the sale of rape and sunflower seed to intervention agencies should be exceptional; whereas concern for sound management of the market dictates that the sale of such seed to user undertakings should be encouraged; whereas sales by growers to intervention agencies should therefore be restricted;

Whereas Article 25 of Regulation No 136/66/EEC sets the dates from which the monthly increases run; whereas, in the interests of greater flexibility, these dates should instead be set in the Regulation determining the monthly increases to be applied during the marketing year;

Whereas, in the interest of stability of commercial transactions, provision was made for advance fixing of refunds on olive oil; whereas experience has however shown

that under certain circumstances, in particular, abnormal use of this facility by interested parties, there have been justifiable fears of difficulties on the market;

Whereas to remedy such a situation it would have to be possible for measures to be taken rapidly; whereas the Commission should therefore be enabled to adopt such measures following consultation of the Management Committee or even, in urgent cases without waiting for it to meet,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No 136/66/EEC is hereby amended as follows:

1. In
 - the second and sixth subparagraphs of Article 5 (1), and
 - the first indent of Article 5 (2),'300' is replaced by '400'.
2. The following paragraph is added to Article 20:

'4. If examination of the market situation reveals difficulties stemming from application of the provisions on advance fixing of the refund, or if there is a risk of such difficulties arising, a decision may be taken under the procedure provided for in Article 38 to suspend application of these provisions for the shortest period absolutely necessary.

In cases of extreme urgency the Commission may, following examination of the situation on the basis of all the information available to it, decide to suspend advance fixing for a period that may not exceed three working days.

During periods of suspension, licence applications accompanied by applications for advance fixing may not be lodged.'
3. Article 24a (1) is replaced by the following:

'1. The target, intervention and intervention buying-in prices for "double zero" rape seed shall be increased by a supplement.'
4. The first subparagraph of Article 25 is replaced by the following:

'To enable sales to be staggered, the target prices, the intervention prices and the intervention buying-in prices shall be increased each month for a period to be determined of at least five months running from the

⁽¹⁾ OJ No C 82, 3. 4. 1989, p. 15.

⁽²⁾ OJ No C 120, 16. 5. 1989.

⁽³⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁴⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽⁵⁾ OJ No L 197, 26. 7. 1988, p. 1.

beginning of the fifth month of the marketing year for rape seed and from the beginning of the fourth month of the marketing year for sunflower seed by the same amount for all three prices.'

Where appropriate, it shall be subject to the monthly increases, to the supplement indicated in Article 24 a and to the adjustment indicated in Article 27a (4).'

5. The first subparagraph of Article 26 (1) is replaced by the following:

'Intervention agencies shall buy in from 1 November to 31 May and, with regard to sunflower seed offered for intervention in Spain and Portugal, from 1 August to 30 April, on terms laid down as provided for in paragraphs 2 and 3, seed of Community origin offered to them. The buying-in price shall be 94 % of the intervention price.'

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

It shall apply from 1 July 1989 to rape seed, from 1 August 1989 to sunflower seed and from 1 November 1989 to olive oil.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

COUNCIL REGULATION (EEC) No 1226/89

of 3 May 1989

amending Regulation (EEC) No 2261/84 laying down rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1225/89 amended the definition of small producers, as referred to in Article 5 of Regulation No 136/66/EEC; whereas therefore Regulation (EEC) No 2261/84⁽³⁾, as last amended by Regulation (EEC) No 892/88⁽⁴⁾, needs to be adapted,

Article 1

Regulation (EEC) No 2261/84 is hereby amended as follows:

1. In Article 2 (4), '200' is replaced by '400'.
2. In the first subparagraph of Article 2 (5), '200' is replaced by '400'.
3. In Article 17a (2) (b), '200' is replaced by '400'.

Article 2

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

It shall apply from 1 November 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3026/66.

⁽²⁾ See page 15 of this Official Journal.

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽⁴⁾ OJ No L 89, 6. 4. 1988, p. 1.

COUNCIL REGULATION (EEC) No 1227/89

of 3 May 1989

fixing the production target price, the production aid and the intervention price for olive oil for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (1), 92 (3), 234 (2) and 290 (3) thereof,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1225/89 ⁽²⁾, and in particular Articles 4 (4) and 5 (1) thereof,

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

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

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

Whereas, when the production target price for olive oil is fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the target price referred to above must be fixed in accordance with the criteria laid down in Articles 4 and 6 of Regulation No 136/66/EEC;

Whereas, if the producer is to receive a fair income, production aid must be fixed in the light of the impact which the consumption aid has on part only of the production;

Whereas the intervention price must be fixed in accordance with the criteria laid down in Article 8 of Regulation No 136/66/EEC;

Whereas, as a result of the application of Articles 68 and 236 of the Act of Accession, the intervention price for olive oil in Spain and Portugal differs from the common prices; whereas, after the adjustment of the 'acquis communautaire' with relation to vegetable oils and fats, the detailed rules for the alignment of intervention prices for olive oil applicable in Spain and Portugal are those set out in the second indents of Article 92 (2) and of Article 290 (2) of the Act of Accession;

Whereas Articles 95 and 293 of the Act of Accession provide for the granting of Community aid for the production of olive oil in Spain and in Portugal; whereas, pursuant to Articles 79 and 246 of that Act, the amounts of the Community aid in Spain and Portugal should be aligned on the common aid at the beginning of the marketing year; whereas the rules on this alignment result in the Spanish and Portuguese aid rates shown below;

Whereas the production target price and the intervention price are fixed for a specific standard quality; whereas the reasons which led to the determination of the standard quality for the 1981/82 marketing year are still valid; whereas that standard quality should therefore remain unchanged;

Whereas, under Article 5 (4) of Regulation No 136/66/EEC, a percentage of the production earmarked for producers may be allocated to the financing of regional measures to improve the quality of olive oil production; whereas such measures are necessary in certain production regions; whereas some of the said aid should therefore be allocated to the financing of such measures;

Whereas, in accordance with Article 20 (d) (1) of Regulation No 136/66/EEC the percentage of the production aid which may be withheld for recognized organizations of olive oil producers or associations thereof should be so fixed that the resulting amount helps to finance the expenditure incurred in the work done pursuant to Articles 5 (3) and 20c of that Regulation; whereas that percentage should be set at a level which enables foreseeable expenditure in the 1989/90 marketing year to be covered,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the production target price, the production aid and the intervention price for olive oil shall be as follows:

(a) production target price: ECU 322,56 per 100 kg;

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

⁽²⁾ See page 15 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 16.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

(b) production aid:

- for Spain: ECU 33,36 per 100 kg,
- for Portugal: ECU 28,38 per 100 kg,
- for the Community of Ten: ECU 70,95 per 100 kg;

(c) production aid for growers whose average production is less than 400 kilograms of olive oil per year:

- for Spain: ECU 36,91 per 100 kg,
- for Portugal: ECU 31,93 per 100 kg,
- for the Community of Ten: ECU 81,76 per 100 kg;

(d) intervention price:

- for Spain: ECU 165,21 per 100 kg,
- for Portugal: ECU 205,87 per 100 kg,
- for the Community of Ten: ECU 216,24 per 100 kg.

Article 2

The prices specified in Article 1 shall relate to ordinary virgin olive oil with a free fatty acid content, expressed as oleic acid, of 3,3 grams per 100 grams.

Article 3

For the 1989/90 marketing year, 2 % of the production aid earmarked for olive oil producers shall be allocated to the financing of specific measures to improve the quality of olive oil in each producer Member State.

Article 4

For the 1989/90 marketing year, the percentage of the production aid which may be withheld pursuant to Article 20d (1) of Regulation No 136/66/EEC for organizations of olive oil producers or associations thereof recognized under the said Regulation shall be 1,5 %.

Article 5

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

It shall apply from 1 November 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

COUNCIL REGULATION (EEC) No 1228/89

of 3 May 1989

fixing the target prices and intervention prices for colza, rape and sunflower seed for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Articles 22 (4) and 24a (2) thereof,

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

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

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

Whereas, when the target prices and intervention prices for colza, rape and sunflower seed are fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the intervention price must be fixed in accordance with the criteria laid down in Article 24 (1) of Regulation No 136/66/EEC;

Whereas the prices of colza, rape and sunflower seed must be fixed for specific standard qualities; whereas the latter should be laid down in relation to the average qualities of the seeds harvested in the Community; whereas, for colza and rape seed, the quality laid down for the 1988/89 marketing year meets these requirements and can accordingly be used for the 1989/90 marketing year;

Whereas, on the basis of these criteria, the target and intervention prices for colza, rape and sunflower seed should be fixed at the levels given below;

Whereas the supplement to be applied to the target price, to the intervention price and to the intervention buying-in price for 'double zero' colza and rape seed must be fixed in accordance with the criteria laid down in Article 24a of Regulation No 136/66/EEC;

Whereas, under Article 68 of the Act of Accession, prices in Spain have been set at a level different from that of the common prices; whereas, pursuant to Article 70 (1) of the Act of Accession, the Spanish prices should be aligned on the common prices each year at the beginning of the marketing year; whereas the criteria envisaged for this alignment give the Spanish prices set out below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the target prices and the intervention prices for colza, rape and sunflower seeds shall be as follows:

- (a) target price for colza and rape seed:
 - ECU 41,45 per 100 kg for Spain,
 - ECU 45,02 per 100 kg for the other Member States;
- (b) intervention price for colza and rape seed:
 - ECU 37,19 per 100 kg for Spain,
 - ECU 40,76 per 100 kg for the other Member States;
- (c) target price for sunflower seed:
 - ECU 48,00 per 100 kg for Spain,
 - ECU 58,35 per 100 kg for the other Member States;
- (d) intervention price for sunflower seed:
 - ECU 43,12 per 100 kg for Spain,
 - ECU 53,47 per 100 kg for the other Member States.

Article 2

The prices referred to in Article 1 shall relate to seeds in bulk which are of sound, genuine and merchantable quality:

- (a) with an impurity content of 2 % and, for seeds as such, moisture and oil contents of 9 and 40 % respectively in the case of colza and rape seed;

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

⁽²⁾ See page 15 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 25.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

- (b) with an impurity content of 2 % and, for seeds as such, moisture and oil contents of 9 and 44 % respectively in the case of sunflower seed.

Article 3

For the 1989/90 marketing year, the supplement to be applied to the target price, to the intervention price and to the intervention buying-in price for 'double zero' colza and rape seed shall be ECU 2,50 per 100 kg.

Article 4

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

It shall apply:

- from 1 July 1989 as regards colza and rape seed,
- from 1 August 1989 as regards sunflower seed.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

COUNCIL REGULATION (EEC) No 1229/89

of 3 May 1989

fixing the monthly increases in the target price, the intervention price and the intervention buying-in price for rape and sunflower seed for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1225/89 ⁽²⁾, and in particular Article 25 thereof,

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

Whereas, pursuant to Article 25 of Regulation No 136/66/EEC, the amount by which the target price, the intervention price and the intervention buying-in price for rape and sunflower seed are to be increased monthly, for a period to be determined, from the beginning of the fifth month of the marketing year for rape seed and from the beginning of the fourth month of the marketing year for sunflower seed, should be fixed for the 1989/90 marketing year and the number of months during which those increases are to be applied should be laid down; whereas that amount must be the same for all three prices;

Whereas those increases, which are to be equal for each month, must be fixed taking account of the average storage costs and interest recorded in the Community; whereas the average storage costs should be established on the basis of the cost of storing seed in suitable premises and the cost of handling necessary for the proper preservation of the seed; whereas the interest may be calculated on the basis of the rate considered normal for the producing regions,

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

Done at Brussels, 3 May 1989.

Article 1

1. For the 1989/90 marketing year, the monthly increases in the target price, the intervention price and the intervention buying-in price for rape seed shall be ECU 0,278 per 100 kilograms.
2. The increases referred to in paragraph 1 shall apply for seven months from the beginning of the fifth month of the marketing year.

Article 2

1. For the 1989/90 marketing year, the monthly increases in the target price, the intervention price and the intervention buying-in price for sunflower seed shall be ECU 0,331 per 100 kilograms.
2. The increases referred to in paragraph 1 shall apply for seven months from the beginning of the fourth month of the marketing year.

Article 3

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

It shall apply:

- from 1 July 1989 for rape seed,
- from 1 August 1989 for sunflower seed.

For the Council
The President
P. SOLBES

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

⁽²⁾ See page 15 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 26.

COUNCIL REGULATION (EEC) No 1230/89

of 3 May 1989

amending Regulation No 724/67/EEC laying down conditions for intervention in respect of oil seeds during the last two months of the marketing year and principles for the disposal of seeds bought in by intervention agencies

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1225/89 ⁽²⁾, and in particular Article 26 (2) thereof,

Article 1 of Regulation No 724/67/EEC is hereby replaced by the following:

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

'Article 1

Whereas one of the purposes of Regulation No 724/67/EEC ⁽⁴⁾ is to prevent intervention agencies from being forced to buy in oil seeds from the new marketing year's crop at the more advantageous prices applicable in the last months of the old marketing year in certain areas of the Community where the harvest may commence before the marketing year; whereas experience has shown that it is sufficient to limit the period concerned to the last month of the marketing year; whereas, under the present rules, monthly increases are applied up to the second last month, inclusive, of the marketing year; whereas the terms of Article 1 of Regulation No 724/67/EEC are in their present form incompatible with the purpose of the abovementioned provision and must therefore be amended;

The price to be paid by intervention agencies for rape seed and sunflower seed delivered during the last month of the marketing year shall be equal to the intervention buying-in price obtaining at the beginning of the current marketing year.'

Article 2

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

Whereas the opportunity should also be seized to introduce the concept of the intervention buying-in price, as used in Article 26 of Regulation No 136/66/EEC,

It shall apply:

- from 1 July 1989 to rape seed, and
- from 1 August 1989 to sunflower seed.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

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

⁽²⁾ See page 15 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 29.

⁽⁴⁾ OJ No 252, 19. 10. 1967, p. 10.

COUNCIL REGULATION (EEC) No 1231/89

of 3 May 1989

amending Regulation (EEC) No 2194/85 adopting general rules concerning special measures for soya beans

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (6) thereof,

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

Whereas, in the interests of sound administration and of the greater economic effectiveness of the aid that will result if it is possible for it to be fixed in advance by operators, it is appropriate that the identification procedure applied to the oil seeds covered by Regulation No 136/66/EEC ⁽⁴⁾, as last amended by Regulation (EEC) No 1225/89 ⁽⁵⁾, be introduced for soya beans, together with the use of certificates;

Whereas, in the interests of sound administration, the certificates should also be used where the aid is fixed in advance; whereas in such cases, in order to prevent speculation, issuing of the certificate should be made conditional on the lodging of security against a commitment to identify the seed during the period of validity of the certificate;

Whereas it should be provided, as a temporary measure until 31 December 1992 and pursuant to Article 2 (2) of Regulation (EEC) No 1491/85, that the identification may be carried out on delivery of the beans to a non-processing first purchaser, provided that he complies with certain requirements;

Whereas, in order to make it easier for the oil or feed producer to calculate the cost price of his product, the amount of the aid should not depend on the time at which processing is carried out; whereas the day on which the beans are identified should therefore be made the determining date for the amount of the aid;

Whereas the principles to be applied for fixing the amount of the aid indicated in Article 2 of Regulation (EEC) No 1491/85 in abnormal situations should be determined; whereas, moreover, the terms under which it may be fixed in advance must be adopted;

Whereas it should be made possible, for the purposes of remedying an abnormal situation on the Community seed market, for the aid to be changed and advance fixing suspended; whereas to this end it should be specified that advance fixing is to be granted only at the end of a short period following lodging of the application, during which the market situation will be assessed;

Whereas Regulation (EEC) No 2194/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 3555/88 ⁽⁷⁾, should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2194/85 is hereby amended as follows:

1. The second subparagraph of Article 3 is replaced by the following:

'However, at the first purchaser's request, aid may be advanced following identification of the seed provided that security is lodged for an amount equivalent to that advanced.'

2. Article 4 is replaced by the following Articles:

'Article 4

1. For the purposes of this Regulation, "identification" shall mean the act whereby the competent agency of the Member State certifies, on application by the interested party, that the aid to be granted for the quantity of soya beans covered by the application shall be that applicable on the day when the application was lodged.

However, the amount of aid applicable on the day on which the application for the advance-fixing part of the certificate referred to in Article 4a was lodged, adjusted in accordance with Article 4d, shall be applied at the interested party's request to beans identified during the period of validity of the advance-fixing part of the certificate.

Identification of the beans shall be carried out once they enter into the processing undertaking but before they are processed.

2. On request by the interested party, the Member State shall identify the beans.

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 30.

⁽⁴⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽⁵⁾ See page 15 of this Official Journal.

⁽⁶⁾ OJ No L 204, 2. 8. 1985, p. 1.

⁽⁷⁾ OJ No L 311, 17. 11. 1988, p. 7.

3. However, in the case indicated in Article 2 (2), identification of the beans shall, up to 31 December 1992, be carried out following their entry into the store of the approved non-processing first purchaser and before their delivery to the processor.

4. The application for identification must relate to the entire quantity received under cover of one or more delivery declarations, signed by both the producer and the first purchaser, referring to one or more contracts. The application for identification must be lodged after deposit of the said contracts and declarations. If the application is lodged by:

- (a) a first purchaser processing the beans, he shall be under an obligation to process the indicated production or quantity within a time limit to be determined;
- (b) a first purchaser other than the processor, he shall be under an obligation to deliver or sell the indicated quantity to a processor within a time limit to be determined.

Article 4a

A two-part Community certificate shall be introduced, one part to provide evidence that beans harvested in the Community have been identified and the other to certify, if appropriate, that the aid has been fixed in advance. Both parts of the certificate shall be issued by the Member State to any interested party who requests them and who fulfils the conditions specified in Article 2.

Article 4b

Save as otherwise provided in Article 4d, the advance-fixing part of the certificate referred to in Article 4a shall be issued on the afternoon of the first working day following that on which the application was lodged.

The issuing of the advance-fixing part of the certificate shall be conditional on the lodging of security against an application for identification of the beans during the period of validity of that part of the certificate. The security shall be wholly or partly forfeit if, during that period, the application for identification is not made or is made for only part of the quantity concerned.

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

Done at Brussels, 3 May 1989.

Article 4c

1. Where the aid is fixed in advance, the amount of aid applicable on the day on which the application is lodged shall be adjusted in line with:

- (a) the difference between the guide price valid on that day and that valid on the day on which the beans are identified, and
- (b) if necessary, a corrective amount.

2. The corrective amount indicated at (b) in paragraph 1 shall be determined in accordance with the trend of soya bean prices on the world market.

3. If prices on the forward world market cannot be determined, the corrective amount shall be fixed for the month or months in question at a level such that the aid is nil.

Article 4d

1. If, owing to an abnormal situation on the Community soya bean market, the normal disposal of products harvested in the Community is disturbed or is likely to be disturbed, a decision may be taken, covering cases where the advance-fixing part of the certificate has not yet been issued, to suspend advance fixing of the aid for the period required for market balance to be restored.

2. The decision to suspend advance fixing shall be taken using the procedure laid down in Article 38 of Regulation No 136/66/EEC.

However, in cases of emergency, the Commission may itself decide to suspend advance fixing; in such cases the period of suspension may not exceed seven days.'

Article 2

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

It shall apply from 1 September 1989.

For the Council
The President
P. SOLBES

COUNCIL REGULATION (EEC) No 1232/89

of 3 May 1989

fixing the guide price for soya beans for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures for soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 1 (1) and (3) thereof,

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

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

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

Whereas, when the guide price for soya beans is fixed on an annual basis, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community and to ensure that supplies are available and reach consumers at reasonable prices;

Whereas the second subparagraph of Article 1 (1) of Regulation (EEC) No 1491/85 provides more specifically that this price shall be fixed at a fair level for producers, having regard to the supply requirements of the Community; whereas, to this end, a balanced relationship should be maintained between this price and the price of other oil seeds;

Whereas, in accordance with those criteria, the guide price should be set at the levels indicated below;

Whereas the guide price must be set for a standard quality to be determined by reference to the average quality of beans harvested in the Community; whereas the quality laid down for the 1988/89 marketing year meets this requirement and can accordingly be used for the next marketing year;

Whereas, under Article 68 of the Act of Accession, prices in Spain were set at levels differing from that of the common prices; whereas, pursuant to Article 70 (1) of the Act of Accession, the Spanish prices should be aligned on the common prices each year at the beginning of the marketing year; whereas the rules laid down for this alignment give the Spanish prices set out below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the guide price for soya beans shall be:

- (a) ECU 45,99 per 100 kilograms for Spain;
- (b) ECU 55,85 per 100 kilograms for the other Member States.

Article 2

The price referred to in Article 1 shall relate to beans:

- in bulk, of sound, genuine, and merchantable quality, and
- with an impurity content of 2 % and, for beans as such, humidity and oil contents of 14 and 18 % respectively.

Article 3

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

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 27.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

COUNCIL REGULATION (EEC) No 1233/89

of 3 May 1989

fixing the minimum price for soya beans for the 1989/90 marketing year

THE COUNCIL 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 89 (1) thereof,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (6) thereof,

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

Whereas Article 2 (6) of Regulation (EEC) No 1491/85 provides that the Council shall fix each year a minimum price for soya beans; whereas the price is fixed so as to guarantee sales for bean producers at a price as close as possible to the guide price, taking into account market fluctuations and the cost of transporting the beans from the production areas to the processing areas;

Whereas, in order to achieve the abovementioned objective, this minimum price must be fixed for a well-defined standard quality and marketing stage;

Whereas, under Article 68 of the Act of Accession, prices in Spain were set at levels differing from that of the common prices; whereas, pursuant to Article 70 (1) of that Act, the Spanish prices should be aligned on the common prices each year at the beginning of the marketing year; whereas the rules

laid down for this alignment give the Spanish prices set out below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the minimum price for soya beans referred to in Article 2 (6) of Regulation (EEC) No 1491/85 shall be:

- (a) ECU 39,08 per 100 kilograms for Spain;
- (b) ECU 48,94 per 100 kilograms for the other Member States.

Article 2

The price referred to in Article 1 shall apply to beans which meet the criteria referred to in Article 2 of Council Regulation (EEC) No 1232/89 of 3 May 1989 fixing the guide price for soya beans for the 1989/90 marketing year ⁽⁴⁾.

The said price shall relate to goods ready for dispatch from the production areas.

Article 3

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

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 28.

⁽⁴⁾ See page 26 of this Official Journal.

COUNCIL REGULATION (EEC) No 1234/89

of 3 May 1989

fixing the guide price for flax seed for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (2) thereof,

Having regard to Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for flax seed ⁽¹⁾, as last amended by Regulation (EEC) No 4003/87 ⁽²⁾, and in particular Article 1 (1) and (3) thereof,

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

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

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

Whereas, when the guide price for flax seed is fixed every year, account has to be taken both of the objectives of the common agricultural policy and of the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community and to ensure that supplies are available and reach consumers at reasonable prices;

Whereas the first subparagraph of Article 1 (1) of Regulation (EEC) No 569/76 provides more specifically that this price shall be fixed at a level which is fair to producers, account being taken of the supply requirements of the Community; whereas to this end a balanced relationship should be maintained between this price and the price of other oil seeds;

Whereas, in accordance with these criteria, the guide price should be fixed at the same level as that adopted for the last marketing year;

Whereas, pursuant to Article 68 of the Act of Accession, a price level differing from that of the common prices has been applied in Spain; whereas, pursuant to Article 70 (1) of the Act of Accession, the Spanish prices should be aligned on the common prices each year at the beginning of the marketing year; whereas the rules laid down for this alignment give the Spanish prices set out below;

Whereas the guide price must be fixed for a standard quality to be determined by reference to the average quality of seeds harvested in the Community; whereas the quality laid down for the 1989/90 marketing year meets this requirement and can accordingly be used for the following marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the guide price for flax seed shall be:

- (a) ECU 49,68 per 100 kilograms for Spain;
- (b) ECU 55,41 per 100 kilograms for the other Member States.

Article 2

The price referred to in Article 1 shall relate to seed:

- in bulk, of sound and fair merchantable quality, and
- with an impurity content of 2 % and, for seeds as such, humidity and oil contents of 9 and 38 % respectively.

Article 3

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

It shall apply from 1 August 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 46.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 19.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

COUNCIL REGULATION (EEC) No 1235/89

of 3 May 1989

amending Regulations (EEC) No 2771/75 on the common organization of the market in eggs
and (EEC) No 2777/75 on the common organization of the market in poultrymeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Regulation (EEC) No 2771/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 3207/88 ⁽⁵⁾, and (EEC) No 2777/75 ⁽⁶⁾, as last amended by Regulation (EEC) No 3907/87 ⁽⁷⁾, provide for quarterly fixing of the sluice-gate prices and levies on the basis primarily of feed grain prices; whereas given this close relationship and the fact that the cereals marketing year begins on 1 July the dates for application of the sluice-gate prices and levies should be brought forward by one month; whereas this will make the quarters coincide with the calendar quarters;

Whereas Articles 5 and 7 of Regulations (EEC) No 2771/75 and (EEC) No 2777/75 provide for re-examination at least once a year of the basis for setting the coefficients of derivation and the standard amounts; whereas in the light of experience of management of the market in eggs and in poultrymeat and of practical considerations these provisions are seen to be no longer appropriate; whereas they should therefore be deleted,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2771/75 is hereby amended as follows:

1. Point (e) in Article 1 (2) is deleted.

⁽¹⁾ OJ No C 82, 3. 4. 1989, p. 49.

⁽²⁾ OJ No C 120, 16. 5. 1989.

⁽³⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽⁵⁾ OJ No L 286, 20. 10. 1988, p. 2.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁷⁾ OJ No L 370, 30. 12. 1987, p. 14.

2. Article 4 (1) is replaced by the following:

'1. The levy on eggs in shell shall be composed of:

- (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain required for the production in the Community of one kilogram of eggs in shell.

The prices for feed grain within the Community shall be determined once a year for a period of 12 months beginning on 1 July, on the basis of the threshold prices for such grain and the monthly increase thereof. They shall be used for fixing the levy from 1 July of each year.

The prices for feed grain on the world market shall be determined quarterly on the basis of prices for such grain recorded for the five-month period ending one month before the beginning of the quarter for which the said component is calculated.

However, when the levy applicable from 1 October, 1 January and 1 April is being fixed, trends in world market prices for feed grain shall be taken into account only if at the same time a new sluice-gate price is being fixed;

- (b) one component equal to 7 % of the average of the sluice-gate prices ruling for the four quarters preceding 1 April of each year.

This component shall be calculated once a year for a period of 12 months beginning 1 July.'

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

'2. The coefficients expressing the quantities and relationship mentioned in paragraph 1 shall be fixed using the procedure specified in Article 17.'

4. The last subparagraph of Article 7 (2) is replaced by the following:

'However, when the sluice-gate price applicable from 1 October, 1 January and 1 April is being fixed, trends in world market prices for feed grain shall be taken into account only if the price of the quantity of feed grain shows a minimum variation from that used in calculating the sluice-gate price for the preceding quarter.'

Article 2

Regulation (EEC) No 2777/75 is hereby amended as follows:

1. Point (e) in Article 1 (2) is deleted.
2. Article 4 (1) is replaced by the following:

'1. The levy on slaughtered poultry shall be composed of:

- (a) one component equal to the difference between prices within the Community and on the world market for the quantity of feed grain, varied according to the kind of poultry, which is required for the production in the Community of one kilogram of slaughtered poultry.

The prices for feed grain within the Community shall be determined once a year for a period of 12 months beginning on 1 July, on the basis of the threshold prices and the monthly increases therein. They shall be used for fixing the levy from 1 July each year.

The prices for feed grain on the world market shall be determined quarterly on the basis of the prices for such grain for the five-month period ending one month before the beginning of the quarter for which the said component is calculated.

However, when the levies applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain shall be taken into account only if at the time a new sluice-gate price is being fixed.

- (b) one component equal to 7% of the average of the sluice-gate prices ruling for the four quarters preceding 1 April of each year.

This component shall be calculated once a year for a period of 12 months beginning 1 July.'

3. Article 5 (3) is replaced by the following:

'3. The coefficients expressing the relationships mentioned in paragraph 1 shall be fixed using the procedure specified in Article 17.'

4. The last subparagraph of Article 7 (2) is replaced by the following:

'However, when the sluice-gate price applicable from 1 October, 1 January and 1 April is being fixed, trends in world market prices for feed grain shall be taken into account only if the price of the quantity of feed grain shows a minimum variation from that used in calculating the sluice-gate price for the preceding quarter.'

Article 3

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

It shall apply from 1 July 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

COUNCIL REGULATION (EEC) No 1236/89

of 3 May 1989

amending Regulation (EEC) No 822/87 on the common organization of the market
in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas the reduction in wine production anticipated from the structural measures covering areas planted to wine grapes should not be prevented from being realized on account of replanting under rights arising from the grubbing of areas planted to vines that fall into another category as far as normal utilization of the grapes produced is concerned; whereas it is necessary to stipulate therefore that areas grubbed may be replanted only with vines of the same utilization category as the vines grubbed;

Whereas it appears advisable to extend the possibility, which already exists where preventive distillation is concerned, of delivering for compulsory distillation, in addition to table wines, wines suitable for yielding table wine in order to avoid, in particular, the enrichment of the latter wines for the production of table wine, which at present is the only wine eligible for such distillation;

Whereas it is also appropriate to update certain references to the rules and regulations in the field of production structures;

Whereas Regulation (EEC) No 822/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 4250/88 ⁽⁵⁾, should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 822/87 is hereby amended as follows:

1. The following is added to the third indent of Article 6 (2):
'and by Regulation (EEC) No 797/85.'
2. The following subparagraph is added to Article 7 (3):
'When a replanting right is exercised, only those wine varieties may be used in the classification of vine varieties drawn up pursuant to Article 13 (1), which are ranked in the same utilization category as the vine varieties in the area, grubbing of which has given rise to the replanting right.'
3. The first subparagraph of Article 39 (1) reads:
'If, in respect of a given wine year, the market in table wine and wine suitable for yielding table wine is in a state of serious imbalance, compulsory distillation of table wine and of wine suitable for yielding table wine shall be decided on.'

Article 2

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

It shall apply from 1 September 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No C 82, 3. 4. 89, p. 71.

⁽²⁾ OJ No C 120, 16. 5. 1989.

⁽³⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁵⁾ OJ No L 373, 31. 12. 1988, p. 55.

COUNCIL REGULATION (EEC) No 1237/89

of 3 May 1989

amending Regulation (EEC) No 355/79 laying down general rules for the description and presentation of wines and grape musts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Article 72 (1) thereof,

Having regard to the proposal from the Commission,

Whereas most of the table wines bearing a geographical description and words, such as those referred to in Article 2 (3) (i) of Regulation (EEC) No 355/79 ⁽³⁾, as last amended by Regulation (EEC) No 3485/87 ⁽⁴⁾, which reveal the typically regional character of these wines have become so well known on the market that there is no longer any need to make it mandatory for them to bear the words 'table wine'; whereas the said Regulation should be amended as a result,

Article 1

Regulation (EEC) No 355/79 is hereby amended as follows:

1. Article 2 (1) (a) is replaced by the following:
'(a) the words "table wine", without prejudice to the second subparagraph of paragraph 3 (i);'
2. The following subparagraph is added to Article 2 (3) (i):
'For the table wines described as referred to in the preceding subparagraph, the indication "table wine" shall not be compulsory.'

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, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ See page 31 of this Official Journal.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 99.

⁽⁴⁾ OJ No L 330, 21. 11. 1987, p. 1.

COUNCIL REGULATION (EEC) No 1238/89

of 3 May 1989

fixing the guide prices for wine for the 1989/90 wine year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Article 27 thereof,

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

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

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

Whereas, when the guide prices for the various types of table wine are fixed, account should be taken both of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the main objectives of the common agricultural policy are to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Whereas until now the guide prices have been set at differing levels for white and for red wines in order to reflect differing market prices; whereas since prices have moved closer together this difference in levels is no longer justified; whereas, furthermore, it occasions unwarranted vinification practices and the delivery of disproportionate volumes of red wine for distillation; whereas it should therefore be eliminated by lowering the guide price for red wine of types

R I and R II and increasing that for white wine of type A I by such amounts that the mean financial impact on both producers and the Community budget is nil; whereas, however, it is necessary to avoid excessively large price changes by effecting the elimination over two wine years;

Whereas the level of prices in Spain differs from that of the common prices; whereas, pursuant to Article 70 of the Act of Accession, the Spanish prices should be aligned on the common prices at the beginning of each marketing year; whereas the rules laid down for this alignment give the Spanish prices set out below;

Whereas the guide prices must be fixed for each type of table wine representative of Community production as defined in Annex III of Regulation (EEC) No 822/87,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1989/90 wine year, the guide prices for table wines shall be:

Type of wine	Guide price in the Community of Ten	Guide price in Spain
R I	ECU 3,27/% vol/hl	ECU 2,64/% vol/hl
R II	ECU 3,27/% vol/hl	ECU 2,64/% vol/hl
R III	ECU 52,23/hl	ECU 42,23/hl
A I	ECU 3,17/% vol/hl	ECU 2,56/% vol/hl
A II	ECU 69,60/hl	ECU 56,24/hl
A III	ECU 79,49/hl	ECU 64,23/hl

2. For the 1990/91 wine year a single guide in the Community of Ten for table wine of types R I, R II and A I shall be set.

Article 2

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

It shall apply from 1 September 1989.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ See page 31 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 72.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

COUNCIL REGULATION (EEC) No 1239/89

of 3 May 1989

amending Regulation (EEC) No 2358/71 on the common organization of the market in seeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 3997/87 ⁽²⁾, and in particular Article 3 (4) thereof,

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

Whereas seeds are produced in the Community of varieties of rice (*Oryza sativa*) of both the *indica* type or profile and the *japonica*; whereas so that, if necessary, aid can be set at different levels for the two variety groups they should be distinguished; whereas the Annex to Regulation (EEC) No 2358/71 should therefore be amended,

Article 1

In the third line of the column headed 'Description' in the Annex to Regulation (EEC) No 2358/71 '*Oryza sativa* L.' is replaced by:

- '*Oryza sativa* L.
— *japonica* type varieties
— *indica* type varieties'

Article 2

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

It shall apply from 1 July 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 36.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 99.

COUNCIL REGULATION (EEC) No 1240/89

of 3 May 1989

fixing the amounts of aid for seeds for the 1990/91 and 1991/92 marketing years

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (1) and 234 (2) thereof,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 1239/89 ⁽²⁾, and in particular Article 3 (3) thereof,

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

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

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

Whereas the present situation and the outlook on the Community market for seeds listed in the Annex to Regulation (EEC) No 2358/71 that will be sold during the 1990/91 and 1991/92 marketing years do not offer the assurance of a fair return to producers; whereas part of their costs should therefore be met by the granting of aid;

Whereas Article 3 (2) of Regulation (EEC) No 2358/71 provides that the aid shall be fixed, taking into account, on the one hand, the need to ensure a balance between the volume of production required in the Community and the possible outlets for that production and, on the other hand, the prices of the products on external markets;

Whereas the varieties of rice (*Oryza sativa* L.) of *indica* type or profile available in the Community are not always well adapted to farming and weather conditions in the producing areas of the Community; whereas these varieties are in demand on the Community market; whereas the aid for rice seed should therefore be differentiated so as to encourage production of seed of the *indica* type or profile;

Whereas the varieties of *indica* type or profile in question are those specified in Regulation (EEC) No 3878/87 ⁽⁶⁾,

Whereas Articles 106 and 300 of the Act of Accession stipulate that the aid for seeds is to be granted in Spain and Portugal in accordance with Articles 79 and 246 of the said Act;

Whereas the application of these provisions results in the fixing of the amounts of aid applicable for the 1990/91 and 1991/92 marketing years at the levels set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990/91 and 1991/92 marketing years the amounts of the aid granted for seeds referred to in Article 3 of Regulation (EEC) No 2358/71 shall be as set out in the Annexes hereto.

Article 2

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

It shall apply from 1 July 1989.

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

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ See page 35 of this Official Journal.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 100.

⁽⁴⁾ OJ No C 120, 16. 5. 1989.

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

⁽⁶⁾ OJ No L 365, 24. 12. 1987, p. 3.

ANNEX I

1990/91 and 1991/92 marketing years

Aid applicable in the Community of Ten

(ECU/100 kg)

CN code	Description	Amount of aid	
		1990/91	1991/92
	1. CERES		
1001 90 10	<i>Triticum spelta</i> L.	12,1	12,1
1006 10 10	<i>Oryza sativa</i> L.		
	— <i>japonica</i> type varieties	12,9	12,9
	— <i>indica</i> type varieties	15	15
	2. OLEAGINEAE		
ex 1204 00 10	<i>Linum usitatissimum</i> L. (textile flax)	23,8	23,8
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)	18,8	18,8
ex 1207 99 10	<i>Cannabis sativa</i> L. (monoica)	17,2	17,2
	3. GRAMINEAE		
ex 1209 29 40	<i>Agrostis canina</i> L.	63,8	63,8
ex 1209 29 40	<i>Agrostis gigantea</i> Roth.	63,8	63,8
ex 1209 29 40	<i>Agrostis stolonifera</i> L.	63,8	63,8
ex 1209 29 40	<i>Agrostis tenuis</i> Sibth.	63,8	63,8
ex 1209 29 70	<i>Arrhenatherum elatius</i> (L.) Beauv. ex. J. and C. Presl.	56,4	56,4
1209 29 30	<i>Dactylis glomerata</i> L.	45,3	45,3
ex 1209 23 90	<i>Festuca arundinacea</i> Schreb.	49,5	49,5
1209 23 30	<i>Festuca ovina</i> L.	36	36
ex 1209 23 10	<i>Festuca pratensis</i> Huds.	36	36
ex 1209 23 10	<i>Festuca rubra</i> L.	31	31
1209 25 10	<i>Lolium multiflorum</i> Lam.	17,7	17,7
1209 25 90	<i>Lolium perenne</i> L.		
	— of high persistence, late or medium late	29,4	29,4
	— new varieties and others	21,8	21,8
	— of low persistence, medium late, medium early or early	16,1	16,1
1209 29 60	<i>Lolium × hybridum</i> Hausskn.	17,7	17,7
ex 1209 26 00	<i>Phleum Bertolonii</i> (DC)	42,9	42,9
ex 1209 26 00	<i>Phleum pratense</i> L.	70,2	70,2
ex 1209 29 70	<i>Poa nemoralis</i> L.	32,7	32,7
1209 24 00	<i>Poa pratensis</i> L.	32,4	32,4
ex 1209 29 20	<i>Poa trivialis</i> L.	32,7	32,7
	4. LEGUMINOSAE		
ex 1209 29 90	<i>Hedysarum coronarium</i> L.	30,7	30,7
1209 29 50	<i>Medicago lupulina</i> L.	26,7	26,7
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)	17,8	17,8
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)	29,4	29,4
ex 1209 29 90	<i>Onobrichis viciifolia</i> Scop.	16,8	16,8
0713 10 19	<i>Pisum sativum</i> L. (partim) (field pea)	0	0
ex 1209 22 90	<i>Trifolium alexandrinum</i> L.	38,5	38,5
ex 1209 22 90	<i>Trifolium hybridum</i> L.	38,6	38,6
ex 1209 22 90	<i>Trifolium incarnatum</i> L.	38,5	38,5
1209 22 10	<i>Trifolium pratense</i> L.	42,5	42,5
ex 1209 22 30	<i>Trifolium repens</i> L.	59,5	59,5
ex 1209 22 30	<i>Trifolium repens</i> L. var. <i>giganteum</i>	59,5	59,5
ex 1209 22 90	<i>Trifolium resupinatum</i> L.	38,5	38,5
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (horse bean)	0	0
1209 29 11	<i>Vicia sativa</i> L.	25,7	25,7
ex 1209 29 19	<i>Vicia villosa</i> Roth.	19,1	19,1

ANNEX II

1990/91 and 1991/92 marketing years

Aid applicable in Spain

(ECU/100 kg)

CN code	Description	Amount of aid	
		1990/91	1991/92
	1. CERES		
1001 90 10	<i>Triticum spelta</i> L.	8,6	10,4
1006 10 10	<i>Oryza sativa</i> L.		
	— <i>japonica</i> type varieties	12,9	12,9
	— <i>indica</i> type varieties	15	15
	2. OLEAGINEAE		
ex 1204 00 10	<i>Linum usitatissimum</i> L. (textile flax)	16,7	20,3
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)	13,3	16,1
ex 1207 99 10	<i>Cannabis sativa</i> L. (monoica)	12,1	14,7
	3. GRAMINEAE		
ex 1209 29 40	<i>Agrostis canina</i> L.	45,3	54,6
ex 1209 29 40	<i>Agrostis gigantea</i> Roth.	45,3	54,6
ex 1209 29 40	<i>Agrostis stolonifera</i> L.	45,3	54,6
ex 1209 29 40	<i>Agrostis tenuis</i> Sibth.	45,3	54,6
ex 1209 29 70	<i>Arrhenatherum elatius</i> (L.) Beauv. ex. J. and C. Presl.	56,4	56,4
1209 29 30	<i>Dactylis glomerata</i> L.	45,3	45,3
ex 1209 23 90	<i>Festuca arundinacea</i> Schreb.	34,8	42,2
1209 23 30	<i>Festuca ovina</i> L.	25,3	30,7
ex 1209 23 10	<i>Festuca pratensis</i> Huds.	36	36
ex 1209 23 10	<i>Festuca rubra</i> L.	21,8	26,4
1209 25 10	<i>Lolium multiflorum</i> Lam.	17,7	17,7
1209 25 90	<i>Lolium perenne</i> L.		
	— of high persistence, late or medium late	29,4	29,4
	— new varieties and other	21,8	21,8
	— of low persistence, medium late, medium early or early	16,1	16,1
1209 29 60	<i>Lolium</i> × <i>hybridum</i> Hausskn.	17,7	17,7
ex 1209 26 00	<i>Phleum Bertolonii</i> (DC)	30,4	36,7
ex 1209 26 00	<i>Phleum pratense</i> L.	70,2	70,2
ex 1209 29 70	<i>Poa nemoralis</i> L.	23	27,9
1209 24 00	<i>Poa pratensis</i> L.	32,4	32,4
ex 1209 29 20	<i>Poa trivialis</i> L.	23	27,9
	4. LEGUMINOSAE		
ex 1209 29 90	<i>Hedysarum coronarium</i> L.	30,7	30,7
1209 29 50	<i>Medicago lupulina</i> L.	18,8	22,8
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)	17,8	17,8
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)	29,4	29,4
ex 1209 29 90	<i>Onobrichis viciifolia</i> Scop.	16,8	16,8
0713 10 19	<i>Pisum sativum</i> L. (partim) (field pea)	0	0
ex 1209 22 90	<i>Trifolium alexandrinum</i> L.	38,5	38,5
ex 1209 22 90	<i>Trifolium hybridum</i> L.	27,1	32,9
ex 1209 22 90	<i>Trifolium incarnatum</i> L.	27,1	32,8
1209 22 10	<i>Trifolium pratense</i> L.	42,5	42,5
ex 1209 22 30	<i>Trifolium repens</i> L.	59,5	59,5
ex 1209 22 30	<i>Trifolium repens</i> L. var. <i>giganteum</i>	59,5	59,5
ex 1209 22 90	<i>Trifolium resupinatum</i> L.	27,1	32,8
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (horse bean)	0	0
1209 29 11	<i>Vicia sativa</i> L.	25,7	25,7
ex 1209 29 19	<i>Vicia villosa</i> Roth.	19,1	19,1

ANNEX III

1990/91 and 1991/92 marketing years

Aid applicable in Portugal

(ECU/100 kg)

CN code	Description	Amount of aid	
		1990/91	1991/92
	1. CERES		
1001 90 10	<i>Triticum spelta</i> L.	8,6	10,4
1006 10 10	<i>Oryza sativa</i> L.		
	— <i>japonica</i> type varieties	10,3	11,6
	— <i>indica</i> type varieties	11	13
	2. OLEAGINEAE		
ex 1204 00 10	<i>Linum usitatissimum</i> L. (textile flax)	16,7	20,3
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)	13,3	16,1
ex 1207 99 10	<i>Cannabis sativa</i> L. (monoica)	12,1	14,7
	3. GRAMINEAE		
ex 1209 29 40	<i>Agrostis canina</i> L.	45,3	54,6
ex 1209 29 40	<i>Agrostis gigantea</i> Roth.	45,3	54,6
ex 1209 29 40	<i>Agrostis stolonifera</i> L.	45,3	54,6
ex 1209 29 40	<i>Agrostis tenuis</i> Sibth.	45,3	54,6
ex 1209 29 70	<i>Arrhenatherum elatius</i> (L.) Beauv. ex. J. and C. Presl.	39,7	48,1
1209 29 30	<i>Dactylis glomerata</i> L.	32,1	38,7
ex 1209 23 90	<i>Festuca arundinacea</i> Schreb.	34,8	42,2
1209 23 30	<i>Festuca ovina</i> L.	25,3	30,7
ex 1209 23 10	<i>Festuca pratensis</i> Huds.	25,3	30,7
ex 1209 23 10	<i>Festuca rubra</i> L.	21,8	26,4
1209 25 10	<i>Lolium multiflorum</i> Lam.	12,4	15,1
1209 25 90	<i>Lolium perenne</i> L.		
	— of high persistence, late or medium late	20,7	25,1
	— new varieties and others	15,5	18,7
	— of low persistence, medium late, medium early or early	11,4	13,8
1209 29 60	<i>Lolium</i> × <i>hybridum</i> Hausskn.	12,4	15,1
ex 1209 26 00	<i>Phleum Bertolonii</i> (DC)	30,4	36,7
ex 1209 26 00	<i>Phleum pratense</i> L.	49,8	60
ex 1209 29 70	<i>Poa nemoralis</i> L.	23	27,9
1209 24 00	<i>Poa pratensis</i> L.	22,9	27,7
ex 1209 29 20	<i>Poa trivialis</i> L.	23	27,9
	4. LEGUMINOSAE		
ex 1209 29 90	<i>Hedysarum coronarium</i> L.	21,6	26,2
1209 29 50	<i>Medicago lupulina</i> L.	18,8	22,8
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)	12,5	15,2
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)	20,7	25,1
ex 1209 29 90	<i>Onobrichis viciifolia</i> Scop.	11,9	14,4
0713 10 19	<i>Pisum sativum</i> L. (partim) (field pea)	0	0
ex 1209 22 90	<i>Trifolium alexandrinum</i> L.	27,1	32,8
ex 1209 22 90	<i>Trifolium hybridum</i> L.	27,1	32,9
ex 1209 22 90	<i>Trifolium incarnatum</i> L.	27,1	32,8
1209 22 10	<i>Trifolium pratense</i> L.	29,9	36,2
ex 1209 22 30	<i>Trifolium repens</i> L.	41,8	50,7
ex 1209 22 30	<i>Trifolium repens</i> L. var. <i>giganteum</i>	41,8	50,7
ex 1209 22 90	<i>Trifolium resupinatum</i> L.	27,1	32,8
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (horse bean)	0	0
1209 29 11	<i>Vicia sativa</i> L.	18,3	22
ex 1209 29 19	<i>Vicia villosa</i> Roth.	13,4	16,3

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 3 May 1989

on the granting, by certain Member States, of aid for the short-term private storage of table wine and must

(89/311/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the third subparagraph of Article 93 (2) thereof,

Having regard to the requests submitted by the French Republic and the Italian Republic,

Whereas, pursuant to Article 76 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, Articles 92, 93 and 94 of the Treaty were made applicable to the production of, and trade in, wine and must;

Whereas, by Decision 88/415/EEC ⁽³⁾, the Council decided that national aid for the short-term private storage of table wines and must granted by certain Member States was to be regarded as compatible with the common market for the 1988/89 wine marketing year;

Whereas, having regard to the heavy surpluses on the market in table wines and must, this national aid contributes, at the start of the wine marketing year, to the same objectives of rationalizing the said market as the measures to stabilize the market applied at Community level;

Whereas, in order to avoid too abrupt a transfer to an arrangement which excludes all national aid for short-term

private storage, it is essential to provide for the payment of this aid to continue in certain Member States, while limiting the period during which it may be granted;

Whereas exceptional circumstances thus continue to prevail, giving grounds for regarding the said aid as compatible with the common market for the 1989/90 wine marketing year until 15 December 1989,

HAS ADOPTED THIS DECISION:

Article 1

National aid for the short-term private storage of table wine and must granted in France and Italy shall be deemed compatible with the common market for the 1989/90 wine marketing year until 15 December 1989.

Article 2

This Decision is addressed to the French Republic and the Italian Republic.

Done at Brussels, 3 May 1989.

For the Council
The President
P. SOLBES

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ See page 31 of this Official Journal.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 42.