

# Official Journal

## of the European Communities

ISSN 0378-6978

L 140

Volume 32

24 May 1989

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 1389/89 of 22 May 1989 opening and providing for the administration of a Community tariff quota for processing work in respect of certain textile products under Community outward-processing traffic ..... 1
- ★ Council Regulation (EEC) No 1390/89 of 22 May 1989 opening and providing for the administration of Community tariff quotas for herrings, frozen fillets of hake and certain eels ..... 4
- ★ Council Regulation (EEC) No 1391/89 of 22 May 1989 opening and providing for the administration of a Community tariff quota for certain wines having a registered designation of origin and originating in Morocco (1989/90) ..... 6
- Commission Regulation (EEC) No 1392/89 of 23 May 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 11
- Commission Regulation (EEC) No 1393/89 of 23 May 1989 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 13
- Commission Regulation (EEC) No 1394/89 of 23 May 1989 closing an invitation to tender for the supply of cereals to Euronaid as food aid ..... 15
- Commission Regulation (EEC) No 1395/89 of 23 May 1989 correcting Regulation (EEC) No 2391/87 setting and amending monetary compensatory amounts for certain products and Regulations (EEC) No 2678/87, (EEC) No 2859/87, (EEC) No 2967/87, (EEC) No 3155/87, (EEC) No 3249/87 and (EEC) No 3405/87 amending Regulation (EEC) No 1956/87 fixing the monetary compensatory amounts applicable in the agricultural sector and certain coefficients and rates required for their application ..... 16
- Commission Regulation (EEC) No 1396/89 of 23 May 1989 discontinuing the additional amounts for egg products ..... 17
- Commission Regulation (EEC) No 1397/89 of 23 May 1989 fixing additional amounts for live and slaughtered poultry ..... 18

Contents (continued)

|                                                                                                                                                                                                                               |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Commission Regulation (EEC) No 1398/89 of 23 May 1989 fixing additional amounts for poultrymeat products .....                                                                                                                | 20        |
| <b>* Commission Regulation (EEC) No 1399/89 of 23 May 1989 concerning the stopping of fishing for cod by vessels flying the flag of Germany .....</b>                                                                         | <b>22</b> |
| Commission Regulation (EEC) No 1400/89 of 23 May 1989 introducing a countervailing charge on aubergines originating in Spain (except the Canary Islands) .....                                                                | 23        |
| Commission Regulation (EEC) No 1401/89 of 23 May 1989 fixing the import levies on white sugar and raw sugar .....                                                                                                             | 25        |
| Commission Regulation (EEC) No 1402/89 of 23 May 1989 altering the export refunds on white sugar and raw sugar exported in the natural state .....                                                                            | 27        |
| Commission Regulation (EEC) No 1403/89 of 23 May 1989 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty .....        | 29        |
| Commission Regulation (EEC) No 1404/89 of 23 May 1989 altering the export refunds on syrups and certain other sugar sector products exported in the natural state .....                                                       | 31        |
| Commission Regulation (EEC) No 1405/89 of 23 May 1989 suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Morocco ..... | 33        |

---

II *Acts whose publication is not obligatory*

**Commission**

89/346/EEC :

- |                                                                                                                                      |           |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>* Commission Decision of 16 May 1989 approving the plan for the eradication of classical swine fever submitted by Italy .....</b> | <b>35</b> |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------|

89/347/EEC :

- |                                                                                                                                                                                                  |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>* Commission opinion of 17 May 1989 addressed to the Government of the Kingdom of the Netherlands concerning a draft law on the carriage of goods and passengers by inland waterway. ....</b> | <b>36</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 1389/89**

of 22 May 1989

**opening and providing for the administration of a Community tariff quota for processing work in respect of certain textile products under Community outward-processing traffic**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas on 1 August 1969, the Community concluded an arrangement with Switzerland on processing traffic in textiles; whereas under that arrangement the Community undertook to open, on 1 September of every year, an annual duty-free Community tariff quota for processed goods of 1 870 000 units of account of added value, apportioned as follows:

- (a) 1 650 000 units of account for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) 143 000 units of account for the twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) 77 000 units of account for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

Whereas, in order to facilitate administration of this tariff quota, it was decided no longer to allocate a quota, provisionally, to each of the above three categories of processing; whereas the quota in question should therefore be opened for the period 1 September 1989 to 31 August 1990 according to the procedure provided for under the above arrangement, as amended and in compliance with the provisions of Council Regulation (EEC) No 2779/78 of 23 November 1978 on the procedure for applying the European unit of account

(EUA) to legal acts adopted in one customs sphere<sup>(1)</sup>, and in particular Article 2 thereof, and the provisions of Council Regulation (EEC, Euratom) No 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ECU in Community legal instruments<sup>(2)</sup>;

Whereas provision should be made in particular to ensure equal and continuous access for those concerned with this quota and consistent application of the rate of duty, prescribed for the said quota until the quota is exhausted, to all goods re-imported into any of the Member States and which have received one or other of the treatments listed above; whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 September 1989 to 31 August 1990 the customs duties applicable to re-imports of the following products shall be totally suspended within the limit of the Community tariff quota shown herewith:

<sup>(1)</sup> OJ No L 333, 30. 11. 1978, p. 5.

<sup>(2)</sup> OJ No L 345, 20. 12. 1980, p. 1.

| Order No | CN code    | Description                                                                                                                                                                                | Volume of<br>tariff quota       |
|----------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 09.2502  |            | Goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles as follows:                                                     | ECU 1 870 000<br>of value added |
|          |            | (a) processing work on woven fabrics falling within Chapters 50 to 55 and CN code 5809 00 00                                                                                               |                                 |
|          |            | (b) twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 55 and CN code 5605 00 00                    |                                 |
|          |            | (c) processing work on products falling within the following CN codes:                                                                                                                     |                                 |
|          | 5606 00    | Gimped yarn, and strip and the like of code 5404 or 5405, gimped (other than those of code 5605 and gimped horsehair yarn): chenille yarn (including flock chenille yarn); loop wale-yarn: |                                 |
|          |            | — Other:                                                                                                                                                                                   |                                 |
|          | 5606 00 91 | — — Gimped yarn                                                                                                                                                                            |                                 |
|          | 5606 00 99 | — — Other                                                                                                                                                                                  |                                 |
|          | 5801       | Woven pile fabrics and chenille fabrics, other than fabrics of code 5802 or 5806:                                                                                                          |                                 |
|          | 5801 10 00 | — Of wool or fine animal hair                                                                                                                                                              |                                 |
|          |            | — Of cotton:                                                                                                                                                                               |                                 |
|          | 5801 22 00 | — — Cut corduroy                                                                                                                                                                           |                                 |
|          | 5801 23 00 | — — Other weft pile fabrics                                                                                                                                                                |                                 |
|          | 5801 24 00 | — — Warp pile fabrics, épinglé (uncut)                                                                                                                                                     |                                 |
|          | 5801 25 00 | — — Warp pile fabrics, cut                                                                                                                                                                 |                                 |
|          | 5801 26 00 | — — Chenille fabrics                                                                                                                                                                       |                                 |
|          |            | — Of man-made fibres:                                                                                                                                                                      |                                 |
|          | 5801 32 00 | — — Cut corduroy                                                                                                                                                                           |                                 |
|          | 5801 33 00 | — — Other weft pile fabrics                                                                                                                                                                |                                 |
|          | 5801 34 00 | — — Warp pile fabrics, épinglé (uncut)                                                                                                                                                     |                                 |
|          | 5801 35 00 | — — Warp pile fabrics, cut                                                                                                                                                                 |                                 |
|          | 5801 36 00 | — — Chenille fabrics                                                                                                                                                                       |                                 |
|          | 5801 90    | — Of other textile materials:                                                                                                                                                              |                                 |
|          | 5801 90 10 | — — Of flax                                                                                                                                                                                |                                 |
|          | 5801 90 90 | — — Other                                                                                                                                                                                  |                                 |
|          | 5802       | Terry towelling and similar woven terry fabrics, other than narrow fabrics of code 5806; tufted textile fabrics, other than products of code 5703                                          |                                 |
|          | 5804       | Tulles and other net fabrics, not including woven, knitted or crocheted fabrics; lace in the piece, in strips or in motifs                                                                 |                                 |
|          | 5806       | Narrow woven fabrics, other than goods of code 5807; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)                                            |                                 |
|          | 5808       | Braids in the piece; ornamental trimmings in the piece, without embroidery other than knitted or crocheted; tassels, pompoms and similar articles                                          |                                 |
|          | 6001       | Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or crocheted                                                                                                        |                                 |
|          | 6002       | Other knitted or crocheted fabrics                                                                                                                                                         |                                 |

2. Within the same limits, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions of the Act of Accession and of the Protocols concluded by reason of that accession.

3. For the purposes of this Regulation :

(a) 'processing work' means :

- for the purposes of paragraph 1 (a) and (c) appearing in the Table : bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,
- for the purposes of paragraph 1 (b) appearing in the Table : twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature ;

(b) 'value added' means the difference between the value for customs purposes as defined in Community regulations on this subject at the time of re-importation and the value for customs purposes as it would be if the products were re-imported in the state in which they were exported.

4. Re-imports of products, resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

#### *Article 2*

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

#### *Article 3*

If an importer presents in a Member State a declaration of entry into free circulation, including a request for

preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The request for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

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

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

#### *Article 4*

Each Member State shall ensure that importers of the products concerned have free and continuous access to the quotas for such times as the balance of the tariff quota so permits.

#### *Article 5*

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

#### *Article 6*

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

#### *Article 7*

This Regulation shall enter into force on 1 September 1989.

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

Done at Brussels, 22 May 1989.

*For the Council*

*The President*

F. FERNANDEZ ORDOÑEZ

## COUNCIL REGULATION (EEC) No 1390/89

of 22 May 1989

opening and providing for the administration of Community tariff quotas for  
herrings, frozen fillets of hake and certain eels

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28 and 113 thereof,

Having regard to the proposal from the Commission,

Whereas, in some Agreements under Article XXIV (6) of the General Agreement on Tariffs and Trade (GATT), the Community has undertaken to open each year, subject to compliance with the reference prices, and for which the periods, the customs duties and the amounts applicable have been already determined, Community tariff quotas for herring, fresh, chilled or frozen, and for frozen fillets of hake (*Merluccius* spp.) presented in the form of industrial blocks with bones ('standard'); whereas supplies to the processing industries of eels, fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within CN code 1604 still depend to a large extent on imports from third countries; whereas, from 1 July 1989 to 30 June 1990 the levy of the customs duty applicable should therefore be suspended totally on imports of the relevant products up to an appropriate quantitative limit; whereas the introduction of a Community measure of this nature is unlikely to harm Community production; whereas demand not met by Community production can be estimated at 5 250 tonnes for the period in question; whereas a tariff quota for the relevant types of eel should therefore be opened for this period on the conditions set out above; whereas the

fixing of the quota volume at this level does not, however, prevent its readjustment during the quota period;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, they should not be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

## Article 1

1. The customs duty applicable to the import of the products listed below shall be suspended at the levels, during the periods and within the limits of the Community tariff quotas indicated for each product:

| Order No | CN code                                                               | Description                                                                                                                                                                                                  | Quota period                     | Amount of quota (tonnes) | Quota duty (%) |
|----------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------|----------------|
| 09.0006  | 0302 40 90<br>0303 50 90<br>0304 10 93<br>ex 0304 10 98<br>0304 90 25 | Herring, fresh, chilled or frozen                                                                                                                                                                            | 16 June 1989 to 14 February 1990 | 34 000                   | 0              |
| 09.0037  | ex 0304 20 57                                                         | Frozen fillets of hake ( <i>Merluccius</i> spp.) presented in the form of industrial blocks with bones ('standard')                                                                                          | 1 July to 31 December 1989       | 5 000                    | 10             |
| 09.2702  | ex 0301 92 00<br>ex 0302 66 00<br>ex 0303 76 00                       | Eels ( <i>Anguilla</i> spp.), live, fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within CN code 1604 (1) | 1 July 1989 to 30 June 1990      | 5 250                    | 0              |

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

2. Within these limits the Kingdom of Spain and the Portuguese Republic shall apply a customs duty calculated in accordance with the provisions laid down in this respect in the Act of Accession.

3. Imports of these products shall not be charged against these tariff quotas if they are already eligible for an equal or lower customs duty under other preferential tariff treatment.

4. Where the Community has fixed a reference price for the products or categories of products concerned, imports of fillets of hake shall benefit from the relevant quota fixed in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81<sup>(1)</sup> is at least equal to the reference price.

The use of the tariff quota for herrings shall be subject to compliance with any reference price which may be fixed.

#### Article 2

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

#### Article 3

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

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

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of

the Member States concerned to the extent that the available balance so permits.

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

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

#### Article 4

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

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

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

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

#### Article 5

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

#### Article 6

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

#### Article 7

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

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

Done at Brussels, 22 May 1989.

For the Council

The President

F. FERNANDEZ ORDÓÑEZ

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

## COUNCIL REGULATION (EEC) No 1391/89

of 22 May 1989

opening and providing for the administration of a Community tariff quota for certain wines having a registered designation of origin and originating in Morocco (1989/90)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 21 of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco<sup>(1)</sup> stipulates that certain wines having a registered designation of origin, falling within CN codes ex 2204 21 25, ex 2204 21 29, ex 2204 21 35 and ex 2204 21 39 and originating in Morocco, specified in the Agreement in the form of an Exchange of Letters of 12 March 1977<sup>(2)</sup>, shall be imported into the Community free of customs duties within the limits of an annual Community tariff quota of 50 000 hectolitres; whereas these wines must be put up in containers holding two litres or less; whereas these wines must be accompanied either by a certificate of designation of origin in accordance with the model given in Annex D to the Agreement or, by way of derogation, by a document VI 1 or VI 2 extract annotated in compliance with Article 9 of Regulation (EEC) No 3590/85<sup>(3)</sup>;

Whereas Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements to be applied by Spain and Portugal to trade with Morocco and Syria<sup>(4)</sup>, provides that the Kingdom of Spain and the Portuguese Republic shall apply a duty progressively reducing the gap between the rate of the basic duty and that of the preferential duty; whereas the Portuguese Republic is to defer application of the preferential arrangements for the products in question until the start of the second stage; whereas this present Regulation therefore applies to the Community with the exception of Portugal;

Whereas the wines in question are subject to compliance with the free-at-frontier reference price; whereas, in order

that such wine may benefit from this tariff quota, Article 54 of Regulation (EEC) No 822/87<sup>(5)</sup>, as last amended by Regulation (EEC) No 1236/89<sup>(6)</sup>, must be complied with;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing, on the tariff quota, of such quantities as they may need, under conditions and according to the procedure in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the tariff quota is used and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 July 1989 to 30 June 1990 on import into the Community, with the exception of Portugal, the customs duty for the following products shall be suspended at a level and within the limits of a Community tariff quota as follows:

| Order No | CN code                                                          | Description                                                                                                                                                                                                                                         | Amount of tariff quota (hectolitres) | Rate of duty (%) |
|----------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------|
| 09.1107  | ex 2204 21 25<br>ex 2204 21 29<br>ex 2204 21 35<br>ex 2204 21 39 | Wines entitled to one of the following designations of origin :<br>Berkane, Sais, Beni M'Tir, Guerrouane, Zemmour, Zennata of an actual alcoholic strength not exceeding 15 % vol, in containers holding two litres or less, originating in Morocco | 50 000                               | Free             |

<sup>(1)</sup> OJ No L 264, 27. 9. 1978, p. 2.

<sup>(2)</sup> OJ No L 65, 11. 3. 1977, p. 2.

<sup>(3)</sup> OJ No L 343, 20. 12. 1985, p. 20.

<sup>(4)</sup> OJ No L 287, 20. 10. 1988, p. 1.

<sup>(5)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(6)</sup> OJ No L 128, 11. 5. 1989, p. 31.

Within the limits of the tariff quota, the Kingdom of Spain shall apply customs duties calculated in accordance with the relevant provisions laid down in Regulation (EEC) No 3189/88.

2. The wines in question shall be subject to compliance with the free-at-frontier reference price.

The wines in question shall benefit from this tariff quota on condition that Article 54 of Regulation (EEC) No 822/87 is complied with.

3. Each wine, when imported, shall be accompanied either by a certificate of designation of origin, issued by the relevant Moroccan authority or, by way of derogation, by a VI 1 document or a VI 2 extract annotated in compliance with Article 9 of Regulation (EEC) No 3590/85, in accordance with the model annexed to this Regulation.

#### *Article 2*

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

#### *Article 3*

If an importer presents, in a Member State, a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The request for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member

State concerned, to the extent that the available balance so permits.

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

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

#### *Article 4*

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

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

3. Member States shall charge imports of the said products against their drawings as and when the goods are entered with the customs authorities under cover of declarations of entry into free circulation.

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

#### *Article 5*

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

#### *Article 6*

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

#### *Article 7*

This Regulation shall enter into force on 1 July 1989.

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

Done at Brussels, 22 May 1989.

*For the Council*

*The President*

F. FERNANDEZ ORDÓÑEZ



|                                                                                                                                         |                                                                                                                              |                               |  |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|
| 1. المصدر — Exporter — Exportateur                                                                                                      | 2. الرقم — Number — Numéro                                                                                                   | 00000                         |  |
| 4. المرسل اليه — Consignee — Destinataire                                                                                               | 3. (Name of authority guaranteeing the designation of origin —<br>Nom de l'organisme garantissant la dénomination d'origine) |                               |  |
| 6. وسيلة النقل — Means of transport — Moyen de transport                                                                                | 5. شهادة التسمية الاصلية<br>CERTIFICATE OF DESIGNATION OF ORIGIN<br>CERTIFICAT D'APPELLATION D'ORIGINE                       |                               |  |
| 8. مكان الامراع — Place of unloading — Lieu de déchargement                                                                             | 7. (Designation of origin — Nom de la dénomination d'origine)                                                                |                               |  |
| 9. عدد ونوع الطرود ، الانواع والارقام — Marks and numbers, number and kind of packages — Marques et numéros, nombre et nature des colis | 10. الوزن الخام<br>Gross weight<br>Poids brut                                                                                | 11. لترات<br>Litres<br>Litres |  |
|                                                                                                                                         |                                                                                                                              |                               |  |
| 12. لترات (بالحروف) — Litres (in words) — Litres (en lettres)                                                                           |                                                                                                                              |                               |  |
| 13. تأشيرة الهيئة المرسله — Certificate of the issuing authority — Visa de l'organisme émetteur                                         |                                                                                                                              |                               |  |
| 14. تأشيرة الجمارك — Customs stamp — Visa de la douane                                                                                  | (See the translation under No 15 — Voir traduction au n° 15)                                                                 |                               |  |

15. We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Moroccan legislation as entitled to the designation of origin '.....'.  
The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi marocaine, comme ayant droit à la dénomination d'origine « ..... ».  
L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

16. (1)

يحتفظ بهذه الخانة لمعلومات أخرى من الدولة المصدرة

(1) Space reserved for additional details given in the exporting country.

(1) Case réservée pour d'autres indications du pays exportateur.

## COMMISSION REGULATION (EEC) No 1392/89

of 23 May 1989

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1213/89<sup>(2)</sup>, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2401/88<sup>(5)</sup> and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 22 May 1989;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2401/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 96.

## ANNEX

to the Commission Regulation of 23 May 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Levies   |                                      |
|------------|----------|--------------------------------------|
|            | Portugal | Third country                        |
| 0709 90 60 | 25,25    | 123,96                               |
| 0712 90 19 | 25,25    | 123,96                               |
| 1001 10 10 | 59,60    | 179,13 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 59,60    | 179,13 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 35,73    | 113,82                               |
| 1001 90 99 | 35,73    | 113,82                               |
| 1002 00 00 | 63,32    | 112,68 <sup>(3)</sup>                |
| 1003 00 10 | 53,90    | 114,42                               |
| 1003 00 90 | 53,90    | 114,42                               |
| 1004 00 10 | 44,96    | 85,38                                |
| 1004 00 90 | 44,96    | 85,38                                |
| 1005 10 90 | 25,25    | 123,96 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 25,25    | 123,96 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 48,56    | 131,58 <sup>(4)</sup>                |
| 1008 10 00 | 53,90    | 10,78                                |
| 1008 20 00 | 53,90    | 0,00 <sup>(4)</sup>                  |
| 1008 30 00 | 53,90    | 0,00 <sup>(2)</sup>                  |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 53,90    | 0,00                                 |
| 1101 00 00 | 64,72    | 175,00                               |
| 1102 10 00 | 103,35   | 172,45                               |
| 1103 11 10 | 106,02   | 291,29                               |
| 1103 11 90 | 68,09    | 187,19                               |

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

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

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

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

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

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

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

## COMMISSION REGULATION (EEC) No 1393/89

of 23 May 1989

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1213/89<sup>(2)</sup>, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2402/88<sup>(5)</sup> and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 22 May 1989;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 1.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 23 May 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

| CN code    | Current | 1st period | 2nd period | 3rd period |
|------------|---------|------------|------------|------------|
|            | 5       | 6          | 7          | 8          |
| 0709 90 60 | 0       | 0          | 0          | 0          |
| 0712 90 19 | 0       | 0          | 0          | 0          |
| 1001 10 10 | 0       | 3,03       | 3,03       | 3,03       |
| 1001 10 90 | 0       | 3,03       | 3,03       | 3,03       |
| 1001 90 91 | 0       | 0          | 0          | 6,54       |
| 1001 90 99 | 0       | 0          | 0          | 6,54       |
| 1002 00 00 | 0       | 0          | 0          | 0          |
| 1003 00 10 | 0       | 0          | 0          | 0          |
| 1003 00 90 | 0       | 0          | 0          | 0          |
| 1004 00 10 | 0       | 0          | 0          | 0          |
| 1004 00 90 | 0       | 0          | 0          | 0          |
| 1005 10 90 | 0       | 0          | 0          | 0          |
| 1005 90 00 | 0       | 0          | 0          | 0          |
| 1007 00 90 | 0       | 0          | 0          | 0          |
| 1008 10 00 | 0       | 0          | 0          | 0          |
| 1008 20 00 | 0       | 0          | 0          | 0          |
| 1008 30 00 | 0       | 0          | 0          | 0          |
| 1008 90 90 | 0       | 0          | 0          | 0          |
| 1101 00 00 | 0       | 0          | 0          | 9,15       |

## B. Malt

| CN code    | Current | 1st period | 2nd period | 3rd period | 4th period |
|------------|---------|------------|------------|------------|------------|
|            | 5       | 6          | 7          | 8          | 9          |
| 1107 10 11 | 0       | 0          | 0          | 11,64      | 11,64      |
| 1107 10 19 | 0       | 0          | 0          | 8,70       | 8,70       |
| 1107 10 91 | 0       | 0          | 0          | 0          | 0          |
| 1107 10 99 | 0       | 0          | 0          | 0          | 0          |
| 1107 20 00 | 0       | 0          | 0          | 0          | 0          |

**COMMISSION REGULATION (EEC) No 1394/89****of 23 May 1989****closing an invitation to tender for the supply of cereals to Euronaid as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management <sup>(1)</sup>, as last amended by Regulation (EEC) No 1870/88 <sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,Whereas, by Regulation (EEC) No 1094/89 <sup>(3)</sup>, the Commission issued an invitation to tender for the supply of 35 tonnes of common wheat to Euronaid as food aid; whereas the conditions of the supply should be reviewed and the invitation to tender in question should consequently be closed,

HAS ADOPTED THIS REGULATION:

*Article 1*

For Annex A to Regulation (EEC) No 1094/89 the invitation to tender is closed.

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

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.<sup>(2)</sup> OJ No L 168, 1. 7. 1988, p. 7.<sup>(3)</sup> OJ No L 116, 28. 4. 1989, p. 10.

## COMMISSION REGULATION (EEC) No 1395/89

of 23 May 1989

correcting Regulation (EEC) No 2391/87 setting and amending monetary compensatory amounts for certain products and Regulations (EEC) No 2678/87, (EEC) No 2859/87, (EEC) No 2967/87, (EEC) No 3155/87, (EEC) No 3249/87 and (EEC) No 3405/87 amending Regulation (EEC) No 1956/87 fixing the monetary compensatory amounts applicable in the agricultural sector and certain coefficients and rates required for their application

THE COMMISSION 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 1677/85 of 11 June 1985 on monetary compensatory amounts in agricultural <sup>(1)</sup>, as last amended by Regulation (EEC) No 1889/87 <sup>(2)</sup>, and in particular Article 12 thereof,

Whereas Commission Regulations (EEC) No 2391/87 <sup>(3)</sup>, (EEC) No 2678/87 <sup>(4)</sup>, (EEC) No 2859/87 <sup>(5)</sup>, (EEC) No 2967/87 <sup>(6)</sup>, (EEC) No 3155/87 <sup>(7)</sup>, (EEC) No 3249/87 <sup>(8)</sup> and (EEC) No 3405/87 <sup>(9)</sup> fix and amend part 9 of Annex I to Commission Regulation (EEC) No 1956/87 <sup>(10)</sup> on monetary compensatory amounts to apply from 7 September 1987 and until 31 December 1987 as regards goods covered by Council Regulation (EEC) No 426/86 <sup>(11)</sup>;

Whereas the monetary compensatory amounts in question were calculated per 100 kg of goods but published under a title indicating 'per 100 kg of sugar content'; whereas that mistake should be corrected;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the management committees concerned,

*Article 1*

In part 9 of Annex I to Regulations (EEC) No 2391/87, (EEC) No 2678/87, (EEC) No 2859/87, (EEC) No 2967/87, (EEC) No 3155/87, (EEC) No 3249/87 and (EEC) No 3405/87, '(per 100 kg of sugar content)' is hereby deleted.

*Article 2*

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

However, on application by the party concerned, it shall apply from the date of entry into force of the regulations concerned.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 1.

<sup>(3)</sup> OJ No L 218, 7. 8. 1987, p. 24.

<sup>(4)</sup> OJ No L 257, 7. 9. 1987, p. 1.

<sup>(5)</sup> OJ No L 274, 28. 9. 1987, p. 1.

<sup>(6)</sup> OJ No L 282, 5. 10. 1987, p. 1.

<sup>(7)</sup> OJ No L 303, 26. 10. 1987, p. 1.

<sup>(8)</sup> OJ No L 311, 31. 10. 1987, p. 1.

<sup>(9)</sup> OJ No L 325, 16. 11. 1987, p. 1.

<sup>(10)</sup> OJ No L 186, 6. 7. 1987, p. 3.

<sup>(11)</sup> OJ No L 49, 27. 2. 1986, p. 1.

**COMMISSION REGULATION (EEC) No 1396/89**  
**of 23 May 1989**  
**discontinuing the additional amounts for egg products**

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

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs <sup>(1)</sup>, as last amended by Regulation (EEC) No 3207/88 <sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas for certain of the products specified in Article 1 of Regulation (EEC) No 2771/75, additional amounts were fixed by Commission Regulation (EEC) No 679/89 of 16 March 1989 fixing the additional amounts for egg products <sup>(3)</sup>;

Whereas, from the regular review of the dates serving as a basis for the determination of average offer prices for the abovementioned products, it appears that the free-at-frontier offer prices for these products are no longer

below the sluice-gate price; whereas the conditions set out in Article 8 (4) of Regulation (EEC) No 2771/75 are not satisfied; whereas it is therefore necessary to discontinue additional amounts laid down in Regulation (EEC) No 679/89;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 679/89 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 286, 20. 10. 1988, p. 2.

<sup>(3)</sup> OJ No L 73, 17. 3. 1989, p. 26.

## COMMISSION REGULATION (EEC) No 1397/89

of 23 May 1989

fixing additional amounts for live and slaughtered poultry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(1)</sup>, as last amended by the Regulation (EEC) No 3907/87<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68<sup>(5)</sup>, as last amended by Regulation (EEC) No 3986/87<sup>(6)</sup>, the import levies on slaughtered fowls, ducks and geese origi-

nating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69<sup>(7)</sup>, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70<sup>(8)</sup>, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72<sup>(9)</sup>, as amended by Regulation (EEC) No 3987/87<sup>(10)</sup>, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ No L 370, 30. 12. 1987, p. 14.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

<sup>(5)</sup> OJ No L 107, 8. 5. 1968, p. 7.

<sup>(6)</sup> OJ No L 376, 31. 12. 1987, p. 7.

<sup>(7)</sup> OJ No L 286, 14. 11. 1969, p. 24.

<sup>(8)</sup> OJ No L 265, 8. 12. 1970, p. 13.

<sup>(9)</sup> OJ No L 232, 12. 10. 1972, p. 3.

<sup>(10)</sup> OJ No L 376, 31. 12. 1987, p. 20.

## ANNEX

## Additional amounts applicable to live and slaughtered poultry and halves or quarters

*(ECU/100 kg)*

| CN code    | Description (1) | Additional amount |
|------------|-----------------|-------------------|
| 0207 10 11 | 01              | 3,00              |
| 0207 10 15 | 01              | 3,00              |
| 0207 10 19 | 01              | 3,00              |
| 0207 10 51 | 02              | 10,00             |
| 0207 10 55 | 02              | 10,00             |
| 0207 10 59 | 02              | 10,00             |
| 0207 21 10 | 01              | 3,00              |
| 0207 21 90 | 01              | 3,00              |
| 0207 23 11 | 02              | 10,00             |
| 0207 23 19 | 02              | 10,00             |
| 0207 39 13 | 01              | 3,00              |
| 0207 39 57 | 02              | 10,00             |
| 0207 41 11 | 01              | 3,00              |
| 0207 43 21 | 02              | 10,00             |

(1) Origin :

01 - Yugoslavia,

02 - Hungary.

**COMMISSION REGULATION (EEC) No 1398/89**  
**of 23 May 1989**  
**fixing additional amounts for poultrymeat products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat <sup>(1)</sup>, as last amended by the Regulation (EEC) No 3907/87 <sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries <sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73 <sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third coun-

tries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ No L 370, 30. 12. 1987, p. 14.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

*ANNEX*

to the Commission Regulation of 23 May 1989 fixing additional amounts for poultrymeat products

*(ECU/100 kg)*

| CN code    | Description (1) | Additional amount |
|------------|-----------------|-------------------|
| 0207 39 11 | 01              | 20,00             |
| 0207 41 10 | 01              | 20,00             |

(1) Origin :

01 Thailand.

## COMMISSION REGULATION (EEC) No 1399/89

of 23 May 1989

concerning the stopping of fishing for cod by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities <sup>(1)</sup>, as amended by Regulation (EEC) No 3483/88 <sup>(2)</sup>, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3950/88 of 11 December 1988 allocating, for 1989, Community catch quotas in Greenland waters <sup>(3)</sup> provides for cod quotas for 1989;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of Germany or registered in Germany have reached the

quota allocated for 1989; whereas Germany has prohibited fishing for this stock as from 12 May 1989; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of cod in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of Germany or registered in Germany are deemed to have exhausted the quota allocated to Germany for 1989.

Fishing for cod in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of Germany or registered in Germany is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply with effect from 12 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 352, 21. 12. 1988, p. 7.

## COMMISSION REGULATION (EEC) No 1400/89

of 23 May 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 673/89 of 16 March 1989 fixing for the 1989 marketing year the reference prices for aubergines<sup>(3)</sup> fixed the reference price for products of class I for the month of May 1989 at 82,00 ECU per 100 kilograms net;

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

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

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

Whereas, for aubergines originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these aubergines;

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of 6,19 ECU per 100 kilograms net is applied to aubergines (CN code 0709 30 00) originating in Spain (except the Canary Islands).

*Article 2*

This Regulation shall enter into force on 25 May 1989.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 12.

<sup>(3)</sup> OJ No L 73, 17. 3. 1989, p. 12.

<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 368, 31. 12. 1985, p. 1.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

**COMMISSION REGULATION (EEC) No 1401/89**  
**of 23 May 1989**  
**fixing the import levies on white sugar and raw sugar**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1386/89 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 203, 28. 7. 1988, p. 22.

<sup>(4)</sup> OJ No L 139, 23. 5. 1989, p. 13.

*ANNEX*

to the Commission Regulation of 23 May 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 32,56 <sup>(1)</sup> |
| 1701 11 90 | 32,56 <sup>(1)</sup> |
| 1701 12 10 | 32,56 <sup>(1)</sup> |
| 1701 12 90 | 32,56 <sup>(1)</sup> |
| 1701 91 00 | 36,72                |
| 1701 99 10 | 36,72                |
| 1701 99 90 | 36,72 <sup>(2)</sup> |

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

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

## COMMISSION REGULATION (EEC) No 1402/89

of 23 May 1989

altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1289/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1387/89 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1289/89 to the infor-

mation known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1289/89 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 127, 11. 5. 1989, p. 40.

<sup>(4)</sup> OJ No L 139, 23. 5. 1989, p. 15.

## ANNEX

to the Commission Regulation of 23 May 1989 altering the export refunds on white sugar  
and raw sugar exported in the natural state

(ECU)

| Product code   | Amount of refund     |                                                                                                |
|----------------|----------------------|------------------------------------------------------------------------------------------------|
|                | per 100 kg           | per percentage point of<br>sucrose content and<br>per 100 kg net of the<br>product in question |
| 1701 11 90 100 | 26,36 <sup>(1)</sup> |                                                                                                |
| 1701 11 90 910 | 25,33 <sup>(1)</sup> |                                                                                                |
| 1701 11 90 950 | <sup>(2)</sup>       |                                                                                                |
| 1701 12 90 100 | 26,36 <sup>(1)</sup> |                                                                                                |
| 1701 12 90 910 | 25,33 <sup>(1)</sup> |                                                                                                |
| 1701 12 90 950 | <sup>(2)</sup>       |                                                                                                |
| 1701 91 00 000 |                      | 0,2866                                                                                         |
| 1701 99 10 100 | 28,66                |                                                                                                |
| 1701 99 10 910 | 27,54                |                                                                                                |
| 1701 99 10 950 | 26,04                |                                                                                                |
| 1701 99 90 100 |                      | 0,2866                                                                                         |

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

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

**COMMISSION REGULATION (EEC) No 1403/89****of 23 May 1989****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 May 1989 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 1170/89 <sup>(3)</sup>, as amended by Regulation (EEC) No 1317/89 <sup>(4)</sup>;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1170/89 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EEC) No 1170/89 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 121, 29. 4. 1989, p. 34.

<sup>(4)</sup> OJ No L 131, 13. 5. 1989, p. 56.

## ANNEX

to the Commission Regulation of 23 May 1989 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

---

*Rate of refund in ECU/100 kg:*

|                                                                                                                                                   |                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| White sugar:                                                                                                                                      | 28,66                                 |
| Raw sugar:                                                                                                                                        | 26,36                                 |
| Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose): | $28,66 \times \frac{S^{(1)}}{100}$ or |
| <p>If those syrups are obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:</p>  |                                       |
| <p>The rate fixed above for 100 kg of white or raw sugar used for the dissolution</p>                                                             |                                       |
| Molasses:                                                                                                                                         | —                                     |
| Isoglucose <sup>(2)</sup> :                                                                                                                       | 28,66 <sup>(3)</sup>                  |

---

<sup>(1)</sup> 'S' represents per 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

<sup>(2)</sup> Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

<sup>(3)</sup> Amount of refund per 100 kilograms of dry matter.

---

**COMMISSION REGULATION (EEC) No 1404/89**  
**of 23 May 1989**  
**altering the export refunds on syrups and certain other sugar sector products**  
**exported in the natural state**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 18 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 19 (4) thereof,

Whereas the refunds on syrups and certain other sugar products were fixed by Regulation (EEC) No 1142/89 <sup>(3)</sup>, as amended by Regulation (EEC) No 1320/89 <sup>(4)</sup>;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EEC) No 1142/89 to the information at present available to the

Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1142/89 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 May 1989.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 119, 29. 4. 1989, p. 54.

<sup>(4)</sup> OJ No L 131, 13. 5. 1989, p. 62.

## ANNEX

to the Commission Regulation of 23 May 1989 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

| Product code   | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question <sup>(1)</sup> | Amount of refund per 100 kg of dry matter <sup>(2)</sup> |
|----------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 1702 40 10 100 |                                                                                                                   | 28,66                                                    |
| 1702 60 10 000 |                                                                                                                   | 28,66                                                    |
| 1702 60 90 000 | 0,2866                                                                                                            |                                                          |
| 1702 90 30 000 |                                                                                                                   | 28,66                                                    |
| 1702 90 60 000 | 0,2866                                                                                                            |                                                          |
| 1702 90 71 000 | 0,2866                                                                                                            |                                                          |
| 1702 90 90 900 | 0,2866                                                                                                            |                                                          |
| 2106 90 30 000 |                                                                                                                   | 28,66                                                    |
| 2106 90 59 000 | 0,2866                                                                                                            |                                                          |

<sup>(1)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).  
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

<sup>(2)</sup> Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

## COMMISSION REGULATION (EEC) No 1405/89

of 23 May 1989

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 3005/88<sup>(3)</sup>, (EEC) No 3175/88<sup>(4)</sup>, (EEC) No 3552/88<sup>(5)</sup> and (EEC) No 4078/88<sup>(6)</sup> open and provide for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

- (a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;
- or
- (b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 3557/88<sup>(7)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88<sup>(8)</sup>, as amended by Regulation (EEC) No 3556/88<sup>(9)</sup>, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(10)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(11)</sup>;
- for the other currencies, a conversion rate based on the arithmetic mean of the spot market rates for the currency, as recorded over a given period, against the Community currencies referred to in the preceding indent, and the abovementioned factor;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Morocco; whereas the Common Customs Tariff duty should be re-introduced,

HAS ADOPTED THIS REGULATION:

### Article 1

For imports of multiflorous (spray) carnations (CN code ex 0603 10 53), originating in Morocco, the preferential customs duty fixed by Council Regulation (EEC) No 3552/88 is hereby suspended and the Common Customs Tariff duty is hereby re-introduced.

### Article 2

This Regulation shall enter into force on 25 May 1989.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 271, 1. 10. 1988, p. 7.

<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 1.

<sup>(5)</sup> OJ No L 311, 17. 11. 1988, p. 2.

<sup>(6)</sup> OJ No L 359, 28. 12. 1988, p. 8.

<sup>(7)</sup> OJ No L 311, 17. 11. 1988, p. 9.

<sup>(8)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(9)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(10)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(11)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 23 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 16 May 1989

approving the plan for the eradication of classical swine fever submitted by Italy

(Only the Italian text is authentic)

(89/346/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 80/1095/EEC <sup>(1)</sup> of 11 November 1980 laying down conditions designed to render and keep the territory of the Community free from classical swine fever, as last amended by Council Directive 87/487/EEC <sup>(2)</sup>, and in particular Article 3a thereof,

Having regard to Council Decision 80/1096/EEC <sup>(3)</sup> of 11 November 1980, introducing Community financial measures for the eradication of classical swine fever, as last amended by Council Decision 87/488/EEC <sup>(4)</sup>, and in particular Article 5 thereof,

Whereas by letter dated 29 November 1988, Italy has communicated to the Commission a new plan for completing the eradication of classical swine fever;

Whereas the plan has been examined and found to comply with Council Directive 80/217/EEC <sup>(5)</sup> of 22 January 1980 introducing Community measures for the control of classical swine fever, as last amended by Council Directive 87/486/EEC <sup>(6)</sup>, and with Directive 80/1095/EEC and whereas the conditions for financial participation by the Community are therefore met;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee; whereas the Fund Committee has been consulted,

HAS ADOPTED THIS DECISION:

*Article 1*

The plan for completing the eradication of classical swine fever submitted by Italy is hereby approved.

*Article 2*

Italy shall bring into force by 1 March 1989 the laws, regulations and administrative provisions for implementing the plan referred to in Article 1;

*Article 3*

This Decision is addressed to Italy.

Done at Brussels, 16 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 325, 1. 12. 1980, p. 1.

<sup>(2)</sup> OJ No L 280, 3. 10. 1987, p. 24.

<sup>(3)</sup> OJ No L 325, 1. 12. 1980, p. 5.

<sup>(4)</sup> OJ No L 280, 3. 10. 1987, p. 26.

<sup>(5)</sup> OJ No L 47, 21. 2. 1980, p. 11.

<sup>(6)</sup> OJ No L 280, 3. 10. 1987, p. 21.

**COMMISSION OPINION**

of 17 May 1989

**addressed to the Government of the Kingdom of the Netherlands concerning a draft law on the carriage of goods and passengers by inland waterway.**

(Only the Dutch text is authentic)

(89/347/EEC)

By letter of 18 January 1989 the Netherlands Government communicated to the Commission a draft law on the carriage of goods and passengers by inland waterway, pursuant to Article 1 of the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States <sup>(1)</sup>, as amended by Decision 73/405/EEC <sup>(2)</sup>.

The letter from the Netherlands Government reached the Commission on 25 January, and in accordance with Article 1 of the abovementioned Decision the Netherlands Government also transmitted the draft law to the other Member States. Pursuant to Article 2 (4) of the Council Decision and in agreement with the Netherlands Government, the two-month period within which the Commission must deliver its opinion has been extended until 25 April 1989.

On the Commission's initiative a consultation meeting with representatives of the Netherlands Government was held in Brussels on 2 March 1989. Pursuant to Article 2 of the Council Decision, the Commission delivers the following opinion:

1. The Commission notes that the draft law concerns the carriage of goods and passengers by inland waterway both on own account and for hire or reward and that it covers the following fields in Dutch inland waterway transport policy: regulation of capacity, access of vessels to transport operations on the waterways in the Netherlands, access to the occupation of carrier by inland waterway, categories of national transport operations for hire or reward and freight allocation system, transport on own-account, transport by tankers, registration of vessels.

The draft law is in the form of a framework law in that some of the areas it covers are to be regulated by implementing measures promulgated as general administrative orders (*algemene maatregelen van bestuur*) at a later date. The Commission reserves the right to deliver an opinion on all the provisions which will govern the areas covered by the draft

law when it has copies of the essential measures to be adopted in the form of general administrative orders.

2. The provisions on the access of vessels to the goods and passenger transport market on the waterways in the Netherlands constitute the incorporation into Dutch law of the measures necessary to implement Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the Navigation of the Rhine relating to vessels belonging to the Rhine Navigation <sup>(1)</sup>. The draft provisions introduce into the Netherlands the document certifying that a vessel belongs to Rhine Navigation provided for in that Regulation.

The draft law would extend to all Dutch inland waterways the requirement that a vessel, under whatever flag, must carry this document. The Commission would point out that to require the approval of the Dutch Minister to a document certifying that a vessel belongs to Rhine Navigation is contrary to Article 1 of Regulation (EEC) No 2919/85 read in conjunction with Article 2 (1) of the implementing regulation annexed to it. The Netherlands Government is therefore asked to amend the relevant provision in its draft law by abandoning the approval of these documents issued by other Member States.

3. The Commission notes that the draft law also aims to transpose into Netherlands law Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation <sup>(2)</sup>. It should be pointed out that under Article 11 of this Directive the Netherlands Government ought to have enacted the measures to implement the Directive by 30 June 1988 at the latest and that, since that date, it is in breach of Community law by failing to fulfil an obligation under Community legislation.

<sup>(1)</sup> OJ No 23, 3. 4. 1962, p. 720/62.

<sup>(2)</sup> OJ No L 347, 17. 12. 1973, p. 48.

<sup>(3)</sup> OJ No L 280, 22. 10. 1985, p. 4.

<sup>(4)</sup> OJ No L 322, 12. 11. 1987, p. 20.

As to the provisions concerning access to the occupation of carrier, the Commission notes that under Article 15 of the draft law the Minister will be authorized, in cases specified in a general administrative order, to grant derogations from the professional competence condition upon request. In order to avoid any misunderstanding, the Netherlands Government should redraft Article 15 to make it quite clear that this derogation relates only to the exception referred to in Article 4 (2) of the Directive. Apart from that case, the Directive provides for no other possible derogation from the relevant provisions for the condition of professional competence.

4. The introduction of the licence provided for in Article 21 of the draft law without which a carrier will not be authorized to engage in transport operations on Dutch inland waterways, marks a departure from the present situation in that the licence will also be required for transit operations and operations on 'North/South' links, whatever flag the vessel is sailing under. The Netherlands Government representatives said at the consultation meeting on 2 March 1989 that this licence would be subject to no other conditions beyond possession of the certificate of professional competence as a carrier and the document certifying that the vessel belongs to Rhine Navigation. Article 21 of the draft law ought to be redrafted to make it quite clear that no quantitative criteria will apply.

Furthermore, the Minister's approval of the appropriate document issued by the authority of another Member State is contrary to Community legislation. Article 21 should be redrafted in this respect also.

5. The draft law provides that for every special or ordinary occasional national transport operation the vessel's certificate must carry the corresponding endorsement. The Commission asks the Netherlands Government to ensure that carriers from other Member States wishing to engage in these transport operations can obtain the endorsement for the transport sector selected on the basis of the appropriate documents issued by

the authorities in their country and under the same conditions as Dutch carriers.

- 6.1. The conditions concerning the freight allocation system planned for ordinary occasional national transport operations does not change the present regulatory situation. This freight allocation system is organized and administered by the public authority and remains open to carriers of all Member States with no discrimination on the basis of the carrier's nationality.

The Commission draws the attention of the Netherlands Government to the fact that this freight allocation system poses problems in the light of Article 3 (f) and the second paragraph of Article 5 of the EEC Treaty.

Article 42 of the draft law which provides that the Netherlands Government may entrust the organization and management of the freight allocation system to a legal person governed by private law, is manifestly contrary to Article 3 (f) and the second paragraph of Article 5 of the EEC Treaty, read in conjunction with Article 85.

- 6.2. As regards the procedures for freight rates and conditions for transport operations covered by the rota system, the Commission would point out to the Netherlands Government that endorsing rates previously agreed between the trade associations of shippers and carriers poses problems in the light of Article 3 (f) and the second paragraph of Article 5 of the EEC Treaty taken in conjunction with the provisions of Article 85 of the Treaty.
7. The Commission is communicating this opinion to the other Member States.

Done at Brussels, 17 May 1989.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*