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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1428/89**of 25 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⁽¹⁾, as last amended by Regulation (EEC) No 1213/89⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 24 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 26 May 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 25 May 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	25,25	123,96
0712 90 19	25,25	123,96
1001 10 10	59,60	183,22 ⁽¹⁾ ⁽²⁾
1001 10 90	59,60	183,22 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	113,80
1001 90 99	35,73	113,80
1002 00 00	63,32	112,68 ⁽⁶⁾
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 ⁽²⁾ ⁽³⁾
1005 90 00	25,25	123,96 ⁽²⁾ ⁽³⁾
1007 00 90	48,56	131,58 ⁽⁴⁾
1008 10 00	53,90	11,86
1008 20 00	53,90	1,17 ⁽⁴⁾
1008 30 00	53,90	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	53,90	0,00
1101 00 00	64,72	174,02
1102 10 00	103,35	173,32
1103 11 10	106,02	297,63
1103 11 90	68,09	186,13

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1429/89

of 25 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⁽¹⁾, as last amended by Regulation (EEC) No 1213/89⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 24 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 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

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

ANNEX

to the Commission Regulation of 25 May 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	5,08
1001 90 99	0	0	0	5,08
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	0,82
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	7,11

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	0	9,04	9,04
1107 10 19	0	0	0	6,76	6,76
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 1430/89

of 25 May 1989

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 22 and 23 May 1989 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 26 May 1989.

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

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

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

⁽²⁾ For imports of oil falling within this CN code :

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

⁽³⁾ For imports of oil falling within this CN code :

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

**COMMISSION REGULATION (EEC) No 1431/89
of 25 May 1989**

**on the issuing of a standing invitation to tender for the resale on the internal
market of 1 200 tonnes of common wheat held by the intervention agency of the
Grand Duchy of Luxembourg**

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 1213/89 ⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No
1581/86 of 23 May 1986 laying down general rules for
intervention on the market in cereals ⁽³⁾, as amended by
Regulation (EEC) No 195/89 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾,
as last amended by Regulation (EEC) No 2418/87 ⁽⁶⁾, lays
down the procedure and conditions for the disposal of
cereals held by intervention agencies;

Whereas, in the present market situation, a standing
invitation to tender for the resale on the internal market
of 1 200 tonnes of common wheat held by the
intervention agency of the Grand Duchy of Luxembourg
should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agency of the Grand Duchy of
Luxembourg shall issue a standing invitation to tender for
the resale on the internal market of 1 200 tonnes of

common wheat held by it in accordance with Regulation
(EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the
first partial invitation to tender shall be 2 June 1989.

2. The final date for the submission of tenders for the
last partial invitation to tender shall expire on 28 July
1989.

3. Tenders must be lodged with the intervention
agency of the Grand Duchy of Luxembourg.

Service d'économie rurale,
Office du blé,
113-115 route de Hollerich,
L-1741 Luxembourg;
telex 2537 AGRIM LU.

Article 3

Not later than Tuesday of the week following the final
date for the submission of tenders, the intervention
agency of the Grand Duchy of Luxembourg shall notify
the Commission of the quantities and average prices of the
various lots sold.

Article 4

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, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.
⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1432/89**of 25 May 1989****on the issuing of a standing invitation to tender for the resale on the internal market of 300 000 tonnes of barley held by the Italian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾, as amended by Regulation (EEC) No 195/89 ⁽⁴⁾, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 300 000 tonnes of barley held by the Italian intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 300 000 tonnes of barley held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 1 June 1989.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 30 June 1989.

3. Tenders must be lodged with the Italian intervention agency:

Azienda di Stato per gli interventi nel mercato agricolo (AIMA),
via Palestro 81,
I — 00100 Roma;
tél. 47 49 91, telex 620331.

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Italian intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.
⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1433/89

of 25 May 1989

on the issuing of a standing invitation to tender for the resale on the internal market of 10 000 tonnes of barley held by the intervention agency of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1213/89⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾, as amended by Regulation (EEC) No 195/89⁽⁴⁾, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁵⁾, as last amended by Regulation (EEC) No 2418/87⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 10 000 tonnes of barley held by the intervention agency of the United Kingdom should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agency of the United Kingdom shall issue a standing invitation to tender for the resale on the internal market of 10 000 tonnes of barley held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 6 June 1989.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 25 July 1989.
3. Tenders must be lodged with the intervention agency of the United Kingdom:

Intervention Board for Agricultural Produce,
Fountain House,
2 Queens Walk,
UK-Reading RG1 7QW Berks;
telex 848302.

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Italian intervention agency of the United Kingdom shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.
⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1434/89
of 23 May 1989
concerning the stopping of fishing for common sole by vessels flying the flag of
Ireland

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 ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished ⁽³⁾, as amended by Regulation (EEC) No 295/89 ⁽⁴⁾, provides for common sole 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 common sole in the waters of ICES divisions VII a and VII f and g by vessels flying the

flag of Ireland or registered in Ireland have reached the quotas allocated for 1989;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions VII a and VII f and g by vessels flying the flag of Ireland or registered in Ireland are deemed to have exhausted the quotas allocated to Ireland for 1989.

Fishing for common sole in the waters of ICES divisions VII a and VII f and g by vessels flying the flag of Ireland or registered in Ireland is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of entry into force 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*.

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

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 33, 4. 2. 1989, p. 38.

COMMISSION REGULATION (EEC) No 1435/89
of 23 May 1989
concerning the stopping of fishing for cod by vessels flying the flag of a Member State

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 ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, 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 ⁽³⁾, 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 a

Member State or registered in a Member State have reached the quotas allocated for 1989;

HAS ADOPTED THIS REGULATION:

Article 1

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

Fishing for cod in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of a Member State or registered in a Member State 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 entry into force 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*.

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

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 352, 21. 12. 1988, p. 7.

COMMISSION REGULATION (EEC) No 1436/89

of 25 May 1989

fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1353/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1353/89 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of 24,005 ECU per 100 kilograms;

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 37,134 ECU per 100 kilograms.

2. However, the amounts of the aid will be confirmed or replaced with effect from 26 May 1989 to take account of the guide price of cotton adopted in respect of the 1989/90 marketing year and, as the case may be, which appear to have been offered in the largest quantities.

Article 2

This Regulation shall enter into force on 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 135, 19. 5. 1989, p. 13.

COMMISSION REGULATION (EEC) No 1437/89**of 25 May 1989****amending Regulation (EEC) No 2472/88 on the opening of an invitation to tender for the refund for the export of barley**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾,Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 2472/88 ⁽⁴⁾ opened an invitation to tender for the refund for the export of barley;

Whereas in the present situation, it is appropriate to extend the period during which this invitation to tender remains open;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (3) of Regulation (EEC) No 2472/88 is hereby replaced by the following:

'3. The invitation shall remain open until 1 June 1989. During the period of its validity, weekly awards shall be made for which the quantities and time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender'.

*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, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁴⁾ OJ No L 213, 6. 8. 1988, p. 13.

COMMISSION REGULATION (EEC) No 1438/89**of 25 May 1989****fixing the import levies on live cattle and on beef and veal other than frozen**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Regulation (EEC) No 1165/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1165/89 to the quota-

tions and other information 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 on live cattle and on beef and veal other than frozen shall be as specified in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 June 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 121, 29. 4. 1989, p. 11.

ANNEX

to the Commission Regulation of 25 May 1989 fixing the import levies on live cattle and on beef and veal other than frozen ⁽¹⁾

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	17,896	123,302
0102 90 31	21,632	17,896	123,302
0102 90 33	—	17,896	123,302
0102 90 35	21,632	17,896	123,302
0102 90 37	21,632	17,896	123,302
— Net weight —			
0201 10 10	—	34,002	234,275
0201 10 90	41,101	34,002	234,275
0201 20 21	—	34,002	234,275
0201 20 29	41,101	34,002	234,275
0201 20 31	—	27,202	187,419
0201 20 39	32,881	27,202	187,419
0201 20 51	49,321	40,802	281,130
0201 20 59	49,321	40,802	281,130
0201 20 90	—	51,002	351,412
0201 30 00	—	58,340	401,966
0206 10 95	—	58,340	401,966
0210 20 10	—	51,002	351,412
0210 20 90	—	58,340	401,966
0210 90 41	—	58,340	401,966
0210 90 90	—	58,340	401,966
1602 50 10	—	58,340	401,966
1602 90 61	—	58,340	401,966

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

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

COMMISSION REGULATION (EEC) No 1439/89
of 25 May 1989
fixing the import levies on frozen beef and veal

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

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

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

Whereas the import levies on frozen beef and veal were fixed by Commission Regulation (EEC) No 1166/89⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1166/89 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 June 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 121, 29. 4. 1989, p. 16.

ANNEX

to the Commission Regulation of 25 May 1989 fixing the import levies on frozen beef and veal ⁽¹⁾

(ECU/100 kg)	
CN code	Levy
	— Net weight —
0202 10 00	178,791
0202 20 10	178,791
0202 20 30	143,032
0202 20 50	223,489
0202 20 90	268,186
0202 30 10	223,489
0202 30 50	223,489
0202 30 90	307,520
0206 29 91	307,520

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

COMMISSION REGULATION (EEC) No 1440/89
of 25 May 1989
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the export refund on rice and broken rice is being calculated ;

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets ;

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1219/89 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾ ;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽⁵⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other ; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market ;

— 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 Commission Regulation (EEC) No 1361/76 ⁽⁶⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum ;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto ;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

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

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 9.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

Article 2

This Regulation shall enter into force on 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1989 fixing the export refunds on rice and broken rice

Product code	Destination (1)	(ECU / tonne) Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	124,62
1006 20 15 000	01	124,62
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	124,62
1006 20 96 000	01	124,62
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	124,62
1006 30 25 000	01	124,62
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	124,62
1006 30 46 000	01	124,62
1006 30 48 000	—	—
1006 30 61 000	—	—
1006 30 63 100	01	155,77
	03	167,77
	05	167,77
	06	172,77
	07	172,77
	08	167,77
	09	167,77
	10	172,77
	11	172,77
	12	172,77
	13	155,77
	14	172,77
	01	155,77
	13	155,77
1006 30 65 100	01	155,77
	03	167,77
	05	167,77
	06	172,77
	07	172,77
	08	167,77
	09	167,77
	10	172,77
	11	172,77
	12	172,77
	13	155,77
	14	172,77
	01	155,77
	13	155,77
1006 30 67 100	—	—
1006 30 67 900	—	—
1006 30 92 000	—	—

Product code	Destination (1)	Amount of refunds (ECU / tonne)
1006 30 94 100	01	155,77
	03	167,77
	05	167,77
	06	172,77
	07	172,77
	08	167,77
	09	167,77
	10	172,77
	11	172,77
	12	172,77
	13	155,77
	14	172,77
1006 30 94 900	01	155,77
	13	155,77
1006 30 96 100	01	155,77
	03	167,77
	05	167,77
	06	172,77
	07	172,77
	08	167,77
	09	167,77
	10	172,77
	11	172,77
	12	172,77
	13	155,77
	14	172,77
1006 30 96 900	01	155,77
	13	155,77
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie,
- 03 Zone I,
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of zone I,
- 05 Zone II b),
- 06 Zone IV a),
- 07 Zone IV b),
- 08 Zone VI,
- 09 Canary Islands, Ceuta and Melilla,
- 10 Zone V a),
- 11 Zone VII c),
- 12 Canada,
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 14 Zone VIII, except Surinam, Guyana and Madagascar.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 1988, p. 9).

The export refunds are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25), as amended.

COMMISSION REGULATION (EEC) No 1441/89
of 25 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⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88⁽³⁾, as last amended by Regulation (EEC) No 1426/89⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 141, 25. 5. 1989, p. 38.

ANNEX

to the Commission Regulation of 25 May 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,64 ⁽¹⁾
1701 11 90	32,64 ⁽¹⁾
1701 12 10	32,64 ⁽¹⁾
1701 12 90	32,64 ⁽¹⁾
1701 91 00	36,51
1701 99 10	36,51
1701 99 90	36,51 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1442/89

of 25 May 1989

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 1132/89⁽⁴⁾,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1988/89 marketing year were fixed by Regulations (EEC) No 2213/88⁽⁷⁾ and (EEC) No 2214/88⁽⁸⁾;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the

1989/90 marketing year were fixed by Regulations (EEC) No 1228/89⁽⁹⁾ and (EEC) No 1229/89⁽¹⁰⁾;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed in Regulations (EEC) No 2213/88 and (EEC) No 1228/89;

Whereas the abatement of the subsidy for colza, rape and sunflower seed which arises from the system of maximum guaranteed quantities for the 1988/89 marketing year has been fixed by Commission Regulations (EEC) No 2761/88⁽¹¹⁾ and (EEC) No 3042/88⁽¹²⁾;

Whereas the standard quality for sunflower seed has been maintained by the Council for the 1988/89 and 1989/90 marketing years; whereas the coefficients of equivalence applied to the prices of sunflower seed from third countries have been fixed by Commission Regulation (EEC) No 2869/87⁽¹³⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of ECU 3,44 per 100 kilograms for colza and rape seed, and of ECU 11,55 per 100 kilograms for sunflower seed;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Regulation No 115/67/EEC of the Council of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽¹⁴⁾, as last amended by Regulation (EEC) No 1983/82⁽¹⁵⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Commission Regulation No 225/67/EEC of 28 June 1967 on detailed rules for determining the world market price for oil seeds⁽¹⁶⁾, as last amended by Regulation (EEC) No 2869/87, provides that offers and quotations which do not relate to shipments to

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

(²) OJ No L 128, 11. 5. 1989, p. 15.

(³) OJ No L 164, 24. 6. 1985, p. 11.

(⁴) OJ No L 119, 29. 4. 1989, p. 26.

(⁵) OJ No L 167, 25. 7. 1972, p. 9.

(⁶) OJ No L 197, 26. 7. 1988, p. 10.

(⁷) OJ No L 197, 26. 7. 1988, p. 6.

(⁸) OJ No L 197, 26. 7. 1988, p. 8.

(⁹) OJ No L 128, 11. 5. 1989, p. 20.

(¹⁰) OJ No L 128, 11. 5. 1989, p. 22.

(¹¹) OJ No L 247, 6. 9. 1988, p. 7.

(¹²) OJ No L 271, 1. 10. 1988, p. 104.

(¹³) OJ No L 273, 26. 9. 1987, p. 16.

(¹⁴) OJ No 111, 10. 6. 1967, p. 2196/67.

(¹⁵) OJ No L 215, 23. 7. 1982, p. 6.

(¹⁶) OJ No 136, 30. 6. 1967, p. 2919/67.

be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded; whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by ECU 0,242;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should

be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 2215/88⁽²⁾, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 1382/89⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 9.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 7.

and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be advised as provided for in Council Regulation (EEC) No 478/86⁽¹⁾; whereas pursuant to Article 95 (2) and 293 (2) of the Act of Accession this aid is to be introduced at the beginning of the 1986/87 marketing year for seed harvested in these two Member States;

Whereas, in Article 14 of Council Regulation (EEC) No 475/86 of 25 February 1986 laying down general rules for the mechanism for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain⁽²⁾, as amended by Regulation (EEC) No 1930/88⁽³⁾, provision is made for the granting of compensatory aid, subject to certain conditions; whereas compensatory aid should be fixed for sunflower seeds harvested in Spain;

Whereas Council Regulation (EEC) No 1920/87⁽⁴⁾, provides for the granting of a special subsidy for sunflower seed harvested and processed in Portugal; whereas the amount of this subsidy should be fixed;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ecus resulting from the calculation referred to above plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽⁵⁾, as last amended by Regulation (EEC) No 431/89⁽⁶⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price less percentage referred to in Article 5, paragraph 1 of the said regulation or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

- (a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽³⁾ OJ No L 170, 2. 7. 1988, p. 3.

⁽⁴⁾ OJ No L 183, 3. 7. 1987, p. 18.

⁽⁵⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁶⁾ OJ No L 50, 22. 2. 1989, p. 7.

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate;

- (b) for the other Member States, the difference between:

- the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the central rate of each of the currencies of the Member States referred to in (a), and
- the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ecus and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation; whereas, pursuant to the same Article, the spot and forward exchange rates for the ecu in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annex hereto.

2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Regulation (EEC) 1920/87 for sunflower seed harvested and processed in Portugal is fixed in Annex III.

4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza, rape and sunflower will be confirmed or replaced as from 26 May 1989 to take into account the prices and connected measures, for the 1989/90 marketing year, and

the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)
1. Gross aids (ECU) :						
— Spain	0,580	0,580	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	19,951	19,913	15,316	14,689	14,219	13,848
2. Final aids :						
(a) Seed harvested and processed in :						
— Federal Republic of Germany (DM)	47,52	47,43	36,58	35,11	34,01	33,20
— Netherlands (Fl)	53,00	52,90	40,40	38,75	37,51	36,89
— BLEU (Bfrs/Lfrs)	963,37	961,54	739,56	709,29	686,59	668,68
— France (FF)	145,81	145,51	114,69	109,77	106,08	103,16
— Denmark (Dkr)	174,58	174,24	136,77	131,17	126,98	123,66
— Ireland (£ Irl)	16,216	16,183	12,765	12,217	11,806	11,482
— United Kingdom (£)	12,328	12,301	10,135	9,677	9,334	8,994
— Italy (Lit)	31 434	31 370	25 190	24 042	23 245	22 344
— Greece (Dr)	2 245,95	2 205,54	2 277,93	2 114,65	2 018,95	1 835,32
(b) Seed harvested in Spain and processed :						
— in Spain (Pta)	89,44	89,44	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 153,67	3 148,16	2 474,34	2 370,07	2 301,36	2 205,66
(c) Seed harvested in Portugal and processed :						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 316,53	4 309,23	3 588,21	3 450,20	3 359,27	3 233,23

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	22,451	22,413	17,816	17,189	16,719	16,348
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,42	53,33	42,48	41,01	39,91	39,10
— Netherlands (Fl)	59,62	59,52	47,00	45,35	44,11	43,48
— BLEU (Bfrs/Lfrs)	1 084,09	1 082,25	860,28	830,00	807,31	789,39
— France (FF)	164,77	164,47	133,93	129,01	125,32	122,41
— Denmark (Dkr)	196,69	196,35	159,10	153,50	149,30	145,99
— Ireland (£ Irl)	18,326	18,293	14,907	14,359	13,948	13,624
— United Kingdom (£)	14,016	13,988	11,889	11,431	11,087	10,747
— Italy (Lit)	35 522	35 457	29 372	28 225	27 427	26 526
— Greece (Dr)	2 636,00	2 595,59	2 726,39	2 563,12	2 467,42	2 283,79
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 539,21	3 533,69	2 856,58	2 752,31	2 683,60	2 587,90
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	480,01	480,01	480,01	480,01
— in another Member State (Esc)	4 786,54	4 779,25	4 068,22	3 930,20	3 839,28	3 713,23

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7	3rd period 8 (1)	4th period 9 (1)
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,604	21,687	21,729	17,578	17,578
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	51,49	51,69	51,78	41,97	41,97
— Netherlands (Fl)	57,41	57,63	57,74	46,37	46,37
— BLEU (Bfrs/Lfrs)	1 043,19	1 047,20	1 049,23	848,79	848,79
— France (FF)	157,39	158,04	158,37	131,75	131,75
— Denmark (Dkr)	188,88	189,62	190,00	156,97	156,97
— Ireland (£ Irl)	17,504	17,576	17,613	14,664	14,664
— United Kingdom (£)	13,247	13,307	13,338	11,655	11,655
— Italy (Lit)	33 931	34 072	34 116	28 835	28 835
— Greece (Dr)	2 353,67	2 331,74	2 300,37	2 592,88	2 592,88
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	1 053,45	1 053,45
— in another Member State (Pta)	3 471,78	3 483,83	3 477,90	3 025,05	3 025,05
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 300,34	6 316,70	6 310,19	5 706,17	5 706,17
— in another Member State (Esc)	6 140,23	6 156,17	6 149,83	5 561,16	5 561,16
3. Compensatory aids:					
— in Spain (Pta)	3 423,10	3 436,11	3 430,66	2 977,27	2 977,27
4. Special aid:					
— in Portugal (Esc)	6 140,23	6 156,17	6 149,83	5 561,16	5 561,16

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

(2) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
DM	2,087790	2,085050	2,082710	2,080550	2,080550	2,075050
Fl	2,352880	2,348740	2,344890	2,340970	2,340970	2,326690
Bfrs/Lfrs	43,648599	43,641800	43,640999	43,637800	43,637800	43,616400
FF	6,977780	6,978640	6,979900	6,982110	6,982110	6,987170
Dkr	8,122360	8,125050	8,130760	8,137270	8,137270	8,155280
£Irl	0,780032	0,779856	0,780077	0,780311	0,780311	0,781234
£	0,655766	0,657016	0,657991	0,658927	0,658927	0,661944
Lit	1 515,94	1 520,48	1 524,58	1 528,17	1 528,17	1 539,17
Dr	176,92000	179,61400	181,49200	183,17600	183,17600	187,95100
Esc	172,30100	173,06300	173,73300	174,46800	174,46800	176,69400
Pta	130,19300	130,72200	131,26600	131,78000	131,78000	133,36000

COMMISSION REGULATION (EEC) No 1443/89**of 25 May 1989****temporarily suspending the advance fixing of export refunds on milk and milk products**

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

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

Having regard to Regulation (EEC) No 876/68 of the Council of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the market for certain milk products is characterized by uncertainty; whereas the current refunds

applicable could lead to speculative advance fixing of the refund; whereas it is necessary to suspend temporarily the advance fixing of refunds for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of export refunds for products referred to in Article 1 of Regulation (EEC) No 804/68 is hereby suspended during the period 26 to 30 May 1989.

Article 2

This Regulation shall enter into force on 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

COMMISSION REGULATION (EEC) No 1444/89

of 25 May 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 ⁽²⁾,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

The refund on export to Portugal has not been fixed.

Article 1

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

Article 2

This Regulation shall enter into force on 26 May 1989.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (?)
	02	20,00 (?)
1001 90 91 000	01	0
1001 90 99 000	05	30,00
	06	30,00
	02	10,00
1002 00 00 000	03	56,00
	06	56,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	46,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	56,00
1101 00 00 120	01	56,00
1101 00 00 130	01	49,00
1101 00 00 150	01	39,00
1101 00 00 170	01	29,00
1101 00 00 180	01	19,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	56,00
1102 10 00 200	01	56,00
1102 10 00 300	01	56,00
1102 10 00 500	01	56,00
1102 10 00 900	—	—
1103 11 10 100	01	191,00
1103 11 10 200	01	181,00
1103 11 10 500	01	161,00
1103 11 10 900	01	152,00
1103 11 90 100	01	56,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Algeria,
- 05 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 06 Zone II b).

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

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

COMMISSION REGULATION (EEC) No 1445/89

of 25 May 1989

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the
Council of 29 October 1975 on the common organization
of the market in cereals⁽¹⁾, as last amended by Regulation
(EEC) No 1213/89⁽²⁾, and in particular the fourth subpa-
ragraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 26 May 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 25 May 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1989 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	40,00
1107 10 99 000	81,00
1107 20 00 000	96,00

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

COMMISSION REGULATION (EEC) No 1446/89

of 25 May 1989

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1989 fixing the corrective amount applicable to the refund on malt

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

Product code	(ECU/tonne)					
	6th period 12	7th period 1	8th period 2	9th period 3	10th period 4	11th period 5
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1447/89

of 25 May 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 1 May 1989, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 1 May 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 1 May 1989, the level of the premium is fixed at 0,000 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

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

Article 3

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

It shall apply with effect from 1 May 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 25 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 May 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	0,000	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	0,000	0
0204 21 00	0,000	0
0204 50 11		0
0204 22 10	0,000	
0204 22 30	0,000	
0204 22 50	0,000	
0204 22 90	0,000	
0204 23 00	0,000	
0204 30 00	0,000	
0204 41 00	0,000	
0204 42 10	0,000	
0204 42 30	0,000	
0204 42 50	0,000	
0204 42 90	0,000	
0204 43 00	0,000	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	0,000	
0210 90 19	0,000	
1602 90 71 :		
— unboned (bone-in)	0,000	
— boned or boneless	0,000	

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 November 1988

on aid granted by the French Government to an undertaking manufacturing equipment for the motor vehicle industry — Valéo

(Only the French text is authentic)

(89/348/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments, as provided for in the said Article 93, and having regard to such comments,

Whereas :

I

By letter dated 28 June 1985, registered on 3 July 1985, the French Government sent the Commission information concerning the granting of aid to a manufacturer of equipment for the motor vehicle industry.

The aid, granted in the form of an FIM (fonds industriel de modernisation — industrial modernization fund) loan amounting to FF 160 million, was intended to help finance a FF 227 480 000 investment programme which the undertaking planned to carry out in 1984 and 1985 with a view to introducing advanced production processes and technology for the manufacture of new products. The investment projects are as follows :

- heating and cooling systems : development of more efficient radiators to meet the requirements of European motor vehicle manufacturers and simultaneous design of the production process (FF 34 185 000),

- friction materials : design of products meeting the new asbestos-free manufacturing standards imposed by statutory rules or by private agreements and adjustment of the manufacturing processes (FF 19 050 000),

- motors and applications thereof : modification of front and rear windscreen-wiper motors, of cooling systems and motors and automation of production facilities (FF 31 960 000),

- lighting systems : design of a new type of headlight using new technology (replacing metal technology by plastics technology) involving total conversion of production plant (FF 23 835 000),

- clutches : launch of totally new product — pull-type clutches for heavy vehicles — with robotization of manufacture as part of a complete reorganization of production management (FF 39 450 000),

- intangible investment in the various branches : (FF 22 300 000),

- investment in CAD (computer-assisted design) : (FF 45 500 000),

- investment in CAPM (computer-assisted production management) : (FF 11 200 000).

In its Decision 85/378/EEC (⁽¹⁾), the Commission made it clear that FIM loans constitute aid within the meaning of Article 92 (1) of the EEC Treaty, and it made the granting of such loans subject to the requirement that all significant cases be notified in advance.

(⁽¹⁾) OJ No L 216, 13. 8. 1985, p. 12.

The loans were initially granted at an interest rate of 9,25 % (subsequently reduced to 8,25 %) for a maximum term of 10 years with a grace period of up to two years. They are intended to support investment projects of an innovative nature, notably those involving the installation of high-technology plant and equipment, office automation and biotechnology.

The Commission took the view that the abovementioned FF 160 million loan comprises elements of aid within the meaning of Article 92 (1) and was not likely to comply with the conditions laid down in Article 92 (3) in order to qualify for one of the exemptions set out therein. It therefore initiated the procedure provided for in Article 93 (2) in respect of the aid.

By letter dated 26 February 1986, the Commission gave the French Government notice to submit its comments to it. The other Member States were informed of the initiation of the procedure and given notice to present their comments by letter dated 13 May 1986. Third parties were similarly informed and given notice to submit their comments by the publication of a notice in the C series of the *Official Journal of the European Communities*⁽¹⁾.

II

By letter dated 24 December 1986, the French authorities submitted their comments.

According to the French authorities, the Valéo group had planned to carry out investment projects amounting to FF 665 million in 1984 and 1985. In financing the programme, the undertaking had relied largely on internally generated funds. It had also received contributions from its shareholders and had made various long and medium-term borrowings from the French banking system or on the financial market at widely differing interest rates depending on the financing arrangements.

The FIM loan had been intended for investment projects of a genuinely innovative nature involving in particular the introduction of manufacturing processes and technology allowing genuinely new products to be produced. The investment programme had not received any public aid and had had little effect on intra-Community trade.

The information provided by the French authorities by letters dated 28 June 1985 and 24 December 1986 did not allow the Commission either to calculate the aid element of the FIM loan (the terms of the loan not having been made known) or to assess the nature of the investment.

So as to remedy these omissions, the Commission requested the French authorities, by telex dated 13 February 1988, to inform it within two weeks (the

deadline was subsequently extended to 10 March 1988) of the terms of the loan (in particular the date when the loan was granted and the interest rate charged) and to provide any useful information that could be taken into consideration by the Commission in assessing the innovative nature at Community level of the investment aided.

By letter dated 15 April 1988, the French authorities informed the Commission that the FIM loan had been granted at an interest rate of 8,75 % for a term of 10 years and that it had been paid in two instalments of FF 80 million each on 8 August 1985 and 10 April 1986. The FIM loan had contributed to the carrying-out of an exceptional innovative programme geared to the introduction of new products and changes in the various manufacturing processes.

As part of the procedure, the governments of two other Member States and one association of undertakings submitted comments.

III

Under Commission Decision 85/378/EEC, all FIM loans constitute aid within the meaning of Article 92 (1) of the EEC Treaty, since they affect trade between Member States and distort or threaten to distort competition by favouring certain undertakings or the production of certain goods.

The FF 160 million FIM loan which the French Government granted to Valéo thus constitutes an aid which enabled the recipient to carry out a series of investments without having to bear their full cost.

The aid elements contained in the FIM loans derive from the two-year grace period and the difference between the interest rate on the FIM loan granted to the undertaking and the interest rate charged by the Crédit National for 'equipment loans'.

The FF 160 million FIM loan was granted to the recipient at an interest rate of 8,75 %. At the time when the first FF 80 million instalment was paid (8 August 1985), the abovementioned reference rate was 13 % and, at the time when the second FF 80 million instalment was paid (10 April 1986), the reference rate was 11 %. The interest subsidy thus amounts to 4,25 percentage points a year on the first instalment of the loan and 2,25 percentage points a year on the second instalment.

IV

Under Article 93 (3), aid must be notified at the planning stage and must be granted only when the Commission has taken its decision (suspensory effect). Since the aid in question has already been granted, it follows that it is unlawful, since it infringes the procedural provisions of Article 93 (3).

⁽¹⁾ OJ No C 128, 27. 5. 1986, p. 14.

Given the mandatory nature of the procedural rules laid down in Article 93 (3) (see the judgments of the Court of Justice on 11 December 1973 in Case 120/73 — Lorenz and 22 March 1977 in Case 78/76 — Steinike), the unlawfulness of the aid cannot be rectified *a posteriori*. Furthermore, the Commission can require Member States to recover aid from recipients (see judgment of 12 July 1973 in Case 70/72 — Kohlegesetz).

V

In view of the conditions laid down in Article 92 (1) of the EEC Treaty, the Commission would point out the following:

The motor vehicle components market, on which the recipient of the aid operates, is characterized by a large number of extremely heterogeneous products that may be classified into the following categories: electrical equipment, engine equipment, chassis equipment and bodywork equipment.

In the Community, the components sector comprises more than 4 500 undertakings, most of which are highly specialized small and medium-sized undertakings. However, certain subsectors, including the electrical equipment and friction materials (clutches and brakes) subsectors, are dominated by a number of large undertakings (e.g. Bosch, Valéo, Lucas, GKN and Fiat), which are, moreover, often interlinked; thus, Bosch and Valéo have common links through their holdings in the Société Financière d'Équipements Automobiles (FEA), which controls various manufacturing companies such as Société de Paris et du Rhône and Cibié-projecteurs.

Motor vehicle components have to meet the requirements of two different markets, namely the market in original equipment parts for the motor vehicle industry and the spare parts market. It is estimated that some 40 % of the parts used by the Community motor vehicle industry are supplied by the components industry. Exports of parts, components and motor vehicle accessories from France to the other Member States are reported to have amounted to FF 3 365 million in 1986.

Competition between the various motor vehicle components manufacturers is therefore strong and international trade considerable.

As far as Valéo's position on the relevant markets is concerned, the company's own annual report shows that, with a turnover of FF 11 532 million in 1985, it is one of the five leading European manufacturers of equipment for the motor vehicle industry. Its main branches of activity are electrical accessories for engines (alternators, starter motors and ignition equipment), lighting, clutches and heating and cooling systems (coolant radiators, heating

and ventilation equipment, air conditioning). In addition, the undertaking manufactures friction materials (clutch plates and brake linings), windscreen wiper products and electric motors (motors and applications branch), industrial equipment and prefabricated elements for the building industry.

Valéo is the world's leading manufacturer of clutch linings, car clutches and European specification headlights, the world's second largest manufacturer of motor vehicle radiators and Europe's largest manufacturer of alternators and starters.

In 1985, exports by the Valéo group's French plants accounted for 21 % of the group's consolidated total turnover. Products manufactured and sold abroad accounted for 24 % of turnover.

The abovementioned annual report also shows that in 1984 more than 30 % of the turnover of the clutch and motors and applications branches was accounted for by exports, and that more than two-thirds of the turnover of the heating and cooling systems branch was accounted for by international activities (exports and production abroad).

In view of the above considerations, the situation on the market in question and the undertaking's position on that market, the aid in the form of an FF 160 million FIM loan granted to Valéo is liable to affect trade between Member States and distort competition within the meaning of Article 92 (1) of the EEC Treaty.

The aid distorts competition by improving the financial situation of the recipient and by reducing investment costs, which gives the recipient a competitive advantage over other producers that have carried out or are carrying out similar investment at their own expense.

VI

Article 92 (1) lays down the principle that aid having the characteristics set out therein is incompatible with the common market. As far as the derogations from that principle are concerned, those set out in Article 92 (2) of the EEC Treaty are not applicable in this case, given the nature and objectives of the aid.

Under the terms of Article 92 (3) of the EEC Treaty, aid which may be considered compatible with the common market must be assessed in the Community context and not in the context of a single Member State. So as to preserve the proper functioning of the common market and to take account of the principles laid down in Article 3 (f) of the EEC Treaty, the derogations from the principle laid down in Article 92 (1) of the EEC Treaty set out in paragraph 3 of that Article must be interpreted narrowly in examining any aid scheme or any individual aid measure.

In particular, the derogations may be allowed only if the Commission finds that market forces would not in themselves be sufficient without the aid to prompt the possible recipient to take action in order to achieve one of the objectives pursued.

Granting the derogations in cases which do not contribute to such an objective would amount to conferring advantages on the industries or undertakings of certain Member States, by affecting the conditions of trade between Member States to an extent contrary to the common interest.

In Decision 85/378/EEC authorizing the FIM aid scheme, the Commission concluded that neither furtherance of the priority industrial interests of France nor industrial modernization as such could be said to be sufficiently in the Community interest to justify application of one of the exceptions provided for in Article 92 (3), for in significant cases the schemes are likely to affect trading conditions to an extent contrary to the common interest by strengthening the position of the aided firms *vis-à-vis* their competitors in the Community. This consideration was the main reason for taking two negative decisions, the first, on 12 November 1986, against a proposed FIM loan in the mineral water and glass-bottle sector (Commission Decision 87/194/EEC)⁽¹⁾ and the second, on 14 January 1987, against a loan granted in the brewing sector (Commission Decision 87/303/EEC)⁽²⁾. The Court of Justice confirmed the validity of the Commission's approach in the matter (see judgment of 13 July 1988 in Case 102/87 *France v. Commission*).

With regard to the provisions of Article 92 (3) (a) concerning aid to promote the development of certain areas, the areas in which the investment by Valéo has been carried out do not suffer from an abnormally low standard of living or from serious underemployment within the meaning of the derogation provided for in paragraph 3 (a) of that Article. The areas concerned are not among the areas qualifying for this exemption.

With regard to the derogation provided for in Article 92 (3) (b), no aspect of the case makes it possible in any way whatsoever to take the view that the aid is intended to promote a project of common European interest (see judgment of 8 March 1988 in Joined Cases 62/87 and

72/87) or to remedy a serious disturbance in the French economy. Nor has the French Government put forward such grounds to justify the aid.

Similarly, the aid does not fulfil the conditions laid down in Article 92 (3) (c) regarding certain economic areas. FIM loans are not in general granted to undertakings operating in regions determined in advance. They are not therefore intended to facilitate the development of certain areas, and, in the case in point, the French Government has not put forward such grounds to justify the award of the FF 160 million loan to Valéo. Consequently, the aid does not qualify for this particular exemption.

Lastly, as far as the derogation provided for in Article 92 (3) (c) for aid to facilitate the development of certain economic activities is concerned, it should be borne in mind that, as stated in Decision 85/378/EEC, the only investment projects that may qualify for FIM loans are those of an innovative character at Community level.

The French Government attached to its letter of 15 April 1988 a document describing the investment projects which the FIM loan is helping to finance.

The Commission has subjected this information to a thorough technical examination in order to determine the extent to which the investment projects receiving aid involve genuine innovation at Community level.

The Commission has concluded that the investment in the heating and cooling systems branch (FF 34 185 000), aimed at developing more efficient radiators and at the same time establishing the manufacturing process, is necessary in order to enable the undertaking to meet the requirements of modernization and maintain its competitive position on the market.

The investment in the friction materials branch (FF 19 050 000) relates to the design of products complying with the new asbestos-free manufacturing standards imposed by statutory rules or by private agreements and is aimed at making the necessary adjustments in manufacturing processes.

The investment carried out in the motors and applications branch (FF 31 960 000) relates essentially to changes in front and rear wiper motors and in cooling systems and motors and the automation of production facilities. The changes in these products have been made necessary by the reduction in available space caused by the more aerodynamic design of vehicles. At the same time, the invest-

⁽¹⁾ OJ No L 77, 19. 3. 1987, p. 43.

⁽²⁾ OJ No L 152, 12. 6. 1987, p. 27.

ment is intended to develop a range of standard wind-screen wipers that can be fitted to all vehicles and the manufacture of wiper blades.

The investment projects carried out in the three above-mentioned branches are not therefore innovative in nature, since they are intended to update existing products and to modernize manufacturing processes. Competitors of the recipient undertaking have had to meet the same requirements and have carried out their investment without State aid. It is quite normal and in the interests of the manufacturer that the manufacturer should use the most efficient techniques and materials allowing a reduction in manufacturing and management costs while at the same time modernizing the range of products available.

The investment projects funded by the FIM loan also included intangible investment amounting to FF 22 300 000 for all branches and investment in CAD (computer-assisted design) and CAPM (computer-assisted production management) amounting to FF 45 500 000 and FF 11 200 000. The French authorities have not provided the necessary information to allow the Commission to assess the innovative nature of such investment. The Commission thus finds itself in a situation similar to that underlying the Decision referred to in the judgment of the Court of Justice in Case 234/84 *Belgium v. Commission*.

Consequently, the aid deriving from the part of the FIM loan intended for investment projects in the heating and cooling systems, friction materials and motors and applications branches and for the intangible investment and the investment in CAD/CAPM, amounting to FF 115 488 000 (72,18 % of the total FF 160 million loan — the abovementioned investment amounting to FF 164 195 000 is equivalent to 72,18 % of the total investment of FF 227 480 000) is not compatible with the common market, because it does not fulfil the conditions laid down in Article 92 (3) and those laid down by the Commission in its Decision 85/378/EEC. At the time of adoption of the present Decision, the incompatible aid amounted to FF 10 680 000 (see VIII below).

VII

By contrast, the information provided by the French authorities by letter dated 15 April 1988 has allowed the Commission to establish that the investment carried out in the lighting branch (FF 23 835 000) and the clutches branch (FF 39 450 000) are not simply investment aimed at modernization, whose costs would have to be borne by

the undertaking without any State aid, but investment aimed at developing genuinely innovative products⁽¹⁾.

The innovation in these two branches has been reflected in the launching of totally new products linked to a change in manufacturing technology. In the case of the lighting branch, the innovation involved the design of a new type of headlight using new technology (replacement of metal technology by plastics technology) entailing total conversion of the production facilities. In the clutches branch, the innovation involves the launching of a totally new product (heavy-lorry pull-type clutches) with robotization of production forming part of a complete reorganization of production management.

Consequently, the aid deriving from the part of the FIM loan intended for the investment in the lighting and clutches branches, amounting to FF 44 512 000 (27,82 % of the total FF 160 million loan — the abovementioned investment amounting to FF 63 285 000 represents 27,82 % of the total investment of FF 227 480 000) is compatible with the common market, because it complies with the conditions laid down by the Commission in its Decision 85/378/EEC.

VIII

In the light of all the above considerations, the FF 160 million FIM loan comprising elements of aid within the meaning of Article 92 (1) of the EEC Treaty in the form of an interest subsidy and a two-year grace period must be deemed to have been granted unlawfully in breach of the provisions of Article 93 (3) of the EEC Treaty.

Part of the loan, namely the FF 44 510 000 intended for investment of an innovative nature carried out in the lighting and clutches branches must be deemed to be aid liable to facilitate the development of certain economic activities within the meaning of Article 92 (3) (c) of the EEC Treaty without adversely affecting trading conditions to an extent contrary to the common interest and is therefore compatible with the common market.

However, the part of the loan intended for investment in the heating and cooling systems, friction materials and motors and applications branches and for intangible investment and investment in CAD/CAPM (FF 115 488 000)

⁽¹⁾ In determining whether the investments in question involved genuine innovation at Community level, the Commission based itself on the same criteria that allowed it to adopt a favourable attitude on the following FIM loans: Jaeger (letter to the French Government SG(88)D/3990 of 30 March 1988), Merlin-Gerin (SG(88)D/3763 of 28 March 1988), Thomson Télécommunications (SG(87)D/16201 of 28 December 1987), Bull (SG(86)D/15202 of 15 December 1986), Matra-Harris (SG(86)D/15198 of 15 December 1986) and La Radiotechnique (SG(86)D/15531 of 18 December 1986).

constitutes aid which is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and must be recovered.

For this purpose, the incompatible aid element contained in the FIM loan must be abolished by requesting repayment of the incompatible part of the loan or by applying normal market conditions to it, and, at all events, by requiring the repayment of the incompatible interest subsidies which Valéo has improperly received up to the time of the abovementioned change in the terms and conditions attaching to this part of the loan. In quantifying the aid element, the Commission first calculated, in respect of the two instalments of the loan, the difference between the reference market rate at the time when the loan was granted (13 % when the first instalment was granted and 11 % when the second instalment was granted) and the interest rate attaching to the loan (8,75 % on each of the two instalments); the interest subsidy thus amounts to 4,25 percentage points in the case of the first instalment of the loan granted on 8 August 1985 and to 2,25 percentage points in the case of the second instalment granted on 10 April 1986. At the time of adoption of this Decision, the interest subsidy on the incompatible part of the loan resulted in a gain of FF 11 255 600 (FF 7 899 200 in respect of the first instalment and FF 3 356 400 in respect of the second instalment).

This amount should if necessary be increased by any interest subsidy that Valéo might improperly receive beyond the two-month period provided for in Article 3 of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The FF 115 488 000 portion of the FIM loan granted to Valéo and notified to the Commission on 28 June 1985,

comprising elements of aid within the meaning of Article 92 (1) of the EEC Treaty, is unlawful since it infringes the procedural provisions laid down in Article 93 (3) of the EEC Treaty. In addition, it is incompatible with the common market within the meaning of Article 92 (1).

Article 2

The French Government shall abolish the aid elements contained in the incompatible part of the FIM loan referred to in Article 1 by requiring that part to be repaid or by applying to it a market-related interest rate, such rate corresponding to that of the equipment loans granted by the Crédit National at the time when the FIM loan was granted. The French Government shall at all events require, without delay, the repayment of the interest subsidy attaching to the incompatible part of the loan and amounting to FF 11 255 600, which Valéo received up to the date of adoption of this Decision.

Article 3

The French Government shall inform the Commission, within two months of being notified of this Decision, of the measures it has taken to comply with it.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 23 November 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission