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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1985/89

of 4 July 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 1834/89⁽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 1915/89⁽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 3 July 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 1915/89 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 5 July 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 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 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 4 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 July 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	34,31	125,44
0712 90 19	34,31	125,44
1001 10 10	13,87	148,26 ⁽¹⁾ ⁽²⁾
1001 10 90	13,87	148,26 ⁽¹⁾ ⁽²⁾
1001 90 91	13,66	103,46
1001 90 99	13,66	103,46
1002 00 00	41,42	110,97 ⁽³⁾
1003 00 10	32,09	102,64
1003 00 90	32,09	102,64
1004 00 10	23,49	78,21
1004 00 90	23,49	78,21
1005 10 90	34,31	125,44 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	125,44 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	136,26 ⁽⁴⁾
1008 10 00	32,09	0,00
1008 20 00	32,09	15,15 ⁽⁴⁾
1008 30 00	32,09	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	32,09	0,00
1101 00 00	32,13	157,85
1102 10 00	70,99	168,36
1103 11 10	35,82	244,13
1103 11 90	34,71	170,48

⁽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 1986/89

of 4 July 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 1834/89⁽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 1916/89⁽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 3 July 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 5 July 1989.

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

Done at Brussels, 4 July 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 180, 27. 6. 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 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 4 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	1,68
1001 10 90	0	0	0	1,68
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 1987/89
of 4 July 1989
fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Regulation (EEC) No 2518/69 of the Council of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it

necessary to vary the refund for a given product according to the destination of that product;

Whereas the refund applicable to exports of tomatoes to Sweden should be reduced during the period 1 July to 30 September pursuant to the undertakings entered into with that country under the 1980 agreement⁽⁵⁾;

Whereas tomatoes, fresh lemons, apples, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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 coefficient provided for in the last indent 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 these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 5 (1) (b) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁸⁾, as last amended by Regulation (EEC) No 3993/88⁽⁹⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 19 (1) (c) of Regulation (EEC) No 3665/87 may be applied;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 194, 28. 7. 1980, p. 12.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 354, 22. 12. 1988, p. 22.

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively; whereas, in particular as regards the arrangements applicable to exports to Spain from the Community as constituted at 31 December 1985, Article 141 provides that, during the first phase, the Community is not in principle to grant export refunds; whereas, pursuant to Article 146, the Kingdom of Spain is to be authorized to maintain, during the first phase, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas Article 275 provides for a special procedure for the grant of refunds on exports to Portugal from the Community as constituted at 31 December 1985; whereas, pursuant to Article 283, the Portuguese Republic is to be authorized to maintain, during the first stage, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas, under those circumstances, refunds for such exports should not be provided for in this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. The provisions of Articles 5 (1)(b) and 19 (1)(c) of Regulation (EEC) No 3665/87 shall apply to exports of sweet oranges, lemons, walnuts in shell, shelled hazelnuts and apples as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 July 1989.

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

Done at Brussels, 4 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 July 1989 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (1)	Amount of refund (2)
0702 00 10 100	—	4,50 (3)
0702 00 10 900	—	—
0702 00 90 100	—	4,50 (3)
0702 00 90 900	—	—
0802 12 90 000	—	9,67
0802 21 00 000	—	11,30
0802 22 00 000	—	21,80
0802 31 00 000	—	14,00
0805 10 11 100	01	—
	09	—
0805 10 11 300	01	—
	09	—
0805 10 11 900	—	—
0805 10 15 100	01	—
	09	—
0805 10 15 300	01	—
	09	—
0805 10 15 900	—	—
0805 10 19 100	01	—
	09	—
0805 10 19 300	01	—
	09	—
0805 10 19 900	—	—
0805 10 21 100	01	—
	09	—
0805 10 21 300	01	—
	09	—
0805 10 21 900	—	—
0805 10 25 100	01	—
	09	—
0805 10 25 300	01	—
	09	—
0805 10 25 900	—	—
0805 10 29 100	01	—
	09	—
0805 10 29 300	01	—
	09	—
0805 10 29 900	—	—
0805 10 31 100	01	—
	09	—
0805 10 31 300	01	—
	09	—
0805 10 31 900	—	—
0805 10 35 100	01	—
	09	—
0805 10 35 300	01	—
	09	—
0805 10 35 900	—	—

(ECU/100 kg net)		
Product code	Destination of refund (1)	Amount of refund (2)
0805 10 39 100	01	—
	09	—
0805 10 39 300	01	—
	09	—
0805 10 39 900	—	—
0805 10 41 100	01	—
	09	—
0805 10 41 300	01	—
	09	—
0805 10 41 900	—	—
0805 10 45 100	01	—
	09	—
0805 10 45 300	01	—
	09	—
0805 10 45 900	—	—
0805 10 49 100	01	—
	09	—
0805 10 49 300	01	—
	09	—
0805 10 49 900	—	—
0805 20 50 100	—	—
0805 20 50 900	—	—
0805 30 10 100	01	15,00
	09	10,00
0805 30 10 900	—	—
0806 10 11 100	—	4,84
0806 10 11 300	—	4,84
0806 10 11 900	—	—
0806 10 15 100	—	4,84
0806 10 15 300	—	4,84
0806 10 15 900	—	—
0806 10 19 100	—	4,84
0806 10 19 300	—	4,84
0806 10 19 900	—	—
0808 10 91 100	—	—
0808 10 91 910	02	14,00
	03	4,50
	04	14,00
0808 10 91 990	—	—
0808 10 93 100	—	—
0808 10 93 910	02	14,00
	03	4,50
	04	14,00
0808 10 93 990	—	—
0808 10 99 100	—	—
0808 10 99 910	02	14,00
	03	4,50
	04	14,00
0808 10 99 990	—	—
0809 30 00 110	05	5,00
0809 30 00 190	—	—
0809 30 00 900	05	5,00

Notes :

(¹) The destinations are as follows :

- 01 countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Djibouti, the countries of the Arabian peninsula including the territories attached thereto (Saudi Arabia, Bahrain, Qatar, Kuwait, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Yemen Arab Republic and People's Democratic Republic of Yemen), Iran, Iraq and Jordan,
- 03 countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland, Greenland and Malta,
- 04 Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 05 all destinations excluding Switzerland and Austria,
- 09 other destinations.

(²) The refunds fixed in this Regulation shall not apply to exports :

- to Spain and Portugal from the Community as constituted at 31 December 1985,
- to third countries from Spain and tiers.

(³) For exports to Sweden in the period 1 July to 30 September 1989, the refund is reduced to ECU 0,68/100 kg.

**COMMISSION REGULATION (EEC) No 1988/89
of 4 July 1989**

**concerning applications for export licences for products falling within CN code
1101 00 00 with advance fixing of the refund**

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 1834/89 ⁽²⁾,

Whereas Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽³⁾, as amended by Regulation (EEC) No 990/89 ⁽⁴⁾, provides until 1 July 1989 for an interval of four working days between the day of submission of applications and the granting of export licences with advance fixing of the refund for wheat flour falling within CN code 1001 00 00 and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported; whereas applications for licences submitted on 30 June 1989 relate to 85 064 tonnes and the maximum quantity which may be exported is 0

tonnes; whereas the percentage for the reduction in the export licence applications submitted on 30 June 1989 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences with advanced fixing of the refund conveyed to the Commission before 1 July 1989 for wheat flour falling within CN code 1101 00 00, submitted on 30 June 1989, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0. Requests that are not conveyed to the Commission before 1 July 1989 shall be refused.

Article 2

This Regulation shall enter into force on 5 July 1989.

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

Done at Brussels, 4 July 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 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 106, 18. 4. 1989, p. 26.

COMMISSION REGULATION (EEC) No 1989/89

of 4 July 1989

fixing the minimum import price applicable to certain types of processed cherries during the 1989/90 marketing year

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 1201/88 of 28 April 1988 establishing import mechanisms for certain processed products obtained from sour cherries and originating in Yugoslavia ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Council Regulation (EEC) No 3225/88 ⁽⁴⁾ fixes general rules for the system of minimum import prices for certain processed cherries;

Whereas, pursuant to Article 9 (2) of Regulation (EEC) No 426/86, minimum import prices are to be determined having regard in particular to:

- the free-at-frontier prices on import into the Community,
- the prices obtaining on world markets,
- the situation on the internal Community market,
- the trend of trade with non-member countries;

Whereas a minimum import price should be fixed on the basis of the abovementioned criteria for the 1989/90

marketing year for certain types of processed cherries listed in Annex I (B) to Regulation (EEC) No 426/86; whereas the minimum price thus established must apply to the same products originating in Yugoslavia, referred to in Annex I to Regulation (EEC) No 1201/88 ;

Whereas the Management Committee for products processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 9 (1) of Regulation (EEC) No 426/86 and Article 1 (1) of Regulation (EEC) No 1201/88, for each of the products listed in the Annex to this Regulation, the minimum import price applicable during the 1989/90 marketing year shall be as set out in that Annex.

Article 2

This Regulation shall enter into force on the eighth 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, 4 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 115, 3. 5. 1988, p. 9.

⁽⁴⁾ OJ No L 288, 21. 10. 1986, p. 11.

ANNEX

(ECU/100 kg net weight)

CN code	Description	Minimum import price
ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter :	
ex 0811 90	- Other :	
	- - Containing added sugar or other sweetening matter :	
ex 0811 90 10	- - - With a sugar content exceeding 13% by weight :	
	- - - - Sour cherries (<i>Prunus cerasus</i>) :	
ex 0811 90 10	- - - - - Unstoned	48,20
ex 0811 90 10	- - - - - Other	54,50
	- - - - Other cherries :	
ex 0811 90 10	- - - - - Unstoned	48,20
ex 0811 90 10	- - - - - Other	54,50
ex 0811 90 30	- - - Other :	
	- - - - Sour cherries (<i>Prunus cerasus</i>) :	
ex 0811 90 30	- - - - - Unstoned	48,20
ex 0811 90 30	- - - - - Other	54,50
	- - - - Other cherries :	
ex 0811 90 30	- - - - - Unstoned	48,20
ex 0811 90 30	- - - - - Other	54,50
	- - Other :	
ex 0811 90 90	- - - Other :	
	- - - - Sour cherries (<i>Prunus cerasus</i>) :	
ex 0811 90 90	- - - - - Unstoned	48,20
ex 0811 90 90	- - - - - Other	54,50
	- - - - Other cherries :	
ex 0811 90 90	- - - - - Unstoned	48,20
ex 0811 90 90	- - - - - Other	54,50
ex 1812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :	
0812 10 00	- Cherries :	
ex 0812 10 00	- - Sour cherries (<i>Prunus cerasus</i>)	—
ex 0812 10 00	- - Other	—
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :	
2008 60	- Cherries :	
	- - Not containing added spirit	
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg :	
2008 60 51	- - - - Sour cherries (<i>Prunus cerasus</i>)	60,80
2008 60 59	- - - - Other	60,80
	- - - Containing added sugar, in immediate packings of a net content not exceeding 1 kg :	
2008 60 61	- - - - Sour cherries (<i>Prunus cerasus</i>)	67,10
2008 60 69	- - - - Other	67,10
	- - - Not containing added sugar, in immediate packings of a net content :	
	- - - - Of 4,5 kg or more :	
2008 60 71	- - - - - Sour cherries (<i>Prunus cerasus</i>)	53,70
2008 60 79	- - - - - Other	53,70
	- - - - Of less than 4,5 kg :	
2008 60 91	- - - - - Sour cherries (<i>Prunus cerasus</i>)	58,70
2008 60 99	- - - - - Other	58,70

COMMISSION REGULATION (EEC) No 1990/89**of 4 July 1989****amending Council Regulation (EEC) No 1009/86 establishing general rules applying to production refunds in the cereals and rice sector following the introduction of the combined nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 1672/89⁽²⁾, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 1834/89⁽⁴⁾, and in particular Article 11a (1) thereof,

Whereas, in accordance with the second subparagraph of Article 15 (1) of Regulation (EEC) No 2658/87, adaptations of a technical nature of Community acts quoting the combined nomenclature are to be effected by the Commission; whereas, in accordance with Article 11a (1) of Regulation (EEC) No 2727/75, the list of products which may qualify for production refunds is to be amended in accordance with the procedure laid down in Article 26 of that Regulation if certain conditions are met; whereas the conditions were determined by Article

1 of Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector⁽⁵⁾;

Whereas the latter Regulation must be adapted technically; whereas the list should also be amended by deleting certain products in accordance with the criteria laid down in Article 1 (2) of that Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1009/86 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 5 July 1989.

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

Done at Brussels, 4 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 169, 19. 6. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 6.

ANNEX

ANNEX

Products for which starch and/or its derivatives are used falling within the following codes and chapters of the combined nomenclature

CN code	Description
ex 1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
	– Mucilages and thickeners, whether or not modified, derived from vegetable products
ex 1302 39 00	– – Other:
	– Carrageenan
ex 1404	Vegetable products not elsewhere specified or included:
1404 20 00	– Cotton linters
ex 1520	Glycerol (glycerine), whether or not pure; glycerol waters and glycerol lyes:
1520 90 00	– Other, including synthetic glycerol
1702 50 00	– Chemically pure fructose
ex 1702 90	– Other, including invert sugar:
1702 90 10	– – Chemically pure maltose
ex Chapter 29	Organic chemicals excluding CN codes 2905 43 00 and 2905 44
Chapter 30	Pharmaceutical products
3402	Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading No 3401
ex Chapter 35	Albuminoidal substances; modified starches; glues; enzymes excluding CN codes 3501 and 3505 10 10, 3505 10 90 and 3505 20
ex Chapter 38	Miscellaneous chemical products excluding CN codes No 3809 and 3823 60
Chapter 39	Plastics and articles thereof
Chapter 40	Rubber and articles thereof
ex Chapter 48	Paper and Paperboard; articles of paper pulp, of paper or of paperboard
4801 00	Newsprint, in rolls or sheets
4802	Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and punch card stock and punch tape paper, in rolls or sheets, other than paper of CN code 4801 and 4803; handmade paper and paperboard
4803 00	Toilet or facial tissue stock, towel or napkin stock and similar paper of a kind used for household or sanitary purposes, cellulose wadding and webs of cellulose fibres, whether or not creped, crinkled, embossed, perforated, surface-coloured, surface-decorated or printed, in rolls of a width exceeding 36 cm or in rectangular (including square) sheets with at least one side exceeding 36 cm in unfolded state
4804	Uncoated kraft paper and paperboard, in rolls or sheets, other than that of CN code 4802 or 4803
4805	Other uncoated paper and paperboard, in rolls or sheets
4806	Vegetable parchment, greaseproof papers, tracing papers, and glassine and other glazed transparent or translucent papers, in rolls or sheets

CN code	Description
4807	Composite paper and paperboard (made by sticking flat layers of paper or paperboard together with an adhesive), not surface-coated or impregnated, whether or not internationally reinforced, in rolls or sheets
4808	Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than that of CN code 4803 or 4818
4809	Carbon paper, self-copy paper and other copying or transfer papers (including coated or impregnated paper for duplicator stencils or offset plates), whether or not printed, in rolls of a width exceeding 36 cm or in rectangular (including square) sheets with at least one side exceeding 36 cm in unfolded state
4810	Paper and paperboard, coated on one or both sides with kaolin (china clay) or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-coloured, surface-decorated or printed, in rolls or sheets
4811	Paper, paperboard, cellulose wadding and webs of cellulose fibres, coated, impregnated, covered, surface-coloured, surface-decorated or printed, in rolls or sheets, other than goods of CN code 4803, 4809, 4810 or 4818
4812 00 00	Filter blocks, slabs and plates, of paper pulp
ex 4813	Cigarette paper, whether or not cut to size or in the form of booklets or tubes :
ex 4813 90	— Other
ex 4814	Wallpaper and similar wall coverings ; window transparencies of paper :
4814 10 00	— 'Ingrain' paper
4814 20 00	— Wallpaper and similar wall coverings, consisting of paper coated or covered, on the face side, with a grained, embossed, coloured, design-printed or otherwise decorated layer of plastics
4814 90	— Other
ex 4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of CN code 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes :
4816 10 00	— Carbon or similar copying papers
4816 90 00	— Other
Chapter 52	Cotton
ex 5801	Woven pile fabrics and chenille fabrics, other than fabrics of CN code 5806 :
5801 21 00	— — Uncut weft pile fabrics
ex 5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of CN code 5806 ; tufted textile fabrics, other than products of CN code 5703 :
	— Terry towelling and similar woven terry fabrics, of cotton :
5802 11 00	— — Unbleached
5802 19 00	— — Other
ex 5803	Gauze, other than narrow fabrics of CN code 5806 :
5803 10 00	— Of cotton

COMMISSION REGULATION (EEC) No 1991/89
of 4 July 1989
altering the import levies on products processed from cereals and rice

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 1882/89 ⁽²⁾, and in particular Article 14 (4) thereof, ...

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1219/89 ⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1882/89 ⁽⁷⁾, as amended by Regulation (EEC) No 1964/89 ⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87 ⁽⁹⁾ amended Council Regulation (EEC) No 2744/75 ⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 182, 29. 6. 1989, p. 10.

⁽⁸⁾ OJ No L 187, 1. 7. 1989, p. 124.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 over 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 3 July 1989;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission ⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78 ⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1882/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 5 July 1989.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 4 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 July 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1103 21 00	27,26	194,39	188,35
1104 19 10	27,26	194,39	188,35
1104 29 10*10 (*)	18,70	142,19	139,17
1104 29 30*10 (*)	21,88	170,44	167,42
1104 29 91	15,05	109,75	106,73
1104 30 10	14,88	84,52	78,48
1107 10 11	31,87	197,14	186,26
1107 10 19	26,56	150,05	139,17
1108 11 00	46,49	250,76	230,21
1109 00 00	228,50	599,90	418,56
2302 10 10	16,04	52,25	46,25
2302 10 90	27,52	105,12	99,12
2302 20 10	16,04	52,25	46,25
2302 20 90	27,52	105,12	99,12
2302 30 10	16,04	52,25	46,25
2302 30 90	27,52	105,12	99,12
2302 40 10	16,04	52,25	46,25
2302 40 90	27,52	105,12	99,12

(*) TARIC code : wheat.

COMMISSION REGULATION (EEC) No 1992/89
of 4 July 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 1920/89 ⁽³⁾, as amended by Regulation (EEC) No 1984/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 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 5 July 1989.

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

Done at Brussels, 4 July 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 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 189, 4. 7. 1989, p. 37.

ANNEX

to the Commission Regulation of 4 July 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	25,38 ⁽¹⁾
1701 11 90	25,38 ⁽¹⁾
1701 12 10	25,38 ⁽¹⁾
1701 12 90	25,38 ⁽¹⁾
1701 91 00	26,29
1701 99 10	26,29
1701 99 90	26,29 ⁽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 1993/89
of 4 July 1989
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1773/89 ⁽³⁾, as last amended by Regulation (EEC) No 1983/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1773/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1773/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 July 1989.

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

Done at Brussels, 4 July 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 174, 22. 6. 1989, p. 19.

⁽⁴⁾ OJ No L 189, 4. 7. 1989, p. 35.

ANNEX

to the Commission Regulation of 4 July 1989 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	17,75 ⁽¹⁾	
1701 11 90 910	22,00 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	17,75 ⁽¹⁾	
1701 12 90 910	22,00 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,1930
1701 99 10 100	19,30	
1701 99 10 910	23,93	
1701 99 10 950	22,43	
1701 99 90 100		0,1930

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 June 1989

relating to a proceeding under Article 85 of the EEC Treaty (IV/27.958 —
National Sulphuric Acid Association)

(Only the English text is authentic)

(89/408/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 6 and 8 thereof,

Having regard to the application submitted by the National Sulphuric Acid Association Ltd to the Commission pursuant to Article 8 (2) of Regulation No 17 requesting renewal of Commission Decision 80/917/EEC⁽²⁾ for a period of 10 years,

Having regard to the publication⁽³⁾ pursuant to Article 19 (3) of Regulation No 17 of a summary of the rules of the joint buying Pool and relevant changes which have occurred since Decision 80/917/EEC, in which the Commission granted an exemption pursuant to Article 85 (3) to the rules of the joint buying Pool of the National Sulphuric Acid Association Ltd, London, for a period ending on 31 December 1988, was adopted,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions pursuant to Article 10 (3) of Regulation No 17,

I. THE FACTS

- (1) The joint buying Pool (the Pool) of the National Sulphuric Acid Association Ltd, (the Association), is operated by a Management Committee which negotiates for and purchases the quantities of imported sulphur requirements of the members of the Association.

Each member has to purchase from the pool at least 25 % of the total imported sulphur acquired by him in any calendar year; for the remaining 75 % he is free to purchase from sources other than the Pool. There is no restriction at all on members to purchase sulphur from indigenous sources of supply.

Should any member purchase less than 25 % of his annual requirements from the Pool, he shall be deemed to have withdrawn from the Pool from the end of that year. However, he may apply to rejoin the Pool commencing 1 July or 1 January on giving 12 months notice of his intention to do so.

The imported sulphur (approximately 86 % in liquid form and 14 % in solid form) is resold by the Pool to the members on a no-profit no-loss basis.

- (2) Since Decision 80/917/EEC (the Decision) the following changes have occurred:
- (a) At present 12 companies (compared to 19 in 1980) are members of the Pool, representing together the total production of sulphuric acid in the United Kingdom, whereas in 1980 one

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No L 260, 3. 10. 1980, p. 24.

⁽³⁾ OJ No C 164, 23. 6. 1988, p. 3.

major producer of sulphuric acid, using about 11 % of all imported sulphur in the United Kingdom, was not a member of the Pool. This producer joined the Pool in 1981 but resigned from the Pool by end 1986, following the closure of his sulphuric acid plant.

- (b) Although since 1980 members of the Pool were free to purchase up to 75 % of their requirements of imported sulphur outside the Pool, nearly all members of the Pool have continued to purchase all their requirements of imported sulphur for sulphuric acid manufacture through the Pool, with a few exceptions between 1980 and 1985 where Pool members purchased some quantities of imported sulphur for sulphuric acid manufacture outside the Pool. Several members of the Pool purchase sulphur from indigenous sources, representing approximately 15 % of the total of sulphur used by the industry concerned in the United Kingdom.
 - (c) Sulphur is imported into the United Kingdom from Poland, the United States, Canada, Mexico, France and the Federal Republic of Germany; the Community countries accounting together for approximately 35 % of total purchases by the Pool.
 - (d) In 1987 production of sulphuric acid in the United Kingdom was 2 200 000 tonnes, compared to 3 500 000 tonnes when the exemption was granted. The decline is mainly due to changes in acid requirements for the manufacture of some principal products, for economic and technical reasons.
 - (e) The proportion of sulphuric acid produced by Pool members sold to third parties represents again 30 % as cited in the exemption Decision, after having decreased in the meantime to 27 %.
- (3) The object of the Pool is to provide price and other advantages, like more flexibility in distribution and greater security of supply, to its members by joint negotiations with and purchases from the limited number of major world suppliers, especially to those members who purchase small quantities of sulphur and who might otherwise have difficulties in being supplied at a reasonable price or, during periods when demand outstrips supply, even at all. By contrast to an individual member, especially one with small requirements, the Pool can request a supplier to make liquid sulphur available when the member's plant is within a favourable road haulage distance of a dockside terminal, or otherwise to deliver a full cargo of solid sulphur to

the particular port which provides the optimum access for one or more members. In view of the high transport costs by road, especially for liquid sulphur, the choice of port may be of critical significance for the price paid for delivery at the plant.

The fact that the Pool can guarantee to the suppliers of liquid sulphur the purchase of minimum quantities is important in order to assure the profitability of the terminals which are installed and operated by the suppliers.

- (4) The application for an extension of the exemption for a period of 10 years from 31 December 1988 onwards is motivated by the wish of the Association to be able to enter into supply contracts of a normal duration, which means in this industry contracts of up to five, or in some cases seven, years.
- (5) Following the publication pursuant to Article 19 (3) of Regulation No 17 of the above facts, in which the Commission announced its intentions to renew the Decision, the French producer of sulphur and supplier to the Pool declared his agreement with the Commission's intention; no other observations were received from third parties.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (6) For the same reasons as those stated in the Decision the rules of the Pool are still deemed to fall within the scope of Article 85 (1), notably because :
 - (a) Each member of the Pool, to the extent he is committed to purchase through the Pool (i.e. 25 % of his annual requirements), is prevented from competing with other Pool members to obtain more favourable terms from the suppliers than those obtained by the Management Committee.
 - (b) To the extent that Pool members are committed to purchase through the Pool, suppliers in the Community are excluded from selling directly to those members. To this extent suppliers in the Community are limited to dealing with a single purchaser in the UK.
 - (c) Since sulphur accounts for an important part of the production costs of sulphuric acid, there are not only effects on the supply and price of the latter but also of the numerous products in the manufacture of which sulphuric acid is required. These products are marketed throughout the Community by members of the Pool and other manufacturers.

B. Article 85 (3)

- (7) On the basis of the information at its disposal, the Commission has come to the conclusion that the advantages of the activities of the Pool (i.e. price and transport advantages, such as delivery of a full cargo for several members purchasing small quantities, and greater security of supply as indicated above under point 3) still constitute a sufficient basis for the application of Article 85 (3).
- (8) Since 30 % of the total quantity of sulphuric acid produced by Pool members is sold to third parties competition between Pool members on the market for sulphuric acid is ensured. In addition the consumer i.e. the user of sulphuric acid and the many products in the manufacture of which sulphuric acid is required (for example fertilizers, paint, fibres, detergents, soap) will obtain these products at a price reflecting the advantageous price paid by Pool members for the raw material as there is not only competition for these products between Pool members but also between Pool members and other manufacturers in the Community.
- (9) The fact that Pool members have not made use of their right to purchase up to 75 % of imported sulphur from sources other than the Pool, appears to have been determined only by the advantageous conditions which the Pool was able to negotiate in favour of its members. On the other hand, the limitation of the commitment to 25 % gives the necessary flexibility to Pool members to purchase from sources other than the Pool if they wish to do so.

C. Article 8 of Regulation No 17

- (10) Article 2 of the Decision obliged the Association to inform the Commission of any amendments or additions to, or the discontinuation of, the rules of the Pool and of any alteration in the nature or scope of the Pool including any changes in or refusals of application for the membership of the Pool. Furthermore, the Association was obliged to submit to the Commission every year not later than 31 January a report on the sulphur tonnage each member of the Pool purchased in the previous year from the Pool and from sources other than the Pool.

The reporting requirements have been fulfilled throughout the period of exemption and should be imposed again for the extended duration of the exemption pursuant to Article 8 (2) of Regulation No 17.

- (11) Pursuant to Article 8 (1) of Regulation No 17, a Commission Decision in application of Article 85 (3) of the Treaty must be issued for a specified period. In the present case an extension of the

Decision for a period of 10 years appears appropriate in order to allow the Association to enter into supply contracts of a normal duration in the industry concerned,

HAS ADOPTED THIS DECISION :

Article 1

The exemption granted in Decision 80/917/EEC is hereby extended until 31 December 1989.

Article 2

Exemption is granted subject to the same reporting requirements as specified in Article 2 of Decision 80/917/EEC.

Article 3

This Decision is addressed to :

— The National Sulphuric Acid Association Ltd,
140 Park Lane,
London W1Y 4DT,
UK ;

— Allright & Wilson Ltd,
210-222 Hagley Road West,
Oldbury,
Warley,
West Midlands B68 ONN,
UK ;

— The Associated Octel Co Ltd,
Ellesmere Port,
South Wirral,
Cheshire L65 4HF,
UK ;

— Courtaulds plc,
Barton Dock Road,
Stretford,
Manchester M32 0TD,
UK ;

— Hays Chemical Distribution Ltd,
Rawdon House,
Green Lane,
Yeadon,
Leeds LS19 7XX,
UK ;

— Imperial Chemical Industries plc,
ICI Chemicals & Polymers Ltd,
PO Box 14,
Runcorn,
Cheshire WA7 4QG,
UK ;

— RTZ Chemicals-ISC Division,
St Andrew's Road,
Avonmouth,
Bristol BS11 9HP,
UK ;

- Laporte Industries Ltd,
PO Box 2,
Moorfield Road,
Widnes,
Cheshire WA8 OJU,
UK;
- Richardsons Fertilisers Ltd,
Herdman Channel Road,
Belfast BT3 9AP,
UK;
- Scottish Agricultural Industries plc,
Leith Fertiliser Works,
67 Edinburgh Dock,
Leith Docks,
Edinburgh EH6 7DS,
UK;
- Staveley Chemicals Ltd,
Staveley Works,
Chesterfield,
Derbyshire S43 2PB,
UK;

- Synthetic Chemicals Ltd,
Four Ashes Works,
Wolverhampton,
West Midlands WV10 7BP,
UK;
- Tioxide UK Ltd,
Billingham,
Cleveland TS23 1PS,
UK;

Done at Brussels, 9 June 1989.

For the Commission

Sir Leon BRITTAN

Vice-President

COMMISSION DECISION

of 30 June 1989

authorizing the Italian Republic to apply intra-Community surveillance in respect of bananas originating in certain third countries and put into free circulation in the other Member States

(Only the Italian text is authentic)

(89/409/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 115 (1) thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987, on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty⁽¹⁾, and in particular Articles 1, 2 and 5 thereof,

Whereas on 5 June 1989, the Italian Government applied for authorization to apply intra-Community surveillance to imports of bananas falling within CN code 0803 00 10 originating in certain third countries other than the African, Caribbean and Pacific (ACP) States⁽²⁾ and put into free circulation in the other Member States;

Whereas by its decision of 30 June 1989, the Commission authorized the Italian Republic, pursuant to Article 115 of the Treaty, to apply until 30 June 1990 certain protective measures in respect of bananas originating in the third countries listed below; whereas under this decision applications to import such bananas put into free circulation in the other Member States are subject to the lodging of a security;

Whereas the Italian Government has stated that the circumstances which led the Commission to adopt intra-Community surveillance measures in the past still prevail, namely the need to ensure the effectiveness of the commercial policy measures which Italy applies in respect of direct imports of fresh bananas originating in certain third countries other than the ACP States in order to attain the objective laid down in Protocol 4 to the Lomé Convention;

Whereas, without prejudice to a later examination of the situation, it is therefore necessary to authorize the Italian Republic to apply intra-Community surveillance until 30

June 1990 to imports of the products in question; whereas acceptance of import applications submitted under the surveillance system must be made subject to the conditions laid down in Article 1 of the Commission Decision of 30 June 1989 referred to above, authorizing Italy to apply protective measures to bananas originating in the third countries in question,

HAS ADOPTED THIS DECISION:

Article 1

1. The Italian Republic is hereby authorized to apply intra-Community surveillance until 30 June 1990 to imports of bananas falling within CN code 0803 00 10 originating in the third countries listed in the Annex and put into free circulation in the other Member States, in accordance with Decision 87/433/EEC.

2. The acceptance of import applications shall be subject to the conditions laid down in Article 1 of the Commission Decision of 30 June 1989, authorizing Italy to apply protective measures to bananas originating in the third countries listed in paragraph 1.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 June 1989.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 238, 21. 8. 1987, p. 26.

⁽²⁾ Bolivia, Canada, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haïti, Honduras, Mexico, Nicaragua, Panama, the Philippines, Venezuela, the United States of America.

*ANNEX***Third countries of origin referred to in Article 1 of this Decision**

Bolivia	Haiti
Canada	Honduras
Colombia	Mexico
Costa Rica	Nicaragua
Cuba	Panama
Dominican Republic	Philippines
Ecuador	United States of America
El Salvador	Venezuela
Guatemala	

CORRIGENDA

Corrigendum to Council Decision 89/382/EEC, Euratom of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities

(Official Journal of the European Communities No L 181 of 28 June 1989)

Page 47, footnote (2):

for: '(2) OJ No C 162, 29. 6. 1989, p. 1.'

read: '(2) OJ No C 161, 28. 6. 1989, p. 1.'
