

Official Journal

of the European Communities

ISSN 0378-6978

L 195

Volume 32

11 July 1989

English edition

Legislation

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I *Acts whose publication is obligatory*

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2049/89

of 10 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 7 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 11 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, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 10 July 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	34,31	129,97
0712 90 19	34,31	129,97
1001 10 10	13,87	149,59 ⁽¹⁾ ⁽²⁾
1001 10 90	13,87	149,59 ⁽¹⁾ ⁽²⁾
1001 90 91	13,66	102,75
1001 90 99	13,66	102,75
1002 00 00	41,42	111,12 ⁽⁶⁾
1003 00 10	32,09	102,78
1003 00 90	32,09	102,78
1004 00 10	23,49	81,56
1004 00 90	23,49	81,56
1005 10 90	34,31	129,97 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	129,97 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	139,24 ⁽⁴⁾
1008 10 00	32,09	0,73
1008 20 00	32,09	19,74 ⁽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	156,85
1102 10 00	70,99	168,57
1103 11 10	35,82	246,19
1103 11 90	34,71	169,40

⁽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 2050/89

of 10 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 7 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 11 July 1989.

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

Done at Brussels, 10 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 10 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	0,61
0712 90 19	0	0	0	0,61
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
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	1,65	1,65	1,65
1004 00 90	0	1,65	1,65	1,65
1005 10 90	0	0	0	0,61
1005 90 00	0	0	0	0,61
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 2051/89

of 10 July 1989

amending Regulation (EEC) No 1818/89 on the supply of various lots of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Commission Regulation (EEC) No 1818/89 ⁽³⁾, issued an invitation to tender for the supply, as food aid, of 930 tonnes of skimmed-milk powder for Euronaid and Guinea Bissau; whereas, following a request by the beneficiary, some of the conditions specified in the Annex to the Regulation should be altered,

Article 1

Lot B of Annex I to Regulation (EEC) No 1818/89 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 20. 6. 1989, p. 1.

⁽³⁾ OJ No L 177, 24. 6. 1989, p. 22.

ANNEX

'LOT B

1. **Operation No** (1): 323/89 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: Guinea-Bissau
4. **Representative of the recipient** (2): M. Bernardino Cardoso, Miniistro do Plano, B.P. 6, Bissau, Guinée-Bissau; telex 275 PB
5. **Place or country of destination**: Guinea-Bissau
6. **Product to be mobilized**: skimmed-milk powder
7. **Characteristics and quality of the goods** (2): see OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.1 and I.1.A.2)
8. **Total quantity**: 300 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 25 kilograms and see OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.3)
supplementary markings on the packaging:
'ACÇÃO 323/89 / LEITE DESNATADO EM PÓ'
and OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.4)
11. **Method of mobilization of the product**: the Community market — The manufacture of the skimmed-milk powder must be carried out after the award of the tender
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Bissau
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20 to 30. 7. 1989
18. **Deadline for the supply**: 15. 9. 1989
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 10. 7. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 24. 7. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 3 to 14. 8. 1989
 - (c) deadline for the supply: 30. 9. 1989
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 16. 6. 1989 fixed by Commission Regulation (EEC) No 1706/89 (OJ No L 166, 16. 6. 1989, p. 36)

COMMISSION REGULATION (EEC) No 2052/89

of 10 July 1989

on the supply of refined sunflower oil as food aid to the United Nations Relief and Works Agency for Palestinian refugees in the Near East (UNRWA)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1750/89⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾, lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its decision of 19 April 1989 on the supply of food aid to the UNRWA the Commission allocated to this organization 270 tonnes of refined sunflower oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of refined sunflower oil to UNRWA in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexes hereto.

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, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 20. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operations Nos⁽¹⁾**: 309/89 and 310/89
2. **Programme**: 1989
3. **Recipient**: UNRWA Headquarters, Vienna International Center, P.O. Box 700, A-1400 Vienna
4. **Representative of the recipient⁽²⁾**
 - (a) lot 1: UNRWA Field Supply and Transport Officer, S.A.R., PO Box 4313, Damascus, S.A.R.;
 - (b) lot 2: UNRWA Field Supply and Transport Officer, Lebanon, PO Box 947, Beirut, Lebanon
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods⁽³⁾**:
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIIA.2)
8. **Total quantity**: 270 tonnes net
9. **Number of lots**: two
10. **Packaging and marking**:
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIIB):
 - in new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kilograms (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof,
 - shipment to take place in 20-foot containers,
 - the drums must bear the following particulars: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**:
 - (a) lot 1: Lattakia;
 - (b) lot 2: Beirut
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 5. 9. to 3. 10. 1989
18. **Deadline for the supply**: 17. 10. 1989
19. **Procedure for determining the costs of supply⁽⁴⁾**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 25. 7. 1989 at 12 noon. Tenders shall be valid until 12 midnight on 26. 7. 1989
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 8. 8. 1989 at 12 noon. Tenders shall be considered valid until 12 midnight on 9. 8. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 19. 9. to 17. 10. 1989
 - (c) deadline for the supply: 7. 11. 1989
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁵⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles, telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer**: —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
See list published in *Official Journal of the European Communities* No C 227 of 27 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
— certificate of origin,
— health certificate.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05.
- (⁶) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing are to be borne by the successful tenderer :
— should containers be used on an FCL/FCL or LCL/FCL basis, all costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The terminal handling charges or equivalent, costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to borne by the recipient,
— should containers be used on an LCL/LCL or FCL/LCL basis, all the costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned Article 14 (5) (a), the LCL charges (destuffing of the goods). The local charges incurred after the stage of destuffing the goods from the containers are to borne by the recipient.
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ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação da parte	Cantidad total de la partida (en toneladas) Totalmængde (i tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
1	40		UNRWA	Syrian Arab Republic	Action No 309/89 / Vegetable oil / Gift of the EEC to UNRWA for free distribution to Palestine refugees / Lattakia
2	230		UNRWA	Lebanon	Action No 310/89 / Vegetable oil / Gift of the EEC to UNRWA for free distribution to Palestine refugees / Beirut

COMMISSION REGULATION (EEC) No 2053/89

of 10 July 1989

laying down detailed rules for the application of the minimum import price system for certain processed cherries

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 1676/85 of 11 June 1985 on the value of the unit of account and the conversion 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 10 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 426/86 provides for the application of a minimum import price for certain products listed in Annex I, part B to that Regulation; whereas certain processed cherries were added by Council Regulation (EEC) No 2247/88 ⁽⁵⁾ to the list of products subject to such arrangements;

Whereas Council Regulation (EEC) No 3225/88 ⁽⁶⁾ lays down general rules relating to the system of minimum import prices for certain processed cherries; whereas the detailed rules for the application of this system should be determined; whereas the purpose of such rules must be to prevent traders evading observance of the minimum prices through fraudulent practices which are difficult to uncover and to combat effectively; whereas such fraudulent practices can have serious consequences for the Community market in the products in question, and the non-levying of countervailing charges to which they give rise constitutes a substantial loss in terms of budgetary resources;

Whereas in order to prevent fraud and its damaging consequences for the market in the processed cherries in question, substantially reinforced customs controls should be set up; whereas national customs authorities should verify whether the minimum import price is being observed for each consignment imported and, in the event of that price not being observed, levy the countervailing charge which is equal to the difference between

the minimum import price and the declared import price;

Whereas moreover, the main purpose of a system of minimum import prices is to guarantee that products from third countries do not disrupt the Community market because the prices at which they are offered are too low; whereas actual observance of the minimum import price should consequently be verified up to the stage of sale; whereas recourse should be had, for the purpose of furnishing proof of observance of the minimum import price, to documents establishing the price of resale;

Whereas the risks of import prices being falsely declared are high; whereas a special procedure should therefore be established to deal with suspected cases of false declarations;

Whereas in cases where the minimum import price has not in fact been observed, it must be ensured that the countervailing charge is collected; whereas, to that end, products may be released under Article 13 of Council Directive 79/695/EEC ⁽⁷⁾, as last amended by Directive 81853/EEC ⁽⁸⁾ and Article 20 of Commission Directive 82/57/EEC ⁽⁹⁾, as last amended by Directive 83/371/EEC ⁽¹⁰⁾; whereas the importer has to furnish proof of compliance with the minimum price; whereas the time limits for the furnishing of such proof should also be specified;

Whereas it is also necessary to introduce *a posteriori* checks on imports; whereas the competent authorities of the Member States must carry out random checks on about 10 % of the consignments imported; whereas traders must therefore be required to keep the relevant documents for a specified period, with a view to making them available to the competent authorities; whereas this period should be limited to the three years following the year in which the declaration for release for free circulation was accepted;

Whereas the Commission must be informed of the checks carried out for verifying observance of the minimum import prices;

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽⁶⁾ OJ No L 288, 21. 10. 1988, p. 11.

⁽⁷⁾ OJ No L 205, 13. 8. 1979, p. 19.

⁽⁸⁾ OJ No L 319, 7. 11. 1981, p. 1.

⁽⁹⁾ OJ No L 28, 5. 2. 1982, p. 38.

⁽¹⁰⁾ OJ No L 204, 28. 7. 1983, p. 63.

HAS ADOPTED THIS REGULATION:

Principles and definitions

Article 1

The minimum import price for certain processed cherries shall be deemed to be observed where the import price is not less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

Article 2

1. For the purposes of this Regulation, the following factors shall constitute the import price:

- (a) the fob price in the country of origin; and
- (b) transport and insurance costs to the point of introduction into the customs territory of the Community.

2. For the purposes of paragraph 1, 'fob price' means the spot price paid or to be paid for the quantity of products contained in a consignment, including the cost of placing the consignment on board a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

3. Where it is found that prices on resale, directly or via commercial intermediaries, are more than 15 % less than the minimum price for a consignment imported, the weighted average of those prices shall be considered as the import price.

4. Where the factors referred to in paragraph 1 are expressed in a currency other than that of the Member State in which the products are released for free circulation, Commission Regulation (EEC) No 1766/85⁽¹⁾ on the rates of exchange to be used in the determination of customs value shall apply.

5. The import price must be shown in the declaration of release for free circulation.

6. The end user, for the purposes of this Regulation, shall be either a manufacturer who uses the product in question with a view to processing it into another product falling within CN code other than those shown in the declaration of release for free circulation, or a retailer selling exclusively to consumers.

7. For the purposes of this Regulation, an imported consignment shall be made up of all the products which are the subject of one and the same declaration of release for free circulation.

Article 3

The minimum import price shall be adjusted by a monetary coefficient determined in such a way as to convert that price with the average rate of exchange used

for the fixing or alteration of the monetary compensatory amounts.

Control and taxation on import

Article 4

The competent national authorities shall, whenever a declaration for release for free circulation is accepted, compare the declared import price with the minimum import price applicable to the goods on the day the declaration is accepted.

When the price shown on the invoice is for deferred payment during a period exceeding three months, the price shown on the invoice shall be reduced by 1 % for each month of deferral granted in excess of those three months.

Article 5

Where the import price is less than the minimum import price applicable to the goods, the competent national authorities shall levy a countervailing charge equal to the difference between those prices.

Special control procedure

Article 6

1. Where the customs authorities have well-founded doubts that the price appearing in the declaration of release for free circulation reflects the actual import price, they shall require the importer to furnish within six months proof that the product has been disposed of under conditions ensuring that the minimum import price has been observed, without prejudice to the application of Article 13 of Directive 79/695/EEC and Article 20 of Directive 82/57/EEC.

2. The time limit laid down in paragraph 1 may be extended by the competent authority by a maximum of three months on a duly justified application by the operator.

Article 7

1. The minimum import price shall be deemed to be observed if the importer furnishes proof in respect of at least 95 % of the consignment imported that the product was sold to the end user without further processing, after packaging, directly or via commercial intermediaries at a price at least equal to the minimum import price.

2. If the proof from the end user cannot be presented despite all steps taken by the importer, the competent authorities may accept other proof to the effect that the product was sold under conditions indicating that the minimum price has been observed.

3. The application of the special control procedure shall be without prejudice to the *a posteriori* checks referred to in Articles 8, 9 and 10.

⁽¹⁾ OJ No L 168, 28. 6. 1985, p. 21.

*A posteriori checks**Article 8*

The importer shall keep available for examination by the competent authorities, in view of *a posteriori* checks, proof of payment to the seller and all commercial documents such as invoices, contracts and correspondence concerning the purchase and the sale of the products in question for at least three years following the year in which the declaration for release for free circulation was accepted.

Article 9

1. The competent authorities shall carry out random checks.
2. Checks must be carried out each calendar year on about 10 % of the consignments imported.

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

Done at Brussels, 10 July 1989.

Article 10

Where, in the course of a check, the competent authorities find that the minimum import price has not been observed, they shall levy a countervailing charge less any amount already paid beforehand as a countervailing charge.

*Final provisions**Article 11*

Member States shall inform the Commission once a year, before the end of the first six months, of the checks carried out in the previous year to verify the observance of the minimum import prices.

Article 12

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

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2054/89

of 10 July 1989

laying down detailed rules for the application of the minimum import price system for dried grapes

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 1676/85 of 11 June 1985 on the value of the unit of account and the conversion 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 10 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 426/86 provides for the application of a minimum import price for certain products listed in Annex I, part B to that Regulation; whereas Council Regulation (EEC) No 2089/85 ⁽⁵⁾ lays down general rules relating to the system of minimum import prices for dried grapes;

Whereas the detailed rules for the application of this system should be determined; whereas the purpose of such rules must be to prevent traders evading observance of the minimum prices through fraudulent practices which are difficult to uncover and to combat effectively; whereas such fraudulent practices can have serious consequences for the Community market in the products in question, and the non-levying of countervailing charges to which they give rise constitutes a substantial loss in terms of budgetary resources;

Whereas in order to prevent fraud and its damaging consequences for the market in the dried grapes in question, substantially reinforced customs controls should be set up; whereas national customs authorities should verify whether the minimum import price is being observed for each consignment imported and, in the event of that price not being observed, levy the countervailing charge which is fixed by reference to a scale of import prices;

Whereas, moreover, the main purpose of a system of minimum import prices is to guarantee that products from third countries do not disrupt the Community market because the prices at which they are offered are too low; whereas actual observance of the minimum import price should consequently be verified up to the stage of sale; whereas recourse should be had, for the purpose of furnishing proof of observance of the minimum import price, to documents establishing the price of resale;

Whereas the risks of import prices being falsely declared are high; whereas a special procedure should therefore be established to deal with suspected cases of false declarations;

Whereas in cases where the minimum import price has not in fact been observed, it must be ensured that the countervailing charge is collected; whereas, to that end, products may be released under Article 13 of Council Directive 79/695/EEC ⁽⁶⁾, as last amended by Directive 81/853/EEC ⁽⁷⁾, and Article 20 of Commission Directive 82/857/EEC ⁽⁸⁾, as last amended by Directive 83/371/EEC ⁽⁹⁾; whereas the importer has to furnish proof of compliance with the minimum price; whereas the time limits for the furnishing of such proof should also be specified;

Whereas it is also necessary to introduce *a posteriori* checks on imports: whereas the competent authorities of the Member States must carry out random checks on about 10 % of the consignments imported; whereas traders must therefore be required to keep the relevant documents for a specified period, with a view to making them available to the competent authorities; whereas this period should be limited to the three years following the year in which the declaration for release for free circulation was accepted;

Whereas the Commission must be informed of the checks carried out for verifying observance of the minimum import prices;

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 197, 27. 7. 1985, p. 10.

⁽⁶⁾ OJ No L 205, 13. 8. 1979, p. 19.

⁽⁷⁾ OJ No L 319, 7. 11. 1981, p. 1.

⁽⁸⁾ OJ No L 28, 5. 2. 1982, p. 38.

⁽⁹⁾ OJ No L 204, 28. 7. 1983, p. 63.

HAS ADOPTED THIS REGULATION:

Principles and definitions

Article 1

The minimum import price for dried grapes shall be deemed to be observed where the import price is not less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

Article 2

1. For the purposes of this Regulation, the following factors shall constitute the import price:

- (a) the fob price in the country of origin; and
- (b) transport and insurance costs to the point of introduction into the customs territory of the Community.

2. For the purposes of paragraph 1, 'fob price' means the spot price paid or to be paid for the quantity of products contained in a consignment, including the cost of placing the consignment on board a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

3. Where it is found that prices on resale, directly or via commercial intermediaries, are more than 15 % less than the minimum price for a consignment imported, the weighted average of those prices shall be considered as the import price.

4. Where the factors referred to in paragraph 1 are expressed in a currency other than that of the Member State in which the products are released for free circulation, Commission Regulation (EEC) No 1766/85⁽¹⁾ on the rates of exchange to be used in the determination of customs value shall apply.

5. The import price must be shown in the declaration of release for free circulation.

6. The end user, for the purposes of this Regulation, shall be either a manufacturer who uses the product in question with a view to processing it into another product falling within a CN code other than those shown in the declaration of release for free circulation, or a retailer selling exclusively to consumers.

7. For the purposes of this Regulation, an imported consignment shall be made up of all the products which are the subject of one and the same declaration of release for free circulation.

Article 3

The minimum import price shall be adjusted by a monetary coefficient determined in such a way as to convert that price with the average rate of exchange used

for the fixing or alteration of the monetary compensatory amounts.

Control and taxation on import

Article 4

The competent national authorities shall, whenever a declaration for release for free circulation is accepted, compare the declared import price with the minimum import price applicable to the goods on the day the declaration is accepted.

When the price shown on the invoice is for deferred payment during a period exceeding three months, the price shown on the invoice shall be reduced by 1 % for each month of deferral granted in excess of those three months.

Article 5

Where the import price is less than the minimum import price applicable to the goods, the competent national authorities shall levy a countervailing charge fixed by reference to a scale of import prices.

Special control procedure

Article 6

1. Where the customs authorities have well-founded doubts that the price appearing in the declaration of release for free circulation reflects the actual import price, they shall require the importer to furnish within six months proof that the product has been disposed of under conditions ensuring that the minimum import price has been observed, without prejudice to the application of Article 13 of Directive 79/695/EEC and Article 20 of Directive 82/57/EEC.

2. The time limit laid down in paragraph 1 may be extended by the competent authority by a maximum of three months on a duly justified application by the operator.

Article 7

1. The minimum import price shall be deemed to be observed if the importer furnishes proof in respect of at least 95 % of the consignment imported that the product was sold to the end user without further processing, after packaging, directly or via commercial intermediaries at a price at least equal to the minimum import price.

2. If the proof from the end user cannot be presented despite all steps taken by the importer, the competent authorities may accept other proof to the effect that the product was sold under conditions indicating that the minimum price has been observed.

3. The application of the special control procedure shall be without prejudice to the *a posteriori* checks referred to in Articles 8, 9 and 10.

⁽¹⁾ OJ No L 168, 28. 6. 1985, p. 21.

A posteriori checks

Article 8

The importer shall keep available for examination by the competent authorities, in view of *a posteriori* checks, proof of payment to the seller and all commercial documents such as invoices, contracts and correspondence concerning the purchase and the sale of the products in question for at least three years following the year in which the declaration for release for free circulation was accepted.

Article 9

1. The competent authorities shall carry out random checks.
2. Checks must be carried out each calendar year on about 10 % of the consignments imported.

Article 10

Where, in the course of a check, the competent authorities find that the minimum import price has not been observed, they shall levy a countervailing charge less

any amount already paid beforehand as a countervailing charge.

Final provisions

Article 11

Member States shall inform the Commission once a year, before the end of the first six months, of the checks carried out in the previous year to verify the observance of the minimum import prices.

Article 12

Commission Regulation (EEC) No 2237/85⁽¹⁾ is hereby repealed.

Article 13

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, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 209, 6. 8. 1985, p. 24.

COMMISSION REGULATION (EEC) No 2055/89

of 10 July 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 673/89 of 16 March 1989 fixing for the 1989/90 marketing year the reference prices for aubergines⁽³⁾ fixed the reference price for products of class I for the month of July 1989 at 69,85 ECU per 100 kilograms net;

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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, pursuant to Article 136 (2) of the Act of Accession, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 36,26 ECU per 100 kilograms net is applied to aubergines (CN code 0709 30 00) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 12 July 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 73, 17. 3. 1989, p. 12.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽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, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2056/89**of 10 July 1989****abolishing the countervailing charge on certain varieties of plums originating in Spain (except the Canary Islands)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2004/89 of 5 July 1989 ⁽³⁾ introduced a countervailing charge on certain varieties of plums originating in Spain (except the Canary Islands);

Whereas the present trend of prices for products originating in Spain (except the Canary Islands) on the representative markets referred to in Commission Regulation (EEC) No 2118/74 ⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85 ⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the

reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2004/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 11 July 1989.

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

Done at Brussels, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 191, 6. 7. 1989, p. 18.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 2057/89

of 10 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 1997/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1997/89 to the information known to the Commission that the export refunds

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1997/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 July 1989.

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

Done at Brussels, 10 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 191, 6. 7. 1989, p. 8.

ANNEX

to the Commission Regulation of 10 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	23,76 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	17,75 ⁽¹⁾	
1701 12 90 910	23,76 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,1930
1701 99 10 100	19,30	
1701 99 10 910	25,83	
1701 99 10 950	24,33	
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).

COMMISSION REGULATION (EEC) No 2058/89

of 10 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 last amended by Regulation (EEC) No 2042/89 ⁽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:

— 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 7 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 11 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 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 193, 8. 7. 1989, p. 39.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽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, 10 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 10 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
1102 20 10	69,65	240,56	234,52
1102 20 90	39,07	135,92	132,90
1103 13 11	69,65	240,56	234,52
1103 13 19	69,65	240,56	234,52
1103 13 90	39,07	135,92	132,90
1103 29 40	69,65	240,56	234,52
1104 19 50	69,65	240,56	234,52
1104 23 10	59,56	211,48	208,46
1104 23 30	59,56	211,48	208,46
1104 23 90	39,07	135,92	132,90
1104 30 90	32,55	103,76	97,72
1106 20 91	77,45	230,32	206,14 ^(*)
1106 20 99	77,45	230,32	206,14 ^(*)
1108 12 00	77,45	230,32	209,77
1108 13 00	77,45	230,32	209,77
1108 14 00	77,45	230,32	104,88
1108 19 90	77,45	230,32	104,88 ^(*)
1702 30 51	170,93	370,33	273,61
1702 30 59	123,39	276,26	209,77
1702 30 91	170,93	370,33	273,61
1702 30 99	123,39	276,26	209,77
1702 40 90	123,39	276,26	209,77
1702 90 50	123,39	276,26	209,77
1702 90 75	174,47	383,36	286,64
1702 90 79	120,56	265,83	199,34
2106 90 55	123,39	276,26	209,77
2303 10 11	252,02	441,92	260,58

^(*) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrow-root falling within CN codes 0714 90 11 and 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1948/89 of 30 June 1989 authorizing certain intervention agencies to put up for sale by tender 200 000 tonnes of common wheat for export in the form of flour

(Official Journal of the European Communities No L 1987 of 1 July 1989)

Page 93, Article 4 (3):

for: '... must bear the following entry in section 18: "Invitation tender issued by Regulation (EEC) No 0000/89 — Tender from ...";'

read: '... must bear the following entry in section 22: "Invitation to tender issued by Regulation (EEC) No 1948/89 — Tender from ...".'
