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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2818/89

of 20 September 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 19 September 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 21 September 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, 20 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 September 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	137,80
0712 90 19	34,31	137,80
1001 10 10	17,45	154,39 ⁽¹⁾ ⁽²⁾
1001 10 90	17,45	154,39 ⁽¹⁾ ⁽²⁾
1001 90 91	16,30	104,63
1001 90 99	16,30	104,63
1002 00 00	44,06	111,85 ⁽³⁾
1003 00 10	34,73	105,73
1003 00 90	34,73	105,73
1004 00 10	26,13	99,02
1004 00 90	26,13	99,02
1005 10 90	34,31	137,80 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	137,80 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	139,45 ⁽⁴⁾
1008 10 00	34,73	0,00
1008 20 00	34,73	78,78 ⁽⁴⁾
1008 30 00	34,73	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	34,73	0,00
1101 00 00	36,12	159,78
1102 10 00	74,98	170,75
1103 11 10	41,47	253,73
1103 11 90	38,70	172,25

⁽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 2819/89

of 20 September 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 19 September 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 21 September 1989.

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

Done at Brussels, 20 September 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 20 September 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 9	1st period 10	2nd period 11	3rd period 12
0709 90 60	0	0	0	0,67
0712 90 19	0	0	0	0,67
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	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,67
1005 90 00	0	0	0	0,67
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 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2820/89**of 20 September 1989****fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States are to be reduced**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 967/89 ⁽²⁾, and in particular Article 4 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 486/85 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must

be calculated in conformity with Article 3 of Commission Regulation (EEC) No 552/85 ⁽³⁾, as amended by Regulation (EEC) No 3815/85 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 4 (1) of Regulation (EEC) No 486/85 shall, in respect of importations during the fourth quarter of 1989, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1989.

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

Done at Brussels, 20 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.
⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽³⁾ OJ No L 63, 2. 3. 1985, p. 13.
⁽⁴⁾ OJ No L 368, 31. 12. 1985, p. 11.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 χγρ	España Pts/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	United Kingdom £/100 kg
0102 90 10	5 358,5	990,99	260,85	17 676,56	17 441,87	871,34	96,979	186 655	292,73	80,679
0102 90 31	5 358,5	990,99	260,85	17 676,56	17 441,87	871,34	96,979	186 655	292,73	80,679
0102 90 33	5 358,5	990,99	260,85	17 676,56	17 441,87	871,34	96,979	186 655	292,73	80,679
0102 90 35	5 358,5	990,99	260,85	17 676,56	17 441,87	871,34	96,979	186 655	292,73	80,679
0102 90 37	5 358,5	990,99	260,85	17 676,56	17 441,87	871,34	96,979	186 655	292,73	80,679
0201 10 10	10 181,2	1 882,88	495,60	33 585,68	33 139,73	1 655,54	184,260	354 646	556,18	153,292
0201 10 90	10 181,2	1 882,88	495,60	33 585,68	33 139,73	1 655,54	184,260	354 646	556,18	153,292
0201 20 21	10 181,2	1 882,88	495,60	33 585,68	33 139,73	1 655,54	184,260	354 646	556,18	153,292
0201 20 29	10 181,2	1 882,88	495,60	33 585,68	33 139,73	1 655,54	184,260	354 646	556,18	153,292
0201 20 31	8 144,9	1 506,29	396,48	26 868,35	26 511,65	1 324,42	147,407	283 715	444,94	122,632
0201 20 39	8 144,9	1 506,29	396,48	26 868,35	26 511,65	1 324,42	147,407	283 715	444,94	122,632
0201 20 51	12 217,4	2 259,46	594,72	40 302,83	39 767,68	1 986,64	221,112	425 575	667,42	183,950
0201 20 59	12 217,4	2 259,46	594,72	40 302,83	39 767,68	1 986,64	221,112	425 575	667,42	183,950
0201 20 90	15 271,7	2 824,32	743,40	56 042,49	48 332,03	2 483,31	276,389	531 968	834,27	232,721
0201 30 00	17 468,7	3 230,62	850,35	60 436,61	56 177,15	2 840,55	316,150	608 496	954,30	264,397
0202 10 00	8 394,2	1 552,40	408,62	27 164,81	27 450,93	1 364,96	151,918	292 398	458,56	126,128
0202 20 10	8 394,2	1 552,40	408,62	27 164,81	27 450,93	1 364,96	151,918	292 398	458,56	126,128
0202 20 30	6 715,4	1 241,92	326,89	21 731,87	21 960,75	1 091,97	121,535	233 918	366,85	100,902
0202 20 50	10 492,7	1 940,50	510,77	33 956,08	34 313,70	1 706,20	189,898	365 498	573,20	157,659
0202 20 90	12 591,3	2 328,60	612,92	45 785,20	39 931,09	2 047,44	227,877	438 596	687,84	191,667
0202 30 10	10 492,7	1 940,50	510,77	33 956,08	34 313,70	1 706,20	189,898	365 498	573,20	157,659
0202 30 50	10 492,7	1 940,50	510,77	33 956,08	34 313,70	1 706,20	189,898	365 498	573,20	157,659
0202 30 90	14 438,0	2 670,12	702,82	50 106,08	46 392,87	2 347,72	261,299	502 924	788,72	218,601
0206 10 95	17 468,7	3 230,62	850,35	60 436,61	56 177,15	2 840,55	316,150	608 496	954,30	264,397
0206 29 91	14 438,0	2 670,12	702,82	50 106,08	46 392,87	2 347,72	261,299	502 924	788,72	218,601
0210 20 10	15 271,7	2 824,32	743,40	56 042,49	48 332,03	2 483,31	276,389	531 968	834,27	232,721
0210 20 90	17 468,7	3 230,62	850,35	62 267,84	55 731,80	2 840,55	316,150	608 496	954,30	265,297
0210 90 41	17 468,7	3 230,62	850,35	62 267,84	55 731,80	2 840,55	316,150	608 496	954,30	265,297
0210 90 90	17 468,7	3 230,62	850,35	62 267,84	55 731,80	2 840,55	316,150	608 496	954,30	265,297
1602 50 10	17 468,7	3 230,62	850,35	62 267,84	55 731,80	2 840,55	316,150	608 496	954,30	265,297
1602 90 61	17 468,7	3 230,62	850,35	67 804,19	54 385,38	2 840,55	316,150	608 496	954,30	268,018

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EWG) nr. 2658/87.

NB: Die KN-Code sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

COMMISSION REGULATION (EEC) No 2821/89
of 20 September 1989
fixing the import levy on molasses

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
market in sugar ⁽¹⁾, as last amended by Regulation (EEC)
No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by
Commission Regulation (EEC) No 1898/89 ⁽³⁾, as last
amended by Regulation (EEC) No 2769/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1898/89 to
the information at present available to the Commission

that the levy at present in force should be altered as
shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended
Regulation (EEC) No 1785/81 shall be, in respect of
molasses falling within CN codes 1703 10 00 and
1703 90 00, ECU 0,41 per 100 kg.

Article 2

This Regulation shall enter into force on 21 September
1989.

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

Done at Brussels, 20 September 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 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 267, 14. 9. 1989, p. 13.

COMMISSION REGULATION (EEC) No 2822/89

of 20 September 1989

fixing the difference in white sugar prices to be used in calculating the levy for
processed fruit and vegetable products and for wine

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 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 10 (4) thereof,Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987, on the common organization of the
market in wine ⁽³⁾ as last amended by Regulation (EEC)
No 1236/89 ⁽⁴⁾, and in particular Article 55 (3) thereof,Whereas, in order that the Member States may determine
the amount of the levy applicable in respect of the various
added sugars to imports of the products listed in Annex
III to Regulation (EEC) No 426/86 and of the products
falling within CN codes 2009 60 11, 2009 60 71,
2009 60 79 and 2204 30 99 which are listed in Article 1
(2) (a) of Regulation (EEC) No 822/87, it is necessary in
accordance with Article 10 (3) of Regulation (EEC) No
426/86 and Article 55 (2) of Regulation (EEC) No 822/87to determine the difference between, firstly, the average of
the threshold prices for one kilogram of white sugar for
each month of the quarter for which the difference is
being determined and, secondly, the average of the cif
prices for one kilogram of white sugar used in fixing the
levies on white sugar, as calculated for a period comprising
the first 15 days of the month preceding the quarter
for which the difference is being determined and the two
months immediately preceding that month; whereas,
pursuant to the abovementioned Regulations, this difference
must be determined by the Commission for each
quarter of the calendar year,

HAS ADOPTED THIS REGULATION:

*Article 1*For the period 1 October to 31 December 1989, the
difference referred to in Article 10 (3) of Regulation (EEC)
No 426/86 and in Article 55 (2) of Regulation (EEC) No
822/87 is fixed at ECU 0,2575.*Article 2*

This Regulation shall enter into force on 1 October 1989.

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

Done at Brussels, 20 September 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 84, 27. 3. 1987, p. 1.⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 31.

COMMISSION REGULATION (EEC) No 2823/89
of 20 September 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 last amended by Regulation (EEC) No 2817/89 ⁽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 21 September 1989.

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

Done at Brussels, 20 September 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 271, 20. 9. 1989, p. 26.

ANNEX

to the Commission Regulation of 20 September 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	25,68 ⁽¹⁾
1701 11 90	25,68 ⁽¹⁾
1701 12 10	25,68 ⁽¹⁾
1701 12 90	25,68 ⁽¹⁾
1701 91 00	28,55
1701 99 10	28,55
1701 99 90	28,55 ⁽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 2824/89

of 20 September 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 2766/89⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2766/89 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 2766/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 September 1989.

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

Done at Brussels, 20 September 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 266, 13. 9. 1989, p. 43.

ANNEX

to the Commission Regulation of 20 September 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	18,30 ⁽¹⁾	
1701 11 90 910	22,03 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	18,30 ⁽¹⁾	
1701 12 90 910	22,03 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,1990
1701 99 10 100	19,90	
1701 99 10 910	24,99	
1701 99 10 950	23,49	
1701 99 90 100		0,1990

⁽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 2825/89

of 20 September 1989

on a decision to make no award in respect of the 21st partial invitation to tender for white sugar issued in connection with the standing invitation to tender referred to in Regulation (EEC) No 999/89

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 point (b) of the first subparagraph of Article 19 (4) thereof,

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires that partial invitations to tender be issued for the export of the sugar in question; whereas, pursuant to Article 8 (2) of Regulation (EEC) No 999/89, a decision may be taken to make no award in respect of a specific partial invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

No award shall be made in respect of the 21st partial invitation to tender for white sugar issued under Regulation (EEC) No 999/89 for which the time limit for the submission of tenders expired on 20 September 1989.

Article 2

This Regulation shall enter into force on 21 September 1989.

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

Done at Brussels, 20 September 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 107, 19. 4. 1989, p. 6.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 April 1989

approving a programme of assistance for the region of Asturias designed to implement the Community programme to assist the conversion of steel areas (Resider programme)

(Only the Spanish text is authentic)

(89/522/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1787/84 of 19 June 1984 on the European Regional Development Fund⁽¹⁾, as last amended by Regulation (EEC) No 4254/88⁽²⁾, and in particular Article 13 (1) thereof,

Whereas on 29 July 1988 the Kingdom of Spain sent the Commission a programme of assistance in accordance with Article 8 (1) of Council Regulation (EEC) No 328/88 of 2 February 1988 instituting a Community programme to assist the conversion of steel areas (Resider programme)⁽³⁾;

Whereas the Kingdom of Spain has applied for a contribution from the European Regional Development Fund (ERDF) of ECU 13 million for the period from 1989 to 1991;

Whereas all the conditions laid down by Regulation (EEC) No 1787/84 and (EEC) No 328/88 for approval of the programme of assistance and the granting of the requested contributions by the Commission are met;

Whereas the programme, which has been the subject of an Agreement between the Commission and the Kingdom of Spain and can therefore be adopted in accordance with Article 13 of Council Regulation (EEC) No 1787/84, constitutes the programme agreement referred to in paragraph 1 of that Article;

Whereas the programme is of particular importance for the region in which it is located;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee of the European Regional Development fund,

HAS ADOPTED THIS DECISION:

Article 1

The programme of assistance for the region of Asturias, designed to implement the Community programme to assist the conversion of steel areas (Resider programme), is hereby approved. The programme, which has been the subject of an agreement between the Commission and the Kingdom of Spain, shall constitute the programme agreement pursuant to Article 13 (1) of Council Regulation (EEC) No 1787/84.

The programme shall expire no later than 31 December 1991.

Article 2

The ERDF contribution to the programme shall not exceed ECU 13 million, being limited to a maximum of 55 % of total public expenditure under the programme.

The individual ERDF contributions to the various measures are indicated in the financing plan for the programme approved by this Decision; commitments for the programme shall be effected, within the limits of the available budgetary resources, in annual instalments as specified in the financing plan and in line with the progress made with the programme.

⁽¹⁾ OJ No L 169, 28. 6. 1984, p. 1.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽³⁾ OJ No L 33, 5. 2. 1988, p. 1.

An initial commitment amounting to ECU 3 762 913 is hereby made in accordance with the financing plan for the programme.

Article 3

The Kingdom of Spain shall comply with the requirements of Council Directive 71/305/EEC⁽¹⁾, as last amended by Directive 89/440/EEC⁽²⁾, and 77/62/EEC⁽³⁾, as last amended by Regulation (EEC) No 295/88⁽⁴⁾, regarding the publication of invitation to tender in respect of projects included in this programme and shall inform the Commission of the relevant references concerning publication in the *Official Journal of the European Communities*.

Article 4

Failure to observe any of the conditions set out in this Decision or in the Community programme shall entitle

the Commission to reduce or cancel the assistance granted under the Decision. The Commission may, in such cases, reclaim any part of that assistance which has already been paid to the beneficiary. However, any such reduction, cancellation or request for repayment shall be made only after the beneficiary has been given an opportunity to submit its observations within a deadline fixed by the Commission.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 21 April 1989.

For the Commission

Bruce MILLAN

Member of the Commission

⁽¹⁾ OJ No L 185, 16. 8. 1971, p. 5.

⁽²⁾ OJ No L 210, 21. 7. 1989, p. 1.

⁽³⁾ OJ No L 13, 15. 1. 1977, p. 1.

⁽⁴⁾ OJ No L 127, 20. 5. 1988, p. 1.

COMMISSION DECISION

of 31 May 1989

on the granting of a contribution from the European Regional Development Fund for measures under a national programme of Community interest (region : Azores)

(Only the Portuguese text is authentic)

(89/523/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1787/84 of 19 June 1984 on the European Regional Development Fund⁽¹⁾, as last amended by Regulation (EEC) No 4254/88⁽²⁾ and in particular Articles 10 to 14 thereof,

The Portuguese programme for the region of the Azores is hereby adopted and shall constitute a programme agreement for a national programme of Community interest pursuant to Article 13 (1) of Regulation (EEC) No 1787/84.

Whereas on 28 April 1988 the Portuguese Government submitted to the Commission a national programme of Community interest for the region of the Azores ;

The programme shall cover the period from 1 January 1989 to 31 December 1991.

Whereas that programme covers a series of consistent multiannual measures for which a financial contribution from the ERDF of ECU 72 076 241 is requested for the period 1989 to 1991 ;

Article 2

Whereas, in accordance with Article 13 of the Regulation, the programme has become the subject of an agreement between the Commission and Portugal on the final version of which the ERDF Committee was consulted on 11 November 1988 ;

The contribution from the European Regional Development Fund shall not exceed ECU 72 076 241, equivalent to an average of 67 % of the total public expenditure under the programme, estimated at ECU 107 966 088.

The rates of the ERDF's contribution to the various measures which make up the programme are specified in the financing plan.

Whereas the programme satisfies the conditions laid down by Articles 10, 11 and 12 of Regulation (EEC) No 1787/84 and may therefore be regarded as a national programme of Community interest ;

Article 3

Whereas, pursuant to Article 1 of Council Regulation (EEC) No 2049/88 of 24 June 1988 amending the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽³⁾, legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted ;

An initial annual instalment of ECU 9 268 419 is hereby granted in accordance with the financial plan submitted with the programme. Further commitments for the programme shall be made, within the limits of available budgetary resources, in annual instalments.

Whereas all the conditions for the granting of a contribution from the European Regional Development Fund are met ;

Article 4

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee of the European Regional Development Fund,

Measures grant-aided under the programme shall be implemented in accordance with the requirements laid down in Council Directives 71/305/EEC⁽⁴⁾, as last amended by Directive 89/440/EEC⁽⁵⁾, and 77/62/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 295/88⁽⁷⁾, regarding publication of invitations to tender by public bodies.

⁽¹⁾ OJ No L 169, 28. 6. 1984, p. 1.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 3.

⁽⁴⁾ OJ No L 185, 16. 8. 1971, p. 5.

⁽⁵⁾ OJ No L 210, 21. 7. 1989, p. 1.

⁽⁶⁾ OJ No L 13, 15. 1. 1977, p. 1.

⁽⁷⁾ OJ No L 127, 20. 5. 1988, p. 1.

Article 5

Where the programme concerns measures to exploit the potential for internally generated development in the region of the Azores to which a contribution is made under this Decision and where these measures relate to the provision of specific services or facilities to firms, the aggregate of national aid and the ERDF's contribution shall not exceed 80 % of the expenditure incurred by the firms concerned.

Article 6

The time limit for implementation of the legal commitments entered into under this Decision is stated in the programme and in Article 1 of this Decision. As an exception, the Commission may modify that date if the recipient expressly so requests in good time before expiry of the time limit, providing adequate grounds for such modification.

Unless the Commission makes a prior change to that date, expenditure incurred after the time limit for implementation shall not be eligible for a contribution from the Fund or a financial instrument.

Article 7

Failure to observe any of the conditions set out in this Decision or in the Community programme of national interest hereby adopted shall entitle the Commission to reduce or cancel the assistance granted under the Decision. The Commission may, in such cases, reclaim all or part of the assistance which has already been paid to the beneficiary of the Decision. However, any such reduction, cancellation or request for repayment may be made only after the beneficiary has been given an opportunity to submit its observations within a deadline fixed by the Commission.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 31 May 1989.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 7 September 1989

on a dispute between Luxembourg and France on the establishment of a special regular passenger service between these two States

(Only the French text is authentic)

(89/524/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 517/72 of 28 February 1972 on the introduction of common rules for regular and special regular services by coach and bus between Member States ⁽¹⁾, as last amended by Regulation (EEC) No 1301/78 ⁽²⁾, hereinafter called 'the Regulation', and in particular Article 14 thereof,

Whereas on 9 January 1986 Autocars Emile Frisch Sàrl submitted to the Luxembourg government an application for authorization to introduce a special regular service to transport workers from Thil and certain other places in that region of France to the Villeroy and Boch factory in Luxembourg, operating two services in each direction daily, departing from Thil at 4.20 a.m. and 12.20 p.m. and from Luxembourg at 2 p.m. and 10 p.m. respectively in order to take workers to and from that factory in time for shifts operating from 6 a.m. to 2 p.m. and 2 p.m. to 10 p.m.; whereas Villeroy and Boch supports the application by Emile Frisch and would contribute to the transport costs of these workers;

Whereas on 5 March 1987 Frisch submitted a new application to introduce a special regular service which differed from the abovementioned one in that it would also take workers to the Arbed factory at Dommeldange; whereas Arbed would not contribute to the travel costs of these workers;

Whereas, in spite of long discussions between the Luxembourg and French authorities, no agreement could be reached on these requests for authorization by the authorities;

Whereas the Luxembourg Government referred the applications to the Commission for a decision on 14 March 1988 in accordance with Article 14 of the Regulation;

Whereas the French Government and the company Schiocchet oppose the applications for authorization on the grounds that the new service would be detrimental to existing regular passenger services in the area and, in

particular, to regular services run by Schiocchet, since it could take passengers away from them and they are of general benefit to the public; whereas they consider therefore that Schiocchet should be able to participate in the service proposed by Frisch in order to be able to obtain benefits to counterbalance any loss suffered from the introduction of the new service;

Whereas the French Government is of the opinion that, in any event, should the proposed special regular service provide transport for workers to the Arbed factory as well, it no longer remains a special regular service but rather becomes more akin to a regular service since the definition of a special regular service in Regulation No 117/66/EEC ⁽³⁾ refers to a special regular service as serving 'a place of work' in the singular;

Whereas the French Government is of the opinion that the applications for authorization submitted by Autocar Emile Frisch Sàrl are inadmissible since the 1986 application refers to both the introduction of a special regular service and also erroneously to the renewal of such a service and the French authorities did not receive a copy of the 1987 application from the Luxembourg authorities;

Whereas the French Government considers that the *status quo* established following Commission Decision 82/595/EEC ⁽⁴⁾ also on the setting up by Emile Frisch Sàrl of certain special regular services to take French workers in the frontier region to the Villeroy and Boch factory in Luxembourg would be disturbed if the new service proposed by Frisch were to be allowed;

Whereas it can be considered that the special regular service proposed by Autocars Emile Frisch Sàrl to take workers to the Villeroy and Boch factory meets the criteria laid down in Article 8 of the Regulation; whereas it fulfils a proven need for a new service both quantitatively and qualitatively in the area since it will provide a service at convenient times for some 50 workers who at present do not have public transport to the Villeroy and Boch factory to arrive for and return from the 6 a.m. and 2 p.m. shifts; whereas the service will call at certain places with at present no public transport at that time;

⁽¹⁾ OJ No L 67, 20. 3. 1972, p. 19.

⁽²⁾ OJ No L 158, 16. 6. 1978, p. 1.

⁽³⁾ OJ No 147, 9. 8. 1966, p. 2688/66.

⁽⁴⁾ OJ No L 244, 19. 8. 1982, p. 32.

Whereas Autocars Emile Frisch Sàrl are already working in the road passenger transport market in this area;

Whereas a special regular service rather than a regular service is the most appropriate form of service for Villeroy and Boch employees since it can be easily adapted to meet their needs;

Whereas the timetable for the special regular service proposed by Autocars Emile Frisch Sàrl is more convenient and the service takes less time than that of the regular service envisaged by Schiocchet for the 6 a.m. shift of the Villeroy and Boch workforce; whereas Schiocchet does not envisage any service to cater for workers on the 2 p.m. shift at the Villeroy and Boch factory;

Whereas the application by Autocars Emile Frisch Sàrl to take workers to the Arbed factory in Dommeldange as well would have the effect of turning the special regular service to the Villeroy and Boch factory, which is defined in Regulation 117/66/EEC as a service for the carriage of workers to their place of work, into a service more akin to a regular service;

Whereas half of the Arbed workforce interested in taking the new service already use existing coach services which could therefore suffer from this loss of customers;

Whereas the two applications by Autocars Emile Frisch Sàrl may be regarded as valid since, despite the error in the heading to the application of 4 January 1986, it would have become clear from the subsequent exchanges between the Luxembourg and French authorities concerning the application that it related to the introduction of a special regular service and not the renewal of one; whereas it is to be regretted that, in the case of the second application of 5 March 1987, the Luxembourg authorities did not send the French authorities a copy, but they informed the French authorities adequately in their letter of 28 July 1987 of the contents of the application; whereas the French authorities subsequently received a copy of this application, together with all the other relevant documen-

tation, from the Commission services under cover of their letter of 21 April 1988, on which they have made observations;

Whereas Decision 82/595/EEC concerned different routes and is not to be regarded as establishing a system of road passenger services which can never be altered,

HAS ADOPTED THIS DECISION:

Article 1

The competent authority of the Grand Duchy of Luxembourg shall authorize Autocars Emile Frisch Sàrl to introduce a special regular service between Thil in France and Luxembourg for the Villeroy and Boch workforce starting from Thil at 4.20 a.m. and 12.20 p.m. and from the Villeroy and Boch factory at 2 p.m. and 10 p.m. and serving the following localities:

Thil — Hussigny — Tiercelet — Aumetz — Beuviller — Audun-le-Roman — Serrouville — Errouville — Crusnes — Cantebonne — Villerupt — Audun-le-Tiche — Esch/Alzette — Schiffflange — Villeroy and Boch factory.

This service is exclusively for the workforce of Villeroy and Boch, established in Luxembourg at 330, rue de Rollingergrund, L-1018 Luxembourg.

Article 2

This Decision is addressed to the Grand Duchy of Luxembourg and the Republic of France.

Done at Brussels, 7 September 1989.

For the Commission

Karel VAN MIERT

Member of the Commission