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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3121/89

of 16 October 1989

modifying the anti-dumping measures applicable to imports of certain acrylic fibres originating in Mexico by introducing an anti-dumping duty on such imports, other than those from exporters to the Community whose undertakings are accepted

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

Having regard to the proposal from the Commission, submitted after consultation within the Advisory Committee as provided for by that Regulation,

Whereas :

A. PROCEDURE

- (1) In June 1985 the Commission initiated an anti-dumping proceeding concerning imports into the Community of certain acrylic fibres originating in Israel, Mexico, Romania and Turkey⁽²⁾.
- (2) By Decision 86/468/EEC⁽³⁾ the Council accepted undertakings regarding imports originating in Mexico from Celanese Mexicana SA (Mexico DF) and Celulosa y Derivados SA (Guadalajara), and therefore terminated the investigation in respect of those firms.
- (3) Early in 1988 the International Rayon and Synthetic Fibres Committee (IRSFC), acting on behalf of producers accounting for virtually the entire Community output of the fibre products concerned, asked the Commission to review the

anti-dumping measures applicable to imports of certain acrylic fibres originating in Mexico and to reopen the anti-dumping investigation.

The Advisory Committee having been consulted, it was felt that the request contained sufficient evidence of changed circumstances to warrant a review, under Article 14 of Regulation (EEC) No 2176/84⁽⁴⁾, of the anti-dumping measures applicable to imports of the products concerned originating in Mexico.

- (4) The Commission therefore published a notice in the *Official Journal of the European Communities*⁽⁵⁾ announcing a review of the measures and reopening of the investigation with reference specifically to the alleged dumping and pricing of the imports, in the light of the claim that the measures are inadequate to eliminate the injury to the Community industry as established in Decision 86/468/EEC. The review concerns imports of: acrylic staple fibres, not carded, combed or otherwise prepared for spinning, falling with CN code ex 5503 30 00 (formerly Common Customs Tariff subheading 56.01 A and Nimexe code 56.01-15), known as staple; tow of acrylic fibres falling within CN code ex 5501 30 00 (formerly Common Customs Tariff subheading 56.02 A and Nimexe code 56.02-15), known as tow; and acrylic staple fibres, carded, combed or otherwise prepared for spinning, falling within CN code ex 5506 30 00 (formerly Common Customs Tariff subheading 56.04 A and Nimexe code 56.04-15), known as acrylic tops.

The Commission officially so advised the producers/exporters and importers known to be concerned, the representatives of the producing country, the complainant and Community

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 159, 29. 6. 1985, p. 2.

⁽³⁾ OJ No L 272, 24. 9. 1986, p. 29.

⁽⁴⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽⁵⁾ OJ No C 117, 4. 5. 1988, p. 3.

producers and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

Most of the Community producers, the producers/exporters and one importer made known their views in writing. A number of them asked for and were granted a hearing.

No comments were submitted by purchasers/users of the product.

- (5) The Commission gathered and verified all the information it considered necessary to establish the facts and carried out inspections at the premises of the following :

(a) *Community producers :*

- Bayer AG, Leverkusen, Federal Republic of Germany,
- Courtaulds Fibres SA, Barcelona, Spain,
- Courtaulds Fibres Ltd, Coventry, United Kingdom,
- Courtaulds SA, Coquelles, France,
- Enichem Fibre Spa, San Donato Milanese, Italy,
- Fibras Sintéticas de Portugal sarl, Barreiro, Portugal,
- Hoechst AG, Frankfurt-am-Main, Federal Republic of Germany,
- Montefibre Hispania SA, Barcelona, Spain,
- Montefibre Spa, Milan, Italy,
- SNIA Fibre Spa, Cesano Maderno, Italy ;

(b) *Producers/exporters :*

- Celulosa y Derivados SA, Guadalajara, Mexico,
- Fibras Sintéticas SA, Mexico DF, Mexico,
- Fibras Nacionales de Acrílico SA (Finacril), Mexico DF, Mexico,
- R & M International Sales Corporation, Philadelphia, United States ;

(c) *Importer :*

- Diprotex SA, Barcelona, Spain ;

(d) *Other :*

- Celanese Mexicana SA, Mexico DF, Mexico,
- Kaltex, Mexico DF, Mexico.

- (6) The investigation into dumping and price differences covered the period 1 November 1987 to 30 April 1988.

- (7) Those parties which cooperated fully with the investigation were informed of the main facts and considerations on the basis of which the Commission proposed to modify or recommend the modification of the anti-dumping measures applicable to imports of the products concerned originating in Mexico. They were given time to submit any comments.

B. DUMPING

I. Known producers/exporters

(a) *Normal value*

- (8) The normal value for each fibre product was established on the basis of the weighted average of the prices actually paid or payable in the ordinary course of trade for like products intended for consumption on the Mexican market.

(b) *Export prices*

- (9) For each product the export prices were calculated on the basis of the prices actually paid or payable for goods sold for export to the Community.

(c) *Comparison*

- (10) In comparing normal value with export prices the Commission made allowance, where appropriate, for differences affecting price comparability, such as credit terms, transport, insurance, handling and ancillary costs. Due account was taken of these differences where claims for such adjustment were found to be justified. All comparisons were made at the ex-works stage.

(d) *Dumping margins*

- (11) Upon examination of the facts it appeared that the goods were still being dumped, the dumping margin being equivalent to the difference between the normal value and the export prices, duly adjusted.

The dumping margins established in this way, expressed as a percentage of total free-at-Community-frontier value, are as follows :

Producers/exporters	Staple CN code ex 5503 30 00	Tow CN code ex 5501 30 00	Tops CN code ex 5506 30 00
Fibras Sintéticas	see others	19,23 %	see others
Celulosa y Derivados	12,64 %	13,29 %	8,76 %
Crisol Textil	see others	see others	18,07 %
Others	12,64 %	19,23 %	18,07 %

II. Other producers/exporters

- (12) Where the information supplied by the producers/exporters was insufficient to establish a precise dumping margin for one or other of the fibre products, the margin for such product(s) was established on the basis of the facts available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.

In this connection the Commission considered that if it allowed the above producers/exporters' dumping margins on such product(s) to be lower than the highest margin identified by the investigation procedure, this would provide a means of escaping the duty.

C. INJURY AND INADEQUACY OF MEASURES TAKEN IN THE LIGHT OF IMPORT TRENDS AND PRICES

- (13) Material injury attributable to imports originating in Mexico was established by Decision 86/468/EEC. It was found that the measures then adopted had not eliminated the injury.
- (14) The information acquired by the Commission indicates that since the finding was made imports of all these fibre products originating in Mexico have increased, from 722 tonnes in 1985 and 7 618 tonnes in 1986 to 12 025 tonnes in 1987, following the introduction of the anti-dumping measures — an increase in absolute terms of 57,85 % from 1986 and 1 565,51 % from 1985. Imports in the first four months of 1988 totalled 2 753 tonnes. Assuming that they continued at the same rate for the remaining eight months of that year, they would have totalled 8 259 tonnes, 8,41 % up on 1986 and 1 043,91 % up on 1985.

Regarding import prices, our information shows that the average price for all the fibre products had fallen from ECU 1 620/tonne in 1985 and ECU 1 650/tonne in 1986 to approximately ECU 1 456/tonne in 1987 and ECU 1 437/tonne in the first four months of 1988, down 10,12 and 11,3 % respectively from the 1985 prices which themselves, it will be recalled, were low enough to justify the adoption of defensive measures against imports from Mexico.

- (15) The figures for the reference period show that the prices of imports originating in Mexico were not

only lower than Community producers' prices (undercutting them by an average of over 18 %, net of customs duty), but fell short of their average production costs. Since 1985, the Community industry has lost market share to Mexican producers. Between 1985 and 1987, while the producers/exporters of the Mexican products were increasing their sales in the Community, Community producers saw their sales fall. If the figure for their sales in the first four months of 1988 are extrapolated for the rest of the year this would represent a decline of 9,5 % from the 1985 sales volume. The good results recorded in 1986 by Community producers as a whole were generally eroded in 1987, so that over the reference period and, in particular, in the first quarter of 1988 some firms started to make losses.

- (16) The substantial rise in imports, the fall in prices resulting in significant undercutting and the worsening financial position of the Community producers show sufficiently that the defensive measures introduced in 1986 are not adequate to eliminate the injury being caused to the Community by imports originating in Mexico, as definitively established in Decision 86/468/EEC.

This is due, *inter alia*, to the fact that undertakings other than those named in Decision 86/468/EEC have been exporting the goods to the Community and to the 20 %-plus depreciation of the US dollar against most European currencies since the price undertakings given in dollars by the named exporters were accepted, making those undertakings inadequate.

No information was found to suggest that the situation of the Community industry and the inadequacy of the existing measures were due to other factors such as the volume and price of imports originating in other third countries, including those named in the earlier proceeding.

D. COMMUNITY INTEREST AND CONCLUSION

- (17) In the light of the above and given that the earlier finding of dumping is still valid, it is necessary to tighten up the existing measures to ensure that their initial aim of eliminating injury to the Community industry, in the Community interest, can finally be achieved.

The substantial restructuring carried out by the Community's man-made fibre industry in the last decade and the considerable investment undertaken by some Community producers on environmental protection measures will be pointless at Community level unless backed up by measures to provide the industry with adequate protection against dumping by any outside producers/exporters.

Accordingly, the existing measures concerning imports of these products originating in Mexico introduced by Decision 86/468/EEC must be revised and replaced by those indicated below.

E. MODIFICATION OF EXISTING ANTI-DUMPING MEASURES

I. Price undertakings

- (18) Celulosa y Derivados, Crisol Textil, Finacril, Fibras Sintéticas and R & M International Sales Corporation were informed of the main findings of the investigation and offered undertakings concerning their export sales to the Community.

The effect of these undertakings will be to raise the price of exports to the Community to a level considered acceptable to eliminate the dumping margins or at any rate to enable the Community industry to earn an adequate return and continue in business, and hence to eliminate the injury to that industry.

In view of the small number of companies concerned, the Commission concluded it would be realistic to accept these undertakings. This is, moreover, a constructive measure which takes into account Mexico's situation as a developing country.

Accordingly, the undertakings which have been offered should be accepted and the review should be terminated without imposing an anti-dumping duty on the producers/exporters concerned.

II. Duty

- (19) In order not to leave any loopholes and to prevent a recurrence of the events which led to the initiation of this review, an anti-dumping duty should be imposed on sales of these products to the Community by exporters other than those named above; this would apply to all imports of the products concerned originating in Mexico, sold for export to the Community by companies other than

those from which a price undertaking has been accepted.

To facilitate customs clearance the Commission considers that this should take the form of an *ad valorem* duty.

- (20) The duty will be set at a rate reflecting the gap between the minimum threshold price within the Community at which the Community industry can earn a return sufficient to continue in business and the prices at which, according to the facts available, the goods in question have been imported. In no case will it exceed the established dumping margin.

Expressed as a percentage of the net price of the product free at Community frontier, before duty, this would give:

— CN code ex 5503 30 00 (staple)	12,6 %
— CN code ex 5501 30 00 (tow)	19,2 %
— CN code ex 5506 30 00 (tops)	18,0 %

F. FINAL PROVISION

- (21) In the interests of legal certainty, Article 1 (c) and (d) of Decision 86/468/EEC should be repealed with effect from the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of acrylic staple fibres, not carded, combed or otherwise prepared for spinning, falling within CN code ex 5303 30 00, tow of acrylic fibres falling within CN code ex 5501 30 00 and acrylic fibres carded, combed or otherwise prepared for spinning (tops) falling within CN code ex 5506 30 00, originating in Mexico.

2. The duty, expressed as a percentage of the net free-at-Community-frontier price of the product before duty, shall be:

— CN code ex 5503 30 00	12,6 %
— CN code ex 5501 30 00	19,2 %
— CN code ex 5506 30 00	18,0 %

Free-at-Community-frontier prices shall be net if the conditions of sale provide for payment within 30 days of the date of consignment. They shall be increased or reduced by 1 % for each month's increase or decrease in the period for payment.

3. The duty shall not apply to the products referred to in paragraph 1 exported direct to the Community by:

- Celulosa y Derivados SA, Guadalajara, Mexico,
- Crisol Textil, Mexico DF, Mexico,
- Fibras Nacionales de Acrilico SA (Finacril), Mexico DF, Mexico,
- Fibras Sintéticas SA, Mexico DF, Mexico,
- R & M International Sales Corporation, Philadelphia, United States of America,

whose price undertakings are hereby accepted.

4. The provisions in force concerning customs duties shall apply.

Article 2

Points (c) and (d) of Article 1 of Decision 86/468/EEC are hereby repealed.

Article 3

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 Luxembourg, 16 October 1989.

For the Council

The President

M. DELEBARRE

COMMISSION REGULATION (EEC) No 3122/89

of 18 October 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 2860/89 ⁽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 17 October 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 19 October 1989.

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

Done at Brussels, 18 October 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 274, 23. 9. 1989, p. 41.

⁽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.

ANNEX

to the Commission Regulation of 18 October 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	21,67	120,81
0712 90 19	21,67	120,81
1001 10 10	24,50	164,25 ⁽¹⁾ ⁽²⁾
1001 10 90	24,50	164,25 ⁽¹⁾ ⁽²⁾
1001 90 91	21,69	111,60
1001 90 99	21,69	111,60
1002 00 00	48,55	113,11 ⁽³⁾
1003 00 10	39,39	116,30
1003 00 90	39,39	116,30
1004 00 10	30,79	106,90
1004 00 90	30,79	106,90
1005 10 90	21,67	120,81 ⁽³⁾ ⁽⁴⁾
1005 90 00	21,67	120,81 ⁽³⁾ ⁽⁴⁾
1007 00 90	39,39	129,12 ⁽⁴⁾
1008 10 00	39,39	1,07
1008 20 00	39,39	75,68 ⁽⁴⁾
1008 30 00	39,39	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	39,39	0,00
1101 00 00	43,81	169,68
1102 10 00	81,41	171,79
1103 11 10	52,45	269,06
1103 11 90	46,84	182,78

⁽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 3123/89

of 18 October 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 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 2860/89⁽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 17 October 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 19 October 1989.

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

Done at Brussels, 18 October 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 274, 23. 9. 1989, p. 41.

⁽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 18 October 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 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	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	1,59	1,59	1,65
1004 00 90	0	1,59	1,59	1,65
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 3124/89

of 13 October 1989

amending the Annex to Regulation (EEC) No 4142/87 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 1672/89⁽²⁾, and in particular Article 11 thereof,

Whereas the Annex to Commission Regulation (EEC) No 4142/87⁽³⁾ contains the list of products to which the Regulation is not applicable; whereas it is appropriate, for reasons of clarity, to update this Annex in accordance with the amendments arising concurrently from

Commission Regulation (EEC) No 1368/88 of 18 May 1988 specifying the conditions for the inclusion of certain live animals of the domestic bovine species and certain meat of the bovine species within the CN codes listed in Annex E to the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia establishing new trade arrangements⁽⁴⁾, as amended by Regulation (EEC) No 3886/88⁽⁵⁾, and from Commission Regulation (EEC) No 1473/89 of 26 May 1989 amending Regulation (EEC) No 4141/87 determining the conditions under which goods for certain categories of aircraft and ships are eligible on import for a favourable tariff arrangement by reason of their end-use⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 4142/87 is hereby amended as follows:

1. The following CN codes and corresponding descriptions:

'0102	Live bovine animals:
...	...
ex 0102 90 31	— Not yet having any permanent teeth, of a weight of not less than 350 kg but not more than 450 kg, in the case of male animals, or of not less than 320 kg but not more than 420 kg in the case of female animals
to	
ex 0102 90 37	
0201	Meat of bovine animals, fresh or chilled:
...	...
ex 0201 10 90	Carcases of a weight of not less than 180 kg but not more than 270 kg and half-carcases or "compensated" quarters, of a weight of not less than 90 kg but not more than 135 kg, with a low degree of ossification of the cartilages (more especially those of the symphysis pubis and the vertebral apophyses), the meat of which is of a light pink colour and the fat of which, of extremely fine structure, is white to light yellow in colour
ex 0201 20 11	
ex 0201 20 31	Separated forequarters of a weight of not less than 45 kg but not more than 68 kg, with a low degree of ossification of the cartilages (more especially those of the vertebral apophyses), the meat of which is of a light pink colour and the fat of which, of extremely fine structure, is white to light yellow in colour
ex 0201 20 39	

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 169, 19. 6. 1989, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1987, p. 81.

⁽⁴⁾ OJ No L 126, 20. 5. 1988, p. 26.

⁽⁵⁾ OJ No L 346, 15. 12. 1988, p. 22.

⁽⁶⁾ OJ No L 146, 30. 5. 1989, p. 9.

ex 0201 20 51 Separated hindquarters of a weight not less than 45 kg but
ex 0201 20 59 not more than 68 kg (not less than 38 kg but not more than
61 kg in the case of "Pistola" cuts), with a low degree of
ossification of the cartilages (more especially those of the
vertebral apophyses), the meat of which is of a light pink
colour and the fat of which, of extremely fine structure, is
white to light yellow in colour',

are replaced by the following CN codes and descriptions:

'0102	Live bovine animals:
...	...
ex 0102 90 31	— Not yet having any permanent teeth, of a weight of not
ex 0102 90 35	less than 350 kg but not more than 500 kg, in the case of
ex 0102 90 37	male animals, or of not less than 320 kg but not more
	than 470 kg in the case of female animals
0201	Meat of bovine animals, fresh or chilled:
...	...
ex 0201 10 90	Carcases, fresh or chilled, of a weight of not less than 180 kg
ex 0201 20 29	but not more than 300 kg and half-carcases or
	"compensated" quarters, fresh or chilled, of a weight of not
	less than 90 kg but not more than 150 kg, with a low degree
	of ossification of the cartilages (more especially those of the
	symphysis pubis and the vertebral apophyses), the meat of
	which is of a light pink colour and the fat of which, of
	extremely fine structure, is white to light yellow in colour
ex 0201 20 39	Separated forequarters, fresh or chilled, of a weight of not less
	than 45 kg but not more than 75 kg, with a low degree of
	ossification of the cartilages (more especially those of the
	vertebral apophyses), the meat of which is of a light pink
	colour and the fat of which, of extremely fine structure, is
	white to light yellow in colour
ex 0201 20 51	Separated hindquarters, fresh or chilled, of a weight not less
ex 0201 20 59	than 45 kg but not more than 75 kg (not less than 38 kg but
	not more than 68 kg in the case of "Pistola" cuts), with a low
	degree of ossification of the cartilages (more especially those
	of the vertebral apophyses), the meat of which is of a light
	pink colour and the fat of which, of extremely fine structure,
	is white to light yellow in colour';

2. the following text:

'Miscellaneous

Goods intended for incorporation in the ships, boats or other vessels falling within CN codes 8901 10 10, 8901 20 10, 8901 30 10, 8901 90 10, 8902 00 11, 8902 00 19, 8903 91 10, 8903 92 10, 8904 00 10, 8904 00 91, 8905 10 10, 8905 90 10, 8906 00 10, 8906 00 91 for the purposes of their construction, repair, maintenance or conversion and for products intended for fitting to or equipping such ships, boats or other vessels (Section II A of the Preliminary Provisions and CN codes 8408 10 10 to 8408 10 90)',

is replaced by:

'Miscellaneous

Goods intended for incorporation in the ships, boats or other vessels falling within CN codes 8901 10 10, 8901 20 10, 8901 30 10, 8901 90 10, 8902 00 11, 8902 00 19, 8903 91 10, 8903 92 10, 8904 00 10, 8904 00 91, 8905 10 10, 8905 90 10, 8906 00 10 and 8906 00 91 for the purposes of their construction, repair, maintenance or conversion or for the purposes of fitting to or equipping such ships, boats or other vessels (Section II, paragraph A.1 of the "Preliminary Provisions" and CN codes 8408 10 10 to 8408 10 90)

Miscellaneous

Products referred to under Section II, paragraph A.2 of the "Preliminary Provisions of the combined nomenclature."

Article 2

This Regulation shall enter into force on the 21st day after 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, 13 October 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 3125/89
of 17 October 1989
concerning the stopping of fishing for common sole and plaice by vessels flying
the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/81 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 2278/89 ⁽⁴⁾, provides for common sole and plaice quotas for 1989;

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

Whereas, according to the information communicated to the Commission, catches of common sole and plaice in the waters of ICES divisions VII f and g by vessels flying the flag of Belgium or registered in Belgium have reached the quotas allocated for 1989; whereas Belgium has

prohibited fishing for these stocks as from 10 October 1989; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

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

Fishing for common sole and plaice in the waters of ICES divisions VII f and g by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the above-mentioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 10 October 1989.

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

Done at Brussels, 17 October 1989.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3126/89

of 18 October 1989

on an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries

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 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1806/89⁽²⁾, and in particular Article 17 thereof,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 4 thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1989/90 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 4 of Regulation (EEC) No 1431/76 enabling the amount of refund to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice⁽⁴⁾, as last amended by Regulation (EEC) No 379/89⁽⁵⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI and Zone VIII, excluding Guyana, Madagascar and Surinam, noted in Annex I to Regulation (EEC) No 1124/77⁽⁶⁾, as last amended by Regulation (EEC) No 3049/89⁽⁷⁾;

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

Article 1

1. An invitation to tender is hereby opened, for the export refund referred to in Article 4 of Regulation (EEC) No 1431/76, for Zones I to VI and Zone VIII excluding Guyana, Madagascar and Surinam, of Annex I to Regulation (EEC) No 1124/77.

2. The invitation to tender shall be open until 21 June 1990. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 50 tonnes but not more than 5 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 20 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁸⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ No L 44, 16. 2. 1989, p. 22.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁷⁾ OJ No L 292, 11. 10. 1989, p. 10.

⁽⁸⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76:

- either to fix a maximum export refund, taking account of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 1431/76,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 9 November 1989 at 10 a.m. (Belgian time).

The final date for submission of tenders is hereby fixed at 21 June 1990.

Article 9

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, 18 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenders	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 3127/89

of 18 October 1989

re-establishing the levying of customs duties on mounted piezo-electric crystals falling within CN code 8541 60 00 originating in Malaysia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of mounted piezo-electric crystals falling within CN code 8541 60 00 the individual ceiling was fixed at ECU 2 700 000; whereas, on 14 July 1989, imports of these products into the Community originating in Malaysia reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Malaysia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 October 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in Malaysia:

Order No	CN code	Description
10.1100	8541 60 00	Mounted piezo-electric crystals

Article 2

This Regulation shall enter into force on the third 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, 18 October 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 3128/89

of 18 October 1989

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

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

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

Whereas Commission Regulation (EEC) No 1150/89⁽⁷⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 4078/88 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 20 October 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 271, 1. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 1.

⁽⁵⁾ OJ No L 311, 17. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 8.

⁽⁷⁾ OJ No L 151, 3. 6. 1989, p. 32.

⁽⁸⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁹⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ 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, 18 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3129/89
of 18 October 1989
amending Regulation (EEC) No 756/70 on granting aid for skimmed milk
processed into casein and caseinates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 763/89⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Article 2 (4) of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽³⁾, as last amended by Regulation (EEC) No 3554/88⁽⁴⁾, lays down that the granting of aid may be restricted to casein and caseinates for specific uses if the market situation so dictates; whereas, pursuant to that provision, Commission Regulation (EEC) No 756/70⁽⁵⁾, as last amended by Regulation (EEC) No 2203/89⁽⁶⁾, specifies the circumstances in which such aid may be granted and the conditions to apply thereto;

Whereas Article 4 (6) of Regulation (EEC) No 756/70 specifies that incorporation of up to 2 % of the weight of the end product is permitted in processed cheeses; whereas practical difficulties have been encountered in checking compliance with this provision which applies to individual products; whereas the economic purpose of that provision may also be achieved by applying the same restrictions as regards production over a given period;

Whereas Article 5 of Regulation (EEC) No 756/70 makes applicable certain provisions of Commission Regulation (EEC) No 569/88 of 16 February 1988 laying down

common detailed rules for verifying the use and/or destination of products from intervention⁽⁷⁾, as last amended by Regulation (EEC) No 3060/89⁽⁸⁾; whereas it would be appropriate to include the application of Article 24 of Regulation (EEC) No 569/88;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 756/70 is hereby amended as follows:

1. The second subparagraph of Article 4 (6) is replaced by the following:

'However, if the end product is covered by CN code 0406 30, the security shall be released for quantities of casein or caseinates equivalent to 2 % of the weight of the products manufactured by the undertaking in question over a period to be determined by the Member State responsible for carrying out checks. That period may not exceed one month.'

2. In the second paragraph of Article 5, 'Articles 6, 12 and 20' is replaced by 'Articles 6, 12, 20 and 24'.

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, 18 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁴⁾ OJ No L 311, 17. 11. 1988, p. 6.

⁽⁵⁾ OJ No L 91, 25. 4. 1970, p. 28.

⁽⁶⁾ OJ No L 209, 21. 7. 1989, p. 33.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁸⁾ OJ No L 293, 12. 10. 1989, p. 29.

COMMISSION REGULATION (EEC) No 3130/89
of 18 October 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 3093/89 ⁽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 19 October 1989.

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

Done at Brussels, 18 October 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 296, 14. 10. 1989, p. 27.

ANNEX

to the Commission Regulation of 18 October 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,80 ⁽¹⁾
1701 11 90	26,80 ⁽¹⁾
1701 12 10	26,80 ⁽¹⁾
1701 12 90	26,80 ⁽¹⁾
1701 91 00	32,85
1701 99 10	32,85
1701 99 90	32,85 ⁽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 3131/89
of 18 October 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 3059/89 ⁽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 1,10 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 October 1989.

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

Done at Brussels, 18 October 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 293, 12. 10. 1989, p. 28.

COMMISSION REGULATION (EEC) No 3132/89

of 18 October 1989

fixing the maximum export refund for white sugar for the 25th partial invitation to tender issued within the framework of the standing invitation to tender provided for 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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 1381/89⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 999/89, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 25th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

For the 25th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 28,909 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 October 1989.

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

Done at Brussels, 18 October 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.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3133/89
of 18 October 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 3057/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3057/89 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 3057/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 October 1989.

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

Done at Brussels, 18 October 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 293, 12. 10. 1989, p. 25.

ANNEX

to the Commission Regulation of 18 October 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	21,28 ⁽¹⁾	
1701 11 90 910	23,73 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	21,28 ⁽¹⁾	
1701 12 90 910	23,73 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2480
1701 99 10 100	24,80	
1701 99 10 910	26,14	
1701 99 10 950	26,14	
1701 99 90 100		0,2480

⁽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 3134/89

of 18 October 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 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 2860/89⁽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 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽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 2893/89⁽⁷⁾, as last amended by Regulation (EEC) No 3111/89⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 279, 28. 9. 1989, p. 16.

⁽⁸⁾ OJ No L 298, 17. 10. 1989, p. 18.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 17 October 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 Commission Regulation (EEC) No 1579/74⁽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 2893/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 19 October 1989.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 18 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 October 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
0714 10 10 ⁽¹⁾	42,08	113,54	118,37
0714 10 91	39,06	113,54	115,35
0714 10 99	42,08	113,54	118,37
0714 90 11	39,06	113,54 ⁽²⁾	115,35
0714 90 19	42,08	113,54 ⁽²⁾	118,37
1102 20 10	43,84	220,64	226,68
1102 20 90	24,44	125,03	128,05
1102 90 10	76,35	207,63	213,67
1102 90 30	60,87	191,59	197,63
1102 90 90	42,84	128,70	131,72
1103 12 00	60,87	191,59	197,63
1103 13 11	43,84	220,64	226,68
1103 13 19	43,84	220,64	226,68
1103 13 90	24,44	125,03	128,05
1103 19 10	93,14	203,81	209,85
1103 19 30	76,35	207,63	213,67
1103 19 90	42,84	128,70	131,72
1103 21 00	43,17	199,37	205,41
1103 29 10	93,14	203,81	209,85
1103 29 20	76,35	207,63	213,67
1103 29 30	60,87	191,59	197,63
1103 29 40	43,84	220,64	226,68
1103 29 90	42,84	128,70	131,72
1104 11 10	42,86	117,66	120,68
1104 11 90	84,16	230,70	236,74
1104 12 10	34,09	108,57	111,59
1104 12 90	66,96	212,88	218,92
1104 19 10	43,17	199,37	205,41
1104 19 30	93,14	203,81	209,85
1104 19 50	43,84	220,64	226,68
1104 19 99	76,31	227,12	233,16
1104 21 10	65,52	184,56	187,58
1104 21 30	65,52	184,56	187,58
1104 21 50	103,69	288,38	294,42
1104 21 90	42,86	117,66	120,68

CN code	Import levies (ECU/tonne)		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 22 10 10 (*)	34,09	108,57	111,59
1104 22 10 90 (*)	57,85	191,59	194,61
1104 22 30	57,85	191,59	194,61
1104 22 50	51,76	170,30	173,32
1104 22 90	34,09	108,57	111,59
1104 23 10	36,62	196,13	199,15
1104 23 30	36,62	196,13	199,15
1104 23 90	24,44	125,03	128,05
1104 29 10*10 (*)	30,46	147,31	150,33
1104 29 10*20 (*)	67,38	150,60	153,62
1104 29 10*30 (*)	65,48	201,89	204,91
1104 29 10*40 (*)	65,48	201,89	204,91
1104 29 10*90 (*)	65,48	201,89	204,91
1104 29 30*10 (*)	36,03	177,22	180,24
1104 29 30*20 (*)	80,44	181,17	184,19
1104 29 30*30 (*)	65,48	201,89	204,91
1104 29 30*40 (*)	65,48	201,89	204,91
1104 29 30*90 (*)	65,48	201,89	204,91
1104 29 91	24,06	112,98	116,00
1104 29 95	52,38	115,49	118,51
1104 29 99	42,84	128,70	131,72
1104 30 10	21,51	83,07	89,11
1104 30 90	21,79	91,94	97,98
1106 20 10	42,08	111,72 (*)	118,37
1106 20 91	54,36	193,72 (*)	217,90
1106 20 99	54,36	193,72 (*)	217,90
1107 10 11	47,60	197,15	208,03
1107 10 19	38,32	147,31	158,19
1107 10 91	80,41	205,32	216,20 (*)
1107 10 99	62,83	153,42	164,30
1107 20 00	71,42	178,79	189,67 (*)
1108 11 00	65,94	243,67	264,22
1108 12 00	54,36	197,35	217,90
1108 13 00	54,36	197,35	217,90
1108 14 00	54,36	98,67	217,90
1108 19 90	54,36	98,67 (*)	217,90
1109 00 00	263,86	443,04	624,38
1702 30 51	140,82	257,42	354,14
1702 30 59	100,30	197,35	263,84
1702 30 91	140,82	257,42	354,14
1702 30 99	100,30	197,35	263,84
1702 40 90	100,30	197,35	263,84
1702 90 50	100,30	197,35	263,84
1702 90 75	142,92	269,68	366,40
1702 90 79	98,62	187,55	254,04
2106 90 55	100,30	197,35	263,84
2302 10 10	17,30	48,82	54,82
2302 10 90	30,21	104,61	110,61
2302 20 10	17,30	48,82	54,82
2302 20 90	30,21	104,61	110,61
2302 30 10	17,30	48,82	54,82
2302 30 90	30,21	104,61	110,61
2302 40 10	17,30	48,82	54,82
2302 40 90	30,21	104,61	110,61
2303 10 11	223,34	245,16	426,50

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) 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.
- (⁴) TARIC code : wheat.
- (⁵) TARIC code : rye.
- (⁶) TARIC code : millet.
- (⁷) TARIC code : sorghum.
- (⁸) TARIC code : others.
- (⁹) TARIC code : clipped oats.
- (¹⁰) TARIC code : CN code 1104 22 10, other than 'clipped oats'.
-

COMMISSION REGULATION (EEC) No 3135/89**of 18 October 1989****repealing Regulation (EEC) No 948/89 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus**

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 948/89⁽²⁾ applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 948/89 should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 948/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 19 October 1989.

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

Done at Brussels, 18 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 101, 13. 4. 1989, p. 27.

COMMISSION REGULATION (EEC) No 3136/89**of 18 October 1989****amending Regulation (EEC) No 2996/89 introducing a countervailing charge on cucumbers 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 first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2996/89⁽³⁾, as amended by Regulation (EEC) No 3094/89⁽⁴⁾, introduced a countervailing charge on cucumbers originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of cucumbers originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act, 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;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2996/89, 'ECU 20,13' is hereby replaced by 'ECU 47,44'.

Article 2

This Regulation shall enter into force on 19 October 1989.

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

Done at Brussels, 18 October 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 287, 5. 10. 1989, p. 13.

⁽⁴⁾ OJ No L 296, 14. 10. 1989, p. 29.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 September 1989

amending Decision 83/194/EEC, Euratom, ECSC in respect of the authorizations granted to the Netherlands to use approximate estimates for the calculation of the VAT own resources basis

(Only the Dutch text is authentic)

(89/554/EEC, Euratom, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaties establishing the European Communities,

Having regard to Council Regulation (EEC, Euratom, ECSC) No 2892/77 of 19 December 1977 implementing in respect of own resources accruing from value added tax the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources⁽¹⁾, as amended by Regulation (ECSC, EEC, Euratom) No 3735/85⁽²⁾, and in particular Article 13 thereof,

Whereas, for the years 1979 to 1987, the Commission, pursuant to Council Regulation (EEC, Euratom, ECSC) No 2892/77 adopted a series of decisions concerning the Netherlands, including Decision 83/194/EEC, Euratom, ECSC⁽³⁾,

Whereas the Netherlands exempts services supplied by notaries and bailiffs acting in their capacity as public officials and whereas the corresponding own resources basis must therefore be calculated by means of approximate estimates; whereas Decision 83/194/EEC, Euratom, ECSC must accordingly be amended for the year 1988;

Whereas, the Advisory Committee on Own Resources has approved the report recording the opinions of its members on this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby added to Article 2 of Decision 83/194/EEC, Euratom, ECSC for the year 1988:

'6. Services supplied by notaries and bailiffs (Annex F, point 2).'

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 8 September 1989.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

⁽¹⁾ OJ No L 336, 27. 12. 1977, p. 8.

⁽²⁾ OJ No L 356, 31. 12. 1985, p. 1.

⁽³⁾ OJ No L 108, 26. 4. 1983, p. 14.

COMMISSION DECISION

of 8 September 1989

authorizing the Hellenic Republic to use certain approximate estimates when calculating the VAT own resources basis

(Only the Greek text is authentic)

(89/555/EEC, Euratom, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaties establishing the European Communities,

Having regard to Council Regulation (EEC, Euratom, ECSC) No 2892/77 of 19 December 1977 implementing, in respect of own resources accruing from value added tax, the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources⁽¹⁾, as last amended by Regulation (ECSC, EEC, Euratom) No 3735/85⁽²⁾, and in particular Article 13 thereof,

Whereas paragraph 2 (b) of Section II (Taxation) of Annex VIII to the Act of Accession of the Hellenic Republic to the European Communities authorizes Greece to exempt certain activities from value added tax in accordance with Article 28 (3) (b) of Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽³⁾, as last amended by Directive 87/400/EEC⁽⁴⁾;

Whereas, on the basis of the second subparagraph of Article 9 (2) of Regulation 2892/77, the VAT own resources basis is to be calculated as if those activities were taxed;

Whereas pursuant to the second indent of the first subparagraph of Article 9 (3) of Regulation 2892/77, Greece has requested authorization to make those calculations using approximate estimates;

Whereas the Advisory Committee on Own Resources has approved the report recording the opinions of its members on this Decision,

HAS ADOPTED THIS DECISION:

Article 1

When calculating its VAT own resources basis for 1987 and 1988, Greece is authorized to use approximate estimates for the following categories of transactions referred to in Annex F of Directive 77/388/EEC:

1. Services supplied by lawyers and other members of the liberal professions (point 2);
2. Treatment of animals by veterinary surgeons (point 9);
3. The supply of water by public authorities (point 12);
4. Supplies of those buildings and land described in Article 4 (3) of Directive 77/388/EEC (point 16);
5. The supply, modification, repair, maintenance, chartering and hiring of aircraft, including equipment incorporated or used therein, used by State institutions (point 23);
6. The supply, modification, repair, maintenance, chartering and hiring of warships (point 25).

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 8 September 1989.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

⁽¹⁾ OJ No L 336, 27. 12. 1977, p. 8.

⁽²⁾ OJ No L 356, 31. 12. 1985, p. 1.

⁽³⁾ OJ No L 145, 13. 6. 1977, p. 1.

⁽⁴⁾ OJ No L 213, 4. 8. 1987, p. 40.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3061/89 of 11 October 1989 amending Regulation (EEC) No 745/87 derogating from Regulation (EEC) No 2169/86 laying down detailed rules for the control and payment of the production refunds in the cereals and rice sectors

(Official Journal of the European Communities No L 293 of 12 October 1989)

Page 30, Article 1, text of new Article 1 of Regulation (EEC) No 745/87, second line:

for: '35 09 10',

read: '38 09 10'.
