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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 3329/89 of 6 November 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 3330/89 of 6 November 1989 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 3331/89 of 6 November 1989 on the supply of various lots of white sugar as food aid	5
Commission Regulation (EEC) No 3332/89 of 6 November 1989 on the supply of various consignments of cereals as food aid	9
Commission Regulation (EEC) No 3333/89 of 6 November 1989 fixing the aid for cotton	13
Commission Regulation (EEC) No 3334/89 of 6 November 1989 altering the export refunds on malt	14
Commission Regulation (EEC) No 3335/89 of 6 November 1989 abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey	16
Commission Regulation (EEC) No 3336/89 of 6 November 1989 fixing the amount of the subsidy on oil seeds	17

II *Acts whose publication is not obligatory*

Council

89/577/EEC:

- * **Council Decision of 23 October 1989 amending Decision 86/649/EEC introducing a Community financial measure for the eradication of African swine fever in Portugal** 21

Contents (continued)

89/578/EEC :

- * Council Decision of 30 October 1989 amending for the third time Decision 88/303/EEC recognizing certain parts of the territory of the Community as being either officially swine fever free or swine fever free 22

89/579/EEC :

- * Council Decision of 30 October 1989 amending the legal bases of Decisions 87/593/EEC, 87/594/EEC and 87/595/EEC 23

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3329/89**of 6 November 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 3 November 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 7 November 1989.

⁽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.

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

Done at Brussels, 6 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 November 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	23,05	119,72
0712 90 19	23,05	119,72
1001 10 10	27,26	165,24 ⁽¹⁾ ⁽²⁾
1001 10 90	27,26	165,24 ⁽¹⁾ ⁽²⁾
1001 90 91	23,07	115,50
1001 90 99	23,07	115,50
1002 00 00	49,93	114,27 ⁽³⁾
1003 00 10	40,77	113,12
1003 00 90	40,77	113,12
1004 00 10	32,17	111,17
1004 00 90	32,17	111,17
1005 10 90	23,05	119,72 ⁽²⁾ ⁽³⁾
1005 90 00	23,05	119,72 ⁽²⁾ ⁽³⁾
1007 00 90	40,77	130,94 ⁽⁴⁾
1008 10 00	40,77	2,94
1008 20 00	40,77	68,80 ⁽⁵⁾
1008 30 00	40,77	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	40,77	0,00
1101 00 00	46,85	175,29
1102 10 00	84,22	173,56
1103 11 10	56,78	271,55
1103 11 90	49,97	188,68

⁽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 3330/89

of 6 November 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 3 November 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 7 November 1989.

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

Done at Brussels, 6 November 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 6 November 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 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0,32	0,32	0,64
0712 90 19	0	0,32	0,32	0,64
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	3,84
1001 90 99	0	0	0	3,84
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	0,79
1004 00 90	0	0	0	0,79
1005 10 90	0	0,32	0,32	0,64
1005 90 00	0	0,32	0,32	0,64
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	11,88
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	5,37

B. Malt

CN code	(ECU/tonne)				
	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	0	6,84	6,84
1107 10 19	0	0	0	5,11	5,11
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 3331/89
of 6 November 1989
on the supply of various lots of white sugar as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 1 000 tonnes of sugar;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Sugar shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

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, 6 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation No** (1): 612/89
2. **Programme**: 1989
3. **Recipient**: M. P. F. Pirlot, UNHCR, Case Postale 2500, CH-1211 Genève 2 Depot; tel. 739 81 11, telex 415740 UNHCR CH
4. **Representative of the recipient** (2) (3): Bureau du HCR, Ground Floor, EEC Building, Bole Road Higher 18, Kebele 26, House No 519,001 Addis Ababa, Ethiopia; tel. 51 01 14 / 51 02 43
5. **Place or country of destination**: Ethiopia
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (4): white sugar of category 2 standard quality (Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1)) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 400 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (5): new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kg
Marking on bags (at least 5 cm high):
'ACTION No 612/89 / SUGAR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNHCR ASSISTANCE PROGRAMME / FOR SUDANESE REFUGEES IN ETHIOPIA / FOR FREE DISTRIBUTION / ITANG'
11. **Method of mobilization** (6): sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Assab
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 12. 1989 to 15. 1. 1990
18. **Deadline for the supply**: 28. 2. 1990
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders**: 21. 11. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 12. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15. 12. 1989 to 15. 1. 1990
 - (c) deadline for the supply: 28. 2. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (7):

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (8): periodic refund applicable to white sugar on 19. 10. 1989 fixed by Commission Regulation (EEC) No 3133/89 (OJ No L 301, 19. 10. 1989, p. 24)

ANNEX II

1. **Operation No** (1): 615/89
2. **Programme**: 1989
3. **Recipient**: M. P. F. Pirlot, UNHCR, Case Postale 2500, CH-1211 Genève 2 Depot; tel. 739 81 11, telex 415740 UNHCR CH
4. **Representative of the recipient** (2) (3): Bureau du HCR, Ground Floor, EEC Building, Bole Road Higher 18, Kebele 26, House No 519, 001 Addis Ababa, Ethiopia; tel. 51 01 14 / 51 02 43
5. **Place or country of destination**: Ethiopia
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (4): white sugar of category 2 standard quality (Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1)) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 600 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (5): new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kg
Marking on bags (at least 5 cm high):
'ACTION No 615/89 / SUGAR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNHCR ASSISTANCE PROGRAMME / FOR SOMALI REFUGEES IN ETHIOPIA / FOR FREE DISTRIBUTION / DIRE DAWA'
11. **Method of mobilization** (6): sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Djibouti
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 12. 1989 to 15. 1. 1990
18. **Deadline for the supply**: 28. 2. 1990
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders**: 21. 11. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 12. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15. 12. 1989 to 15. 1. 1990
 - (c) deadline for the supply: 28. 2. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (7):
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (8): periodic refund applicable to white sugar on 19. 10. 1989 fixed by Commission Regulation (EEC) No 3133/89 (OJ No L 301, 19. 10. 1989, p. 24)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annexes.
 - (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
 - (⁸) The rule provided at the second indent in point (a) of Article 18 (2) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
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COMMISSION REGULATION (EEC) No 3332/89

of 6 November 1989

on the supply of various consignments of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 8 266 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

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, 6 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation Nos⁽¹⁾** : 172 and 173/89
 2. **Programme** : 1989
 3. **Recipient** : World Food Programme, via Cristoforo Colombo 426, I-00145 Roma (telex 626675 WFP 1)
 4. **Representative of the recipient⁽²⁾** : see OJ No C 103, 16. 4. 1987
 5. **Place or country of destination** : Peoples's Democratic Republic of Yemen
 6. **Product to be mobilized** : common wheat
 7. **Characteristics and quality of the goods⁽³⁾** : see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.1)
 8. **Total quantity** : 916 tonnes
 9. **Number of lots** : one
 10. **Packaging and marking⁽⁴⁾** : see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1.a))
 - marking on the bags, in letters at least 5 cm high :
 - I : 600 tonnes
'ACTION No 172/89 / YEMEN PDR 0258001 / WHEAT / ACTION OF THE WORLD FOOD PROGRAMME / ADEN'
 - II : 316 tonnes
'ACTION No 173/89 / YEMEN PDR 0245302 / WHEAT / ACTION OF THE WORLD FOOD PROGRAMME / ADEN'
 11. **Method of mobilization** : the Community market
 12. **Stage of supply** : free at port of shipment
 13. **Port of shipment** : —
 14. **Port of landing specified by the recipient** : —
 15. **Port of landing** : —
 16. **Address of the warehouse and, if appropriate, port of landing** : —
 17. **Period for making the goods available at the port of shipment** : 15. 12. 1989 to 15. 1. 1990
 18. **Deadline for the supply** : —
 19. **Procedure for determining the costs of supply** : tendering
 20. **Date of expiry of the period allowed for submission of tenders** : 21. 11. 1989 at 12 noon
 21. **In the case of a second invitation to tender** :
 - (a) deadline for the submission of tenders : 5. 12. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment : 15. 12. 1989 to 15. 1. 1990
 - (c) deadline for the supply : —
 22. **Amount of the tendering security** : ECU 5 per tonne
 23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
 24. **Address for submission of tenders⁽⁵⁾** : Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels ; telex AGREC 22037 B
 25. **Refund payable on request by the successful tenderer⁽⁶⁾** : refund applicable on 27. 10. 1989, fixed by Commission Regulation (EEC) No 2936/89 (OJ No L 281, 30. 9. 1989, p. 37)
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ANNEX II

1. **Operation No** (1): 531/89
2. **Programme**: 1989
3. **Recipient**: WPP (World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I)
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Mauritania
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity**: 7 350 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1.C)
 - marking on the bags, in letters at least 5 cm high:
"ACTION N° 531/89 / MAURITANIE 0409300 / BLÉ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DU PROGRAMME ALIMENTAIRE MONDIAL / NOUAKCHOTT"
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15. 12. 1989 to 15. 1. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 21. 11. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 12. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 15. 12. 1989 to 15. 1. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (5): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (6): refund applicable on 27. 10. 1989 fixed by Commission Regulation (EEC) No 2936/89 (OJ No L 281, 30. 9. 1989, p. 37)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer ; see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

The successful tenderer shall supply the following documents on delivery to the beneficiary or its representative :

- certificate of origin,
- phytosanitary certificate.

- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marketing followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05

- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annexes.

COMMISSION REGULATION (EEC) No 3333/89
of 6 November 1989
fixing the aid for cotton

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

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2796/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 3301/89 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2796/89 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 42,299 per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 November 1989.

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

Done at Brussels, 6 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 269, 16. 9. 1989, p. 29.

⁽⁵⁾ OJ No L 320, 1. 11. 1989, p. 56.

COMMISSION REGULATION (EEC) No 3334/89

of 6 November 1989

altering the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2860/89⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,Whereas the export refunds on malt were fixed by Commission Regulation (EEC) No 3225/89⁽³⁾, as amended by Regulation (EEG) No 3309/89⁽⁴⁾;Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EEC) No

3225/89 to the information at present available 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 malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2744/75, as fixed in the Annex to amended Regulation (EEC) No 3225/89 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 November 1989.

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

Done at Brussels, 6 November 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 312, 27. 10. 1989, p. 57.

⁽⁴⁾ OJ No L 320, 1. 11. 1989, p. 76.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

ANNEX

to the Commission Regulation of 6 November 1989 altering the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	49,00
1107 10 99 000	101,00
1107 20 00 000	117,00

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

COMMISSION REGULATION (EEC) No 3335/89

of 6 November 1989

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey

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

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

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

Whereas Commission Regulation (EEC) No 3181/89⁽³⁾ introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

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

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of fresh lemons originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3181/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 7 November 1989.

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

Done at Brussels, 6 November 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 308, 25. 10. 1989, p. 10.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 3336/89
of 6 November 1989
fixing the amount of the subsidy on oil seeds

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3215/89⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3010/89⁽⁷⁾, as last amended by Regulation (EEC) No 3308/89⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3010/89 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.

Article 2

This Regulation shall enter into force on 7 November 1989.

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

Done at Brussels, 6 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 312, 27. 10. 1989, p. 20.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 288, 6. 10. 1989, p. 17.

⁽⁸⁾ OJ No L 320, 1. 11. 1989, p. 72.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,469	21,614	21,580	22,298	22,580	22,858
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	51,02	51,37	51,29	53,01	53,67	54,52
— Netherlands (Fl)	56,63	57,01	56,95	58,95	59,70	60,74
— BLEU (Bfrs/Lfrs)	1 036,67	1 043,67	1 042,03	1 076,70	1 090,32	1 103,74
— France (FF)	162,69	163,79	163,49	169,09	171,27	173,41
— Denmark (Dkr)	191,72	193,01	192,71	199,12	201,64	204,12
— Ireland (£ Irl)	18,107	18,230	18,196	18,819	19,062	19,300
— United Kingdom (£)	13,645	13,738	13,665	14,173	14,374	14,463
— Italy (Lit)	35 396	35 635	35 570	36 772	37 245	37 572
— Greece (Dr)	3 384,34	3 382,83	3 329,02	3 435,48	3 487,43	3 461,14
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 037,51	3 060,18	3 052,08	3 152,39	3 195,32	3 215,16
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 233,72	4 253,43	4 232,01	4 346,68	4 393,61	4 385,70

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	3,670	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	23,969	24,114	24,080	24,798	25,080	25,358
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	56,93	57,27	57,20	58,91	59,57	60,42
— Netherlands (Fl)	63,23	63,61	63,54	65,55	66,29	67,34
— BLEU (Bfrs/Lfrs)	1 157,39	1 164,39	1 162,75	1 197,42	1 211,04	1 224,46
— France (FF)	181,94	183,04	182,73	188,33	190,51	192,66
— Denmark (Dkr)	214,04	215,34	215,04	221,45	223,97	226,45
— Ireland (£ Irl)	20,249	20,372	20,338	20,961	21,204	21,442
— United Kingdom (£)	15,398	15,491	15,418	15,926	16,127	16,217
— Italy (Lit)	39 578	39 818	39 752	40 954	41 427	41 755
— Greece (Dr)	3 832,81	3 831,30	3 777,49	3 883,94	3 935,90	3 909,60
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 419,75	3 442,42	3 434,32	3 534,63	3 577,56	3 597,40
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	480,01	480,01	480,01	480,01	480,01	480,01
— in another Member State (Esc)	4 713,72	4 733,43	4 712,02	4 826,69	4 873,62	4 865,71

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1. Gross aids (ECU):					
— Spain	6,890	6,890	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	30,211	30,325	30,539	31,366	31,697
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	71,68	71,96	72,46	74,43	75,21
— Netherlands (Fl)	79,69	79,99	80,58	82,88	83,75
— BLEU (Bfrs/Lfrs)	1 458,80	1 464,30	1 474,63	1 514,57	1 530,55
— France (FF)	229,83	230,68	232,32	238,77	241,32
— Denmark (Dkr)	269,79	270,80	272,72	280,10	283,06
— Ireland (£ Irl)	25,580	25,675	25,857	26,575	26,859
— United Kingdom (£)	19,693	19,758	19,875	20,462	20,698
— Italy (Lit)	49 990	50 176	50 531	51 917	52 472
— Greece (Dr)	4 924,98	4 914,19	4 908,80	5 035,00	5 095,84
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	3 681,94	3 700,26	3 728,69	3 844,76	3 895,18
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 484,79	6 496,83	6 523,23	6 660,60	6 716,84
— in another Member State (Esc)	6 319,99	6 331,73	6 357,46	6 491,33	6 546,14
3. Compensatory aids:					
— in Spain (Pta)	3 633,68	3 652,00	3 680,90	3 796,97	3 847,39
4. Special aid:					
— in Portugal (Esc)	6 319,99	6 331,73	6 357,46	6 491,33	6 546,14

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

ANNEX IV

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

(value of ECU 1)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
DM	2,054280	2,050080	2,046020	2,042670	2,042670	2,032510
Fl	2,318270	2,311670	2,305500	2,299620	2,299620	2,282870
Bfrs/Lfrs	43,156500	43,132000	43,108800	43,077400	43,077400	43,002700
FF	6,974780	6,972870	6,971830	6,970230	6,970230	6,967500
Dkr	7,998750	8,004000	8,007810	8,008480	8,008480	8,010110
£Irl	0,771921	0,772107	0,772594	0,772890	0,772890	0,775129
£	0,696128	0,698614	0,701108	0,703320	0,703320	0,709834
Lit.	1 509,80	1 513,14	1 515,65	1 518,13	1 518,13	1 525,70
Dr	183,67500	186,10400	188,47600	190,78300	190,78300	195,57300
Esc	175,57400	176,07100	176,75600	177,79900	177,79900	180,80800
Pta	130,95400	131,39400	131,82100	132,18400	132,18400	133,33000

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 October 1989

amending Decision 86/649/EEC introducing a Community financial measure for the eradication of African swine fever in Portugal

(89/577/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas African swine fever has been present in Portugal for many years;

Whereas Decision 86/649/EEC ⁽³⁾ has granted financial support for a period of five years;

Whereas, by Decision 87/526/EEC ⁽⁴⁾, the Commission has approved the reinforced plan for the eradication of African swine fever presented by Portugal;

Whereas the efforts already made have served to stabilize the incidence of the disease; whereas the resources deployed must, however, be maintained and reinforced in order to eradicate African swine fever from the entire territory of Portugal and thus contribute to the establishment of the internal market;

Whereas the Portuguese authorities have appealed to the Community for an additional contribution towards the expenditure involved in the continuation and reinforcement of the eradication programme undertaken in 1987;

Whereas, in order to benefit from the results obtained, this request should be granted so that the systematic action already undertaken can be maintained and consolidated;

Whereas in order to promote the implementation of the eradication programme, arrangements should be made for partial pre-financing of the Community's contribution,

HAS ADOPTED THIS DECISION:

Article 1

Decision 86/649/EEC is hereby amended as follows:

1. Article 6 (2) is replaced by the following:

'2. The Community shall refund:

- 50 % of the expenditure referred to in the first indent of paragraph 1,
- 30 % of the expenditure referred to in the second indent of paragraph 1 made before 1 January 1989,
- 50 % of the expenditure referred to in the second indent of paragraph 1 made as from 1 January 1989.'

2. In Article 7 the following shall be added to paragraph 1:

'However, as from 1989 payments may be made in advance, of up to 35 % of the estimated total annual reimbursement, within the limits of the budgetary appropriations, on presentation of the supporting documents by the Portuguese authorities to the Commission.'

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Luxembourg, 23 October 1989.

For the Council

The President

H. NALLET

⁽¹⁾ OJ No C 200, 5. 8. 1989, p. 9.

⁽²⁾ Opinion delivered on 13 October 1989 (not yet published in the Official Journal).

⁽³⁾ OJ No L 382, 31. 12. 1986, p. 5.

⁽⁴⁾ OJ No L 306, 28. 10. 1987, p. 35.

COUNCIL DECISION

of 30 October 1989

amending for the third time Decision 88/303/EEC recognizing certain parts of the territory of the Community as being either officially swine fever free or swine fever free

(89/578/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Directive 89/360/EEC ⁽²⁾, and in particular Article 4b (1) (c) thereof,

Having regard to the proposal from the Commission,

Whereas Decision 88/303/EEC ⁽³⁾, as last amended by Decision 89/383/EEC ⁽⁴⁾, recognizes certain parts of the territory of Belgium, the Federal Republic of Germany, France, Greece, the Netherlands and Spain as being officially swine fever free and certain parts of the Federal Republic of Germany, France, Greece and Italy as being swine fever free;

Whereas, in a certain part of the territory of Belgium, swine fever has not been detected for more than one year; whereas vaccination against swine fever has not been authorized for at least the preceeding 12 months; whereas the holdings concerned contain no pigs which have been vaccinated against swine fever during the previous 12 months; whereas, consequently, this part of the territory fulfils the requirements for being recognized as officially swine fever free for the purpose of intra-Community trade;

Whereas, within the framework of an eradication plan, the Commission, by Decision 89/224/EEC ⁽⁵⁾, as amended

by Decision 89/553/EEC ⁽⁶⁾, has recognized certain regions in Belgium as being officially swine fever free,

HAS ADOPTED THIS DECISION:

Article 1

Decision 88/303/EEC is hereby amended as follows:

1. In chapter 5 of Annex I the following is inserted as seventh indent:
'— West Flanders.'
2. In chapter 2 of Annex II the indent is replaced by:
'— the province of Antwerp.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 October 1989.

For the Council

The President

J.-P. SOISSON

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 153, 6. 6. 1989, p. 29.

⁽³⁾ OJ No L 132, 28. 5. 1988, p. 76.

⁽⁴⁾ OJ No L 181, 28. 6. 1989, p. 48.

⁽⁵⁾ OJ No L 92, 5. 4. 1989, p. 25.

⁽⁶⁾ OJ No L 300, 18. 10. 1989, p. 18.

COUNCIL DECISION**of 30 October 1989****amending the legal bases of Decisions 87/593/EEC, 87/594/EEC and 87/595/EEC****(89/579/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas it appears, in the light of the Court of Justice's recent ruling, that the scope of Article 113 of the Treaty is very wide; whereas Decisions 87/593/EEC⁽¹⁾ and 87/594/EEC⁽²⁾ accepting, on behalf of the Community, Annex E.5 and Annex F.3 respectively to the International Convention on the simplification and harmonization of customs procedures and also Council Decision 87/595/EEC of 30 November 1987 accepting, on behalf of the Community, the Recommendation of the Customs Cooperation Council of 22 May 1984 concerning the use of codes for the representation of data elements and four of its Annexes⁽³⁾ should be adapted to take account of that Court ruling, since other legal bases were adopted for those three Decisions by the Council;

Whereas Decisions 87/593/EEC, 87/594/EEC and 87/595/EEC should be adopted on the sole legal basis of Article 113; whereas Article 113 should therefore be inserted as the legal basis of Decision 87/593/EEC; whereas Articles 28 and 235 should be removed as legal bases of the three Decisions; whereas Article 43 should be removed as a legal basis of Decisions 87/593/EEC and 87/594/EEC,

Article 1

In Decisions 87/593/EEC, 87/595/EEC and 87/595/EEC, the first citation is hereby replaced by the following:

'Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,'.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 30 November 1987.

Done at Brussels, 30 October 1989.

For the Council

The President

J.-P. SOISSON

⁽¹⁾ OJ No L 362, 22. 12. 1987, p. 1.

⁽²⁾ OJ No L 362, 22. 12. 1987, p. 8.

⁽³⁾ OJ No L 362, 22. 12. 1987, p. 22.