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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3352/89**of 8 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 7 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 9 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, 8 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 November 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	23,05	120,67
0712 90 19	23,05	120,67
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	110,33
1004 00 90	32,17	110,33
1005 10 90	23,05	120,67 ⁽⁴⁾ ⁽⁵⁾
1005 90 00	23,05	120,67 ⁽⁴⁾ ⁽⁵⁾
1007 00 90	40,77	130,19 ⁽⁴⁾
1008 10 00	40,77	2,78
1008 20 00	40,77	68,80 ⁽⁴⁾
1008 30 00	40,77	0,00 ⁽⁴⁾
1008 90 10	(7)	(7)
1008 90 90	40,77	0,00
1101 00 00	46,85	175,23
1102 10 00	84,22	173,56
1103 11 10	56,78	271,38
1103 11 90	49,97	188,62

⁽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 3353/89

of 8 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 7 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 9 November 1989.

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

Done at Brussels, 8 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 8 November 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	11	12	1	2
0709 90 60	0	0	0	0,32
0712 90 19	0	0	0	0,32
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	5,03
1001 90 99	0	0	0	5,03
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	0	0,32
1005 90 00	0	0	0	0,32
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	7,06

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	0	0	8,95	8,95
1107 10 19	0	0	0	6,69	6,69
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 3354/89**of 7 November 1989****establishing unit values for the determination of the customs value of certain perishable goods**

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 Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3773/87⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 1989.

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

Done at Brussels, 7 November 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	29,24	1 267	235,33	60,55	205,58	5 236	22,65	43 949	68,29	19,77
1.20	0702 00 10 0702 00 90	Tomatoes	45,14	1 943	359,56	92,56	314,16	8 293	34,88	67 973	104,50	31,99
1.30	0703 10 19	Onions (other than sets)	10,23	440	81,51	20,98	71,22	1 880	7,90	15 410	23,69	7,25
1.40	0703 20 00	Garlic	220,53	9 492	1 756,41	452,16	1 534,66	40 511	170,42	332 043	510,48	156,29
1.50	ex 0703 90 00	Leeks	33,95	1 484	275,54	70,85	241,09	5 907	26,53	51 655	79,99	21,70
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	38,06	1 659	308,56	79,12	269,72	6 651	29,67	58 324	89,33	24,62
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	179,13	7 763	1 443,52	370,98	1 259,69	31 905	139,00	269 241	417,77	121,07
1.100	ex 0704 90 90	Chinese cabbage	77,70	3 344	618,87	159,32	540,74	14 274	60,04	116 996	179,87	55,06
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	56,99	2 453	453,89	116,84	396,58	10 468	44,04	85 806	131,91	40,38
1.120	ex 0705 29 00	Endives	35,98	1 568	291,05	74,89	252,83	6 361	28,07	54 951	84,47	23,52
1.130	ex 0706 10 00	Carrots	20,01	867	161,28	41,45	140,74	3 564	15,53	30 082	46,67	13,52
1.140	ex 0706 90 90	Radishes	106,60	4 645	864,46	221,94	751,52	18 854	82,98	161 745	250,18	69,62
1.150	0707 00 11 0707 00 19	Cucumbers	55,58	2 392	442,65	113,95	386,76	10 209	42,95	83 681	128,65	39,38
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	261,73	11 265	2 084,53	536,63	1 821,36	48 079	202,26	394 074	605,84	185,48
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	97,01	4 175	772,66	198,90	675,11	17 821	74,97	146 068	224,56	68,75
1.180	ex 0708 90 00	Broad beans	31,11	1 355	251,99	64,78	218,65	5 512	24,26	47 309	73,04	20,38
1.190	0709 10 00	Globe artichokes	27,71	1 201	223,34	57,40	194,90	4 936	21,50	41 657	64,63	18,73
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	426,94	18 376	3 400,28	875,35	2 970,99	78 426	329,93	642 811	988,25	302,57
1.200.2	ex 0709 20 00	— other	254,58	10 957	2 027,53	521,95	1 771,55	46 764	196,73	383 297	589,28	180,41
1.210	0709 30 00	Aubergines (egg-plants)	59,80	2 574	476,31	122,61	416,17	10 985	46,21	90 045	138,43	42,38
1.220	ex 0709 40 00	Celery stalks and leaves	77,08	3 352	622,48	160,10	542,19	13 843	60,04	115 188	180,59	51,48
1.230	0709 51 30	Chantarelles	556,01	23 931	4 428,22	1 139,98	3 869,16	102 135	429,67	837 139	1 287,01	394,04
1.240	0709 60 10	Sweet peppers	89,77	3 863	714,96	184,05	624,70	16 490	69,37	135 162	207,79	63,62
1.250	0709 90 50	Fennel	22,39	976	182,01	46,65	157,86	3 933	17,46	34 299	52,61	14,50
1.260	0709 90 70	Courgettes	55,75	2 399	444,02	114,30	387,96	10 241	43,08	83 941	129,05	39,51
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	111,07	4 823	896,21	230,69	777,19	19 859	86,43	165 339	259,98	75,18
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,30	3 585	663,49	170,80	579,72	15 303	64,37	125 431	192,83	59,04
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	45,85	1 973	365,23	94,02	319,12	8 424	35,43	69 046	106,15	32,50
2.30	ex 0804 30 00	Pineapples, fresh	44,91	1 933	357,72	92,09	312,55	8 250	34,70	67 625	103,96	31,83
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	137,27	5 908	1 093,30	281,45	955,27	25 216	106,08	206 684	317,75	97,28
2.50	ex 0804 50 00	Guavas and mangoes, fresh	196,58	8 461	1 565,64	403,05	1 367,98	36 111	151,91	295 979	455,03	139,31
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	30,08	1 308	242,96	62,49	211,62	5 403	23,43	44 959	70,48	20,09

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	38,12	1 640	303,59	78,15	265,26	7 002	29,45	57 393	88,23	27,01
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	16,95	729	135,04	34,76	117,99	3 114	13,10	25 528	39,24	12,01
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	72,49	3 120	577,33	148,62	504,44	13 315	56,01	109 142	167,79	51,37
2.70.2	ex 0805 20 30	— Monreales and Satsumas	44,84	1 930	357,13	91,93	312,04	8 237	34,65	67 514	103,79	31,77
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	26,95	1 168	216,78	55,60	188,60	4 894	20,86	40 697	62,79	18,36
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	28,92	1 244	230,34	59,29	201,25	5 312	22,35	43 544	66,94	20,49
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	44,25	1 904	352,45	90,73	307,95	8 129	34,19	66 630	102,43	31,36
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	156,16	6 721	1 243,74	320,18	1 086,72	28 686	120,68	235 125	361,48	110,67
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	50,17	2 159	399,60	102,87	349,15	9 216	38,77	75 542	116,13	35,55
2.90.2	ex 0805 40 00	— pink	67,68	2 913	539,06	138,77	471,00	12 433	52,30	101 907	156,67	47,96
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	81,17	3 494	646,50	166,43	564,88	14 911	62,73	122 220	187,90	57,52
2.110	0807 10 10	Water-melons	35,04	1 508	279,14	71,86	243,90	6 438	27,08	52 770	81,12	24,83
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	75,44	3 247	600,82	154,67	524,97	13 857	58,29	113 584	174,62	53,46
2.120.2	ex 0807 10 90	— Other	137,89	5 935	1 098,18	282,71	959,54	25 329	106,55	207 607	319,17	97,72
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	58,70	2 526	467,53	120,35	408,50	10 783	45,36	88 385	135,88	41,60
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	32,36	1 393	257,77	66,35	225,22	5 945	25,01	48 731	74,91	22,93
2.150	0809 10 00	Apricots	43,38	1 883	350,00	90,12	303,81	350	33,76	64 688	101,58	29,28
2.160	0809 20 10 0809 20 90	Cherries	135,01	5 861	1 088,44	280,10	946,54	24 154	104,92	201 540	315,80	91,25
2.170	ex 0809 30 00	Peaches	188,70	8 122	1 502,85	386,88	1 313,12	34 662	145,82	284 109	436,79	133,72
2.180	ex 0809 30 00	Nectarines	57,46	2 497	463,46	119,19	403,10	10 350	44,72	85 878	134,39	38,81
2.190	0809 40 11 0809 40 19	Plums	195,80	8 427	1 559,43	401,45	1 362,55	35 967	151,31	294 804	453,23	138,76
2.200	0810 10 10 0810 10 90	Strawberries	343,61	14 830	2 749,97	705,58	2 396,89	63 147	265,00	519 224	796,74	239,17
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	179,42	7 780	1 443,17	370,20	1 255,56	32 582	138,91	270 928	418,03	122,25
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	201,14	8 657	1 601,98	412,40	1 399,73	36 949	155,44	302 849	465,60	142,55
2.230	ex 0810 90 90	Pomegranates	53,76	2 314	428,20	110,23	374,14	9 876	41,54	80 950	124,45	38,10
2.240	ex 0810 90 90	Khakis	311,41	13 539	2 517,54	646,42	2 193,76	55 447	241,79	469 011	728,32	207,24
2.250	ex 0810 90 90	Lychees	439,12	19 081	3 541,33	910,75	3 080,17	79 090	341,73	656 203	1 026,96	296,59

COMMISSION REGULATION (EEC) No 3355/89

of 8 November 1989

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88 ⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter

must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁹⁾,
- 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 the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 November 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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, 8 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 November 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

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	24,82 ⁽¹⁾	0,2698
1701 11 90 910	23,43 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	24,82 ⁽¹⁾	
1701 12 90 910	23,43 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2698
1701 99 10 100	26,98	0,2698
1701 99 10 910	26,08	
1701 99 10 950	26,08	
1701 99 90 100		

⁽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 3356/89

of 8 November 1989

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1115/88 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽³⁾, as last amended by Regulation (EEC) No 1075/89 ⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 16 October 1989, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 1310/88 of 11 May 1988 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat ⁽⁵⁾ the weekly amounts of the guide level are set out pursuant to Article 9a (3) of Regulation (EEC) No 1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 16

October 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 16 October 1989, the level of the premium is fixed at ECU 68,898 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 16 October 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 16 October 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

, Done at Brussels, 8 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 November 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	32,382	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	68,898	0
0204 21 00	68,898	0
0204 50 11		0
0204 22 10	48,229	
0204 22 30	75,788	
0204 22 50	89,567	
0204 22 90	89,567	
0204 23 00	125,394	
0204 30 00	51,674	
0204 41 00	51,674	
0204 42 10	36,172	
0204 42 30	56,841	
0204 42 50	67,176	
0204 42 90	67,176	
0204 43 00	94,047	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	89,567	
0210 90 19	125,394	
1602 90 71 :		
— unboned (bone-in)	89,567	
— boned or boneless	125,394	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 3357/89**of 8 November 1989****concerning the stopping of fishing for sprat by vessels flying the flag of Denmark**

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as 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 sprat 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 sprat in the waters of ICES division III a by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1989; whereas Denmark has prohibited fishing for

this stock as from 21 October 1989; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of sprat in the waters of ICES division III a by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1989.

Fishing for sprat in the waters of ICES division III a by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 21 October 1989.

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

Done at Brussels, 8 November 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 3358/89
of 8 November 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 3203/89⁽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 1,31 per 100 kilograms.

Article 2

This Regulation shall enter into force on 9 November
1989.

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

Done at Brussels, 8 November 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 309, 26. 10. 1989, p. 35.

COMMISSION REGULATION (EEC) No 3359/89
of 8 November 1989
abolishing a countervailing charge on tomatoes originating in Romania

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 3275/89⁽³⁾ introduced a countervailing charge on tomatoes originating in Romania;

Whereas for tomatoes originating in Romania there were no prices for six consecutive working 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 tomatoes originating in Romania can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3275/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 9 November 1989.

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

Done at Brussels, 8 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 317, 31. 10. 1989, p. 37.

COMMISSION REGULATION (EEC) No 3360/89
of 8 November 1989

fixing the maximum export refund for white sugar for the 28th 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 28th 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 28th 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 28,839 per 100 kilograms.

Article 2

This Regulation shall enter into force on 9 November 1989.

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

Done at Brussels, 8 November 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 3361/89
of 8 November 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 3325/89 ⁽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 9 November 1989.

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

Done at Brussels, 8 November 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 321, 4. 11. 1989, p. 37.

ANNEX

to the Commission Regulation of 8 November 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	25,95 ⁽¹⁾
1701 11 90	25,95 ⁽¹⁾
1701 12 10	25,95 ⁽¹⁾
1701 12 90	25,95 ⁽¹⁾
1701 91 00	32,56
1701 99 10	32,56
1701 99 90	32,56 ⁽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 3362/89

of 8 November 1989

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 3286/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3286/89 to the information known to the Commission that the basic amount

of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 3286/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 November 1989.

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

Done at Brussels, 8 November 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 320, 1. 11. 1989, p. 19.

ANNEX

to the Commission Regulation of 8 November 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3256	—
1702 20 90	0,3256	—
1702 30 10	—	43,43
1702 40 10	—	43,43
1702 60 10	—	43,43
1702 60 90	0,3256	—
1702 90 30	—	43,43
1702 90 60	0,3256	—
1702 90 71	0,3256	—
1702 90 90	0,3256	—
2106 90 30	—	43,43
2106 90 59	0,3256	—

COMMISSION REGULATION (EEC) No 3363/89

of 8 November 1989

fixing the export refunds on pigmeat

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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of pigs falling within CN codes 0103 91 10 and 0103 92 19 and certain products falling within CN code 0203; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within CN codes 0210 19 51 and 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 91 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take

this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 4 of Regulation (EEC) No 2768/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas Commission Regulation (EEC) No 617/86 of 28 February 1986 laying down specific rules on export refunds in the pigmeat sector following the accession of Portugal and amending Regulation (EEC) No 150/86⁽⁴⁾ established the principle that no Community refund should be granted on pigmeat products originating in Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.
2. The refund referred to in paragraph 1 shall not be granted on exports of products to Portugal.
3. The refund referred to in paragraph 1 shall not be granted on exports of products that originated in Portugal.

Article 2

This Regulation shall enter into force on 9 November 1989.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

⁽⁴⁾ OJ No L 58, 1. 3. 1986, p. 46.

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

Done at Brussels, 8 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 November 1989 fixing the export refunds on pigmeat

(ECU/100 kg net weight)		
Product code	Destination of refund (1)	Amount of refund
0103 91 10 000	01	5,00
0103 92 19 000	01	5,00
0203 11 10 000	01	5,00
0203 12 11 000	01	10,00
0203 12 19 000	01	10,00
0203 19 11 000	01	10,00
0203 19 13 000	01	10,00
0203 19 15 000	01	5,00
0203 19 55 120	01	10,00
0203 19 55 190	01	10,00
0203 19 55 310	01	5,00
0203 19 55 390	01	5,00
0203 19 55 900	01	—
0203 21 10 000	01	5,00
0203 22 11 000	01	10,00
0203 22 19 000	01	10,00
0203 29 11 000	01	10,00
0203 29 13 000	01	10,00
0203 29 15 000	01	5,00
0203 29 55 120	01	10,00
0203 29 55 190	01	10,00
0203 29 55 310	01	5,00
0203 29 55 390	01	5,00
0203 29 55 900	01	—
0210 11 11 000	01	30,00
0210 11 31 100	01	70,00
0210 11 31 900	01	52,00
0210 12 11 000	01	20,00
0210 12 19 000	01	35,00
0210 19 40 000	01	30,00
0210 19 51 100	01	30,00

(ECU/100 kg net weight)		
Product code	Destination of refund (1)	Amount of refund
0210 19 51 300	01	20,00
0210 19 51 900	01	—
0210 19 81 100	01	70,00
0210 19 81 300	01	52,00
0210 19 81 900	01	—
1601 00 10 100	01	35,00
1601 00 10 900	01	—
1601 00 91 100	01	58,00
1601 00 91 900	01	—
1601 00 99 100	01	40,00
1601 00 99 900	01	—
1602 10 00 000	01	16,00
1602 20 90 100	01	30,00
1602 20 90 900	01	—
1602 41 10 100	01	10,00
1602 41 10 210	01	57,00
1602 41 10 290	01	26,00
1602 41 10 900	01	—
1602 42 10 100	01	10,00
1602 42 10 210	01	51,00
1602 42 10 290	01	26,00
1602 42 10 900	01	—
1602 49 11 110	01	10,00
1602 49 11 190	01	57,00
1602 49 11 900	01	—
1602 49 13 110	01	10,00
1602 49 13 190	01	51,00
1602 49 13 900	01	—
1602 49 15 110	01	10,00
1602 49 15 190	01	51,00
1602 49 15 900	01	—
1602 49 19 110	01	5,00
1602 49 19 190	01	36,00
1602 49 19 900	01	—
1602 49 30 100	01	26,00
1602 49 30 900	01	—
1602 49 50 100	01	16,00
1602 49 50 900	01	—
1602 90 10 100	01	28,00
1602 90 10 900	01	—
1902 20 30 100	01	16,00
1902 20 30 900	01	—

(¹) The destinations are as follows :

- 01 All destinations,
- 02 The United States of America and Canada,
- 03 All destinations except the United States of America and Canada,
- 04 The United States of America, Canada and Australia,
- 05 All destinations except the United States of America, Canada and Australia.

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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 March 1989

on aid supplementing the Community premium payable per ewe and goat in respect of the 1987 marketing year

(Only the French text is authentic)

(89/580/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1115/88⁽²⁾, and in particular Article 23 thereof,

Having given formal notice⁽³⁾ to the parties concerned to submit their comments, in accordance with Article 93 (2) of the Treaty,

Whereas, in the light of the following:

I

1. By letter of 9 June 1988 the French authorities notified the Commission that in mid-April they had paid the balance of the Community premium payable per ewe and goat in respect of the 1987 marketing year.

2. The French authorities stated that they had made that payment because the Management Committee for Sheep and Goats, which had met on 16 March 1988, had failed to decide on the amount of the premium for 1987, and this despite the fact that pursuant to Article 5 (1) of Regulation (EEC) No 1837/80 the amount of the premium must be fixed immediately after the end of the marketing year.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No C 26, 1. 2. 1989, p. 2.

Commission Regulation (EEC) No 1318/88⁽⁴⁾ subsequently fixed the amount of the premium for 1987 at a level below that set by the French authorities, taking into account both the advance payment which the Council authorized on 23 July 1987 pursuant to the third subparagraph of Article 93 (2), and the balance referred to above.

The French stockfarmers concerned accordingly received, on the basis of FF 4,55 per ewe and FF 3,56 per goat, a total of FF 35 million (ECU 5 million).

II

1. By letter of 14 November 1988 the Commission informed the French Government that it had decided to initiate in respect of that aid the procedure provided for in Article 93 (2) of the EEC Treaty.

2. In its letter the Commission informed the French authorities that, in its opinion, the aid constituted operating aid, which could have no lasting effect on the development of the sector concerned since its effects would cease to be felt as soon as the measure itself came to an end. The Commission feels that aid of this type is, in principle, incompatible with the common market.

The scheme in question disregards the principle whereby any measure which a Member State adopts which is not specifically provided for by the Community and which relates to market mechanisms is likely to have an adverse effect on the operation of the EEC market organization

⁽⁴⁾ OJ No L 123, 17. 5. 1988, p. 12.

concerned. Moreover, it supplements an existing Community scheme, since Regulation (EEC) No 1837/80 already provides for a premium designed to offset the loss of income suffered by sheepmeat and goatmeat producers.

The proposed aid therefore constitutes an infringement of Community provisions.

3. Under the procedure referred to above the Commission has given notice to the French Government to submit its comments.

The Commission has also given notice to the other Member States and the parties concerned other than Member States to submit their comments.

III

By letter of 19 December 1988 the French Government replied to the Commission's letter.

The French authorities stated that:

- it was difficult to defer payment of the balance of the premium, given that an appreciable reduction in the stockfarmers' incomes had been recorded in 1987,
- the substantial time gap between the advance payment and the payment of the balance of the premium for 1987 had presented stockfarmers with major difficulties in terms of cash flow,
- they were willing to consider jointly with the Commission possible ways of complying with the Community provisions.

In a proposal submitted to the French authorities in the course of a meeting held in January the Commission suggested, in response to that invitation, that the disputed aid should either be reimbursed or set off against the payment of the balance in respect of the 1988 marketing year.

IV

1. The French authorities have failed to fulfil their obligations under Article 93 (3) of the EEC Treaty firstly by not submitting a draft of the measure and secondly by implementing it with effect from 12 April 1988, i.e. without enabling the Commission to submit its comments.

Failure to comply with those obligations has resulted in a particularly serious situation in that the aid constitutes an infringement of the rules of the market organization for sheepmeat and goatmeat and is incompatible with the common market under the terms of Article 92 of the EEC Treaty.

2. The points put forward by the French authorities are based on facts which cannot be taken into consideration in the case in point.

The French authorities did not feel that the proposals put forward by the Commission at the meeting referred to above could be taken up, and offered no further suggestion as to how to comply with the Community rules.

V

1. By virtue of Article 23 of Regulation (EEC) No 1837/80, Articles 92 to 94 of the Treaty apply to the production of and trade in the products covered by the aid in question.

The measure benefited French sheepmeat and goatmeat producers in that it enabled them to reduce their stockfarming costs. It therefore distorted competition between French stockfarmers and stockfarmers elsewhere in the Community.

In France the demand for sheepmeat and goatmeat tends to outstrip production. According to the statistics for 1987 the country's gross production is 159 000 tonnes, compared with a level of internal demand of 258 000 tonnes.

According to those figures the degree of self-sufficiency is fairly low (62 %), the shortfall being covered mainly by imports from other Member States (101 334 tonnes), while exports to other Member States account for a total of 9 172 tonnes.

The measure will serve to curb the exports of operators in the other Member States, in that traders will prefer to buy French animals, i.e. those which qualify for the aid. The measure is likely to affect intra-Community trade.

The measure accordingly fulfils the criteria laid down in Article 92 (1) of the Treaty, which provides that such aid is incompatible in principle with the common market.

2. The exceptions to that rule, which are set out in Article 92 (2) are clearly not applicable in this case. Those provided for in Article 92 (3) refer specifically to the common European interest and not to the interest of individual sectors of the national economy. Such exceptions must be strictly interpreted when scrutinizing any regional or sectoral aid scheme or any individual case of application of general aid schemes.

They may in particular be allowed only in cases where the Commission is able to establish that the aid is required in order to achieve one of the objectives set out in those provisions. To allow such exceptions in respect of aid which does not offer such guarantees would amount to allowing trade between Member States to be affected and

competition to be distorted without justification from the point of view of the Community interest and would result in unfair advantage for certain Member States.

In the case in point the aid scheme does not offer such guarantees. The French Government was unable to provide any justification, and the Commission could find none, showing that the aid in question fulfils the conditions required for the application of one of the exceptions set out in Article 92 (3) of the Treaty.

It is not a measure intended to promote a project of common European interest as referred to in Article 92 (3) (b) in that, by virtue of its possible effect on trade, it is contrary to the common interest. Nor is it a measure intended to remedy, as referred to in that provision, a serious disturbance in the economy of the Member State concerned.

Concerning the exceptions provided for in Article 92 (3) (a) and (c) in the case of aid intended to encourage or facilitate the economic development of regions and certain activities referred to in the said subparagraph (c), it should be pointed out that the aid cannot bring about a lasting improvement in the conditions of the economic sector concerned, since the latter's structural situation would, as soon as the aid ceased to be granted, be the same as that obtaining prior to the introduction of the State scheme.

The aid in question should accordingly be regarded as operating aid, i.e. a type of aid to which the Commission has always been opposed in principle, in that no conditions are imposed on the granting of such aid which would enable it to qualify under one of the exceptions provided for in Article 92 (3) (a) or (c).

3. Moreover, in the case of products in the sheepmeat and goatmeat sector which are covered by a common market organization, Member States' powers to intervene directly in the operation of a market organization comprising a system of common prices are limited, this being an area where the Community now has exclusive powers.

The grant, in this sector, of aid which is payable per product unit disregards the principle whereby Member States no longer have the power to make, via such measures, unilateral arrangements relating to farmers' incomes within the framework of a market organization.

The fact that the aid supplements the Community premium provided for in the market organization arrangements would tend to reinforce the view that it constitutes an infringement.

Even if it had been possible to envisage an exception under Article 92 (3) of the Treaty, the fact that the aid infringes the market organization concerned would have made it possible to allow such an exception in this case.

4. The aid in question is accordingly incompatible with the common market, as referred to in Article 92 of the Treaty, and cannot be granted.

5. This Decision is without prejudice to any action which the Commission may take as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The aid supplementing the Community premium per ewe and goat in respect of the 1987 marketing year is illegal in terms of Article 93 (3) of the Treaty. It is, moreover, incompatible with the common market as referred to in Article 92 of the Treaty.

Article 2

The French Government shall inform the Commission, within two months from notification of this Decision, of the measures taken to ensure compliance therewith.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 21 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION**of 26 October 1989****adjusting the weightings applicable from 1 August 1989 to the remuneration of officials of the European Communities serving in non-member countries****(89/581/EEC, Euratom, ECSC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 2187/89 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EEC, Euratom, ECSC) No 2899/89 ⁽³⁾ laid down the weightings to be applied from 1 July 1989 to the remuneration of officials serving in non-member countries payable in the currency of their country of employment;

Whereas, some of these weightings should be adjusted with effect from 1 August 1989 given that the statistics available to the Commission show that in certain non-member countries the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 August 1989 the weightings applicable to the remuneration of officials serving in non-member countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 26 October 1989.

For the Commission

António CARDOSO E CUNHA

Member of the Commission⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.⁽²⁾ OJ No L 209, 21. 7. 1989, p. 1.⁽³⁾ OJ No L 279, 28. 9. 1989, p. 30.

ANNEX

Country of employment	Weighting
Dominican Republic	43,66
Somalia	37,07
Syria	200,77
Uruguay	62,69
Vanuatu	96,83
Yugoslavia	29,37

COMMISSION DECISION**of 26 October 1989****adjusting the weightings applicable from 1 September 1989 to the remuneration of officials of the European Communities serving in non-member countries****(89/582/EEC, Euratom, ECSC)****THE COMMISSION OF THE EUROPEAN COMMUNITIES**

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 2187/89 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EEC, Euratom, ECSC) No 2899/89 ⁽³⁾ laid down the weightings to be applied from 1 July 1989 to the remuneration of officials serving in non-member countries payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas some of these weightings should be adjusted with effect from 1 September 1989 given that the statistics available to the Commission show that in certain non-member countries the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 September 1989 the weightings applicable to the remuneration of officials serving in non-member countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 26 October 1989.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 209, 21. 7. 1989, p. 1.

⁽³⁾ OJ No L 279, 28. 9. 1989, p. 30.

⁽⁴⁾ OJ No L 203, 15. 7. 1989, p. 55.

ANNEX

Country of employment	Weighting
Brazil	56,10
Burundi	54,36
Ghana	36,86
Jordan	70,36
Liberia	90,43
Uganda	113,98
Sierra Leone	80,69
Somalia	36,02
Sudan	137,95
Tonga	108,66
Venezuela	46,49
Yugoslavia	26,64
Zaire	90,15
Zambia	47,49

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2537/89 of 8 August 1989 laying down detailed rules for the application of the special measures for soya beans*(Official Journal of the European Communities No L 245 of 22 August 1989)*

On page 8 in the first line of the second recital :

for: '... (EEC) No 4191/85 ...',

read: '... (EEC) No 1491/85 ...'.

On page 11 in Article 4 (1) (d), last line :

for: '... 95 000 hectares.',

read: '... 5 000 hectares.'.

On page 11 in Article 4 (4), the fifth line of the second subparagraph :

for: '... Article 2 (3) ...',

read: '... Article 2 (2) ...'.

On page 11 in Article 6 (2) (c), third line :

for: '... the price premium as discount to be ...',

read: '... the price premium to be ...'.

On page 12 in Article 7 (1), second line :

for: '... Article 2 (2) ...',

read: '... Article 2 (3) ...'.

On page 12 in Article 8 (4), third indent :

for: '... Article 6 (2) (1) ...',

read: '... Article 6 (2) (4) ...'.

On page 13 in Article 13 (1), first line :

for: '... the ID part of a type of ban ...',

read: '... the ID part of a certificate beans ...'.

On page 14 in Article 19 (1), second line :

for: '... expressed in ecus, entered on the AP part ...',

read: '... expressed in ecus, or in national currency, entered on the AP part ...'.

On page 14 in Article 21 (1), third line :

for: '... Article 2 ...',

read: '... Article 2 (1) ...'.

On page 15 in Article 23 (1), first line :

for: '... Article 4a ...',

read: '... Article 4b ...'.

On page 16 in Article 26 (1) (b), third line :

for: '... Article 2 (2) ...',

read: '... Article 2 (3) ...'.

On page 18 Article 36 (1) (b) is replaced by the following :

'(b) box 104 is to be endorsed accordingly and the following statement entered in one of the Community languages :

- Mercancías para entregar a un transformador — apartado 1 del artículo 36 del Reglamento (CEE) n° 2537/89,
- Varer, der skal stilles til rådighed for en forarbejdningsvirksomhed — artikel 36, stk. 1, i forordning (EØF) nr. 2537/89,
- Zur Verarbeitung bestimmtes Erzeugnis — Artikel 36 Absatz 1 der Verordnung (EWG) Nr. 2537/89,
- Εμπορεύματα που πρέπει να τεθούν στη διάθεση ενός μεταποιητή — άρθρο 36 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2537/89,

- Goods to be put at the disposal of a processor — Article 36 (1) of Regulation (EEC) No 2537/89,
- Marchandises à mettre à la disposition d'un transformateur — article 36 paragraphe 1 du règlement (CEE) n° 2537/89,
- Merci da mettere a disposizione di un trasformatore — regolamento (CEE) n. 2537/89, articolo 36, paragrafo 1,
- Aan een verwerker ter beschikking te stellen goederen — artikel 36, lid 1, van Verordening (EEG) nr. 2537/89,
- Mercadorias a colocar à disposição de um transformador — n° 1 do artigo 36° do Regulamento (CEE) n° 2537/89'.

On page 19 Article 39, second line :

for: '... determined twice a month.'

read: '... determined at least twice a month.'

On page 19 Article 41 (3) is replaced by the following :

'3. The amounts of the aid fixed provisionally for a given marketing year before the adjustment for that year is published in the *Official Journal of the European Communities* shall be adjusted accordingly by the Commission.'
