

# Official Journal

## of the European Communities

ISSN 0378-6978

L 65

Volume 32

9 March 1989

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 591/89**  
**of 6 March 1989**  
**amending Regulation (EEC) No 797/85 as regards extensification of production**

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 <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the introduction of the extensification scheme for surplus products, as laid down in Article 1 (b) of Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures <sup>(4)</sup>, as last amended by Regulation (EEC) No 1094/88 <sup>(5)</sup>, has presented Member States with technical and administrative difficulties;

Whereas it may prove necessary for Member States to adapt the measures in question to particular agronomic or economic conditions; whereas provision should therefore

be made for the introduction of the scheme on an experimental basis in 1989 and 1990 within a framework of pilot programmes,

HAS ADOPTED THIS REGULATION:

*Article 1*

The second subparagraph of Article 1 (b) (1) of Regulation (EEC) No 797/85 is hereby replaced by the following:

'Until 31 December 1990 Member States may limit the scheme, where administrative difficulties linked to particular agronomic and economic conditions so require, to an experimental application within the framework of pilot programmes. These programmes shall be implemented until 31 December 1989 in the beef and veal and wine sectors at least.'

*Article 2*

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 1 January 1989.

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

Done at Brussels, 6 March 1989.

*For the Council*

*The President*

C. ROMERO HERRERA

<sup>(1)</sup> OJ No C 20, 26. 1. 1989, p. 13.

<sup>(2)</sup> Opinion delivered on 17 February 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 25 January 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(5)</sup> OJ No L 106, 27. 4. 1988, p. 28.

**COUNCIL REGULATION (EEC) No 592/89**

of 6 March 1989

on the transfer to Italy of 300 000 tonnes of barley held by the Spanish intervention agency

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, and in particular Article 7 (5) thereof,

1. The Spanish intervention agency shall make available to the Italian intervention agency 300 000 tonnes of barley.

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 2048/88<sup>(4)</sup>, and in particular Article 3 (2) thereof,

2. The Italian intervention agency shall take delivery of the product referred to in paragraph 1 before 1 April 1989. It shall ensure that it is transported to Italy and that it is disposed of in animal feed before dates to be determined in accordance with the procedure referred to in paragraph 5.

Having regard to the proposal from the Commission,

3. The resale of the product referred to in paragraph 1 shall be carried out in accordance with Commission Regulation (EEC) No 1836/82.

Whereas the weather conditions in Italy and the drought that has persisted since September 1988 have brought about a shortage of fodder which could lead farmers to sell their livestock prematurely with income losses ;

4. Transport contracts shall be awarded by tendering procedure. Mobilization shall be carried out under the most favourable transport conditions.

Whereas the shortage of fodder may be offset by the use by Italian stock-farmers of 300 000 tonnes of feed grain ; whereas these cereals are available from the Spanish intervention agency in the form of barley ; whereas, in order to make this barley available to the stock-farmers concerned, it will have to be transferred to Italy ;

5. The detailed rules for applying this Regulation, in particular as regards the transport of the product referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Whereas the Italian intervention agency is reselling the stocks transferred under the conditions set out in Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies<sup>(5)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(6)</sup> ;

*Article 2*

Whereas certain detailed rules for taking delivery of the product and on the transfer of responsibilities in this respect should be laid down at a later date ;

1. The Spanish intervention agency shall debit the accounts referred to in Article 4 of Regulation (EEC) No 1883/78 with the quantities of barley transferred, valued at zero.

Whereas provisions should be adopted to cover this measure for accounting purposes in accordance with the procedure provided for in Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section<sup>(7)</sup>, as last amended by Regulation (EEC) No 2050/88<sup>(8)</sup>,

2. The Italian intervention agency shall credit the accounts referred to in Article 4 of Regulation (EEC) No 1883/78 with the quantities of barley of which they have taken delivery, valued at zero, and shall value them at the end of each month at ECU 91 per tonne, to be converted into national currency at the agricultural rate applying at the beginning of the 1988/89 marketing year.

3. The transport costs of the product referred to in Article 1 (1) shall be entered in the accounts referred to in paragraph 2.

*Article 3*

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

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 1.

<sup>(3)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(4)</sup> OJ No L 185, 15. 7. 1988, p. 1.

<sup>(5)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(6)</sup> OJ No L 223, 11. 8. 1987, p. 5.

<sup>(7)</sup> OJ No L 216, 5. 8. 1978, p. 1.

<sup>(8)</sup> OJ No L 185, 15. 7. 1988, p. 6.

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

Done at Brussels, 6 March 1989.

*For the Council*

*The President*

C. ROMERO HERRERA

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## COMMISSION REGULATION (EEC) No 593/89

of 8 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 2401/88 <sup>(5)</sup> 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 March 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 2401/88 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 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 96.

## ANNEX

to the Commission Regulation of 8 March 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	21,98	124,88
0712 90 19	21,98	124,88
1001 10 10	55,14	180,03 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	55,14	180,03 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	32,44	115,13
1001 90 99	32,44	115,13
1002 00 00	60,11	112,96 <sup>(3)</sup>
1003 00 10	50,67	116,16
1003 00 90	50,67	116,16
1004 00 10	41,73	76,01
1004 00 90	41,73	76,01
1005 10 90	21,98	124,88 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	21,98	124,88 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	45,32	138,71 <sup>(4)</sup>
1008 10 00	50,67	24,46
1008 20 00	50,67	51,35 <sup>(4)</sup>
1008 30 00	50,67	0,00 <sup>(2)</sup>
1008 90 10	( <sup>7</sup> )	( <sup>7</sup> )
1008 90 90	50,67	0,00
1101 00 00	59,77	175,54
1102 10 00	98,51	172,50
1103 11 10	98,98	292,55
1103 11 90	63,11	188,13

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(2)</sup> 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'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

<sup>(7)</sup> 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 594/89**  
**of 8 March 1989**

**fixing the premiums to be added to the import levies on cereals, flour and malt**

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

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 2402/88 <sup>(5)</sup> 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 March 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 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.



## ANNEX

to the Commission Regulation of 8 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0,44	0,44	0
0712 90 19	0	0,44	0,44	0
1001 10 10	0	3,20	3,20	3,20
1001 10 90	0	3,20	3,20	3,20
1001 90 91	0	4,82	4,82	4,82
1001 90 99	0	4,82	4,82	4,82
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0,44	0,44	0
1005 90 00	0	0,44	0,44	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	6,75	6,75	6,75

## B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	8,58	8,58	8,58	8,58
1107 10 19	0	6,41	6,41	6,41	6,41
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 595/89**  
**of 8 March 1989**  
**suspending the issue of STM licences for certain floricultural products**

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, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 643/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to the live plants and floriculture products listed in Annex XXII to the Act of Accession and imported into Portugal <sup>(1)</sup>, as last amended by Regulation (EEC) No 3998/88 <sup>(2)</sup>, fixed the target ceilings provided for in Article 251 (1) of this Act for certain floriculture products;

Whereas Article 252 of the Act of Accession provides that should the examination of developments in intra-Community trade show that a significant increase in imports has taken place or is forecast and if the situation should result in the target import ceiling for the product being reached or exceeded for the current marketing year or a part of it, the Commission is to decide, in accordance

with emergency procedures, on the interim protective measures that are necessary;

Whereas the target ceiling for rose bushes falling within CN code 0602 40 90 for 1989 has been exceeded; whereas the issue of any further licences should be suspended for the products in question, under the interim protective measures; whereas this will involve the rejection of applications already lodged,

HAS ADOPTED THIS REGULATION:

*Article 1*

The issue of STM licences for rose bushes falling within CN code 0602 40 90 is hereby suspended until 31 March 1989.

*Article 2*

This Regulation shall enter into force on 9 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 60, 1. 3. 1986, p. 39.

<sup>(2)</sup> OJ No L 354, 22. 12. 1988, p. 29.

## COMMISSION REGULATION (EEC) No 596/89

of 8 March 1989

amending for the fifth time Regulation (EEC) No 2707/86 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 2964/88 <sup>(2)</sup>, and in particular Article 72 (5) thereof,

Whereas Council Regulation (EEC) No 3309/85 <sup>(3)</sup>, as last amended by Regulation (EEC) No 538/87 <sup>(4)</sup>, lays down general rules for the description and presentation of sparkling wines and aerated sparkling wines;

Whereas it is compulsory to indicate the Member State; whereas it should be made clear as a result how this is to be indicated on the labelling;

Whereas the second paragraph of Article 9 of Commission Regulation (EEC) No 2707/86 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2657/88 <sup>(6)</sup>, provides that the Commission is to decide on one or more terms to apply throughout the Community for use in conjunction with and subsequently instead of the expression 'méthode champenoise';

Whereas Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids <sup>(7)</sup>, as last amended by Directive 88/316/EEC <sup>(8)</sup>, lays down provisions on the making up of sparkling wines and aerated sparkling wines placed on the market after 31 December 1988; whereas, in order to permit the disposal of sparkling wines and aerated sparkling wines already made up before that date, provision should be made that such wine, in containers which may no longer be used, must be able to be held with a view to sale and placed on the market in their

containers and under certain conditions until stocks are exhausted;

Whereas the second indent of the first subparagraph of Article 6 (1) of Regulation (EEC) No 3309/85 provides that the names of a geographical unit may be used for quality sparkling wine; whereas the geographical names forwarded by the United Kingdom should be added to the list in Annex I to Regulation (EEC) No 2707/86;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2707/86 is hereby amended as follows:

1. the following paragraph is added to Article 3:

'4. The Member State where the producer, vendor or importer has his head office shall be indicated:

— either in full after the commune or part of commune,

— or by a capital letter or letters indicating the country, where applicable, together with the postal code of the commune in question.';

2. Article 9 is replaced by the following:

*'Article 9*

The expressions equivalent to "méthode champenoise" that may, under the third subparagraph of Article 6 (5) of Regulation (EEC) No 3309/85, be shown together with that term shall be "bottle-fermented by the traditional method" or "traditional method" or "classical method" or "classical traditional method".

The expressions mentioned in the preceding subparagraph may be translated into another official Community language.';

3. the following paragraph is added in Article 10:

'(5) Sparkling wines and aerated sparkling wines in containers which may no longer be used after the expiry of the transitional periods referred to in Article

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 269, 29. 9. 1988, p. 5.

<sup>(3)</sup> OJ No L 320, 29. 11. 1985, p. 9.

<sup>(4)</sup> OJ No L 55, 25. 2. 1987, p. 4.

<sup>(5)</sup> OJ No L 246, 30. 8. 1986, p. 71.

<sup>(6)</sup> OJ No L 237, 27. 8. 1988, p. 17.

<sup>(7)</sup> OJ No L 42, 15. 2. 1975, p. 1.

<sup>(8)</sup> OJ No L 143, 10. 6. 1988, p. 26.

5 of Council Directive 75/106/EEC<sup>(1)</sup> and in other Community provisions applicable may be held with a view to sale and placed on the market in their containers until stocks are exhausted provided it may be proved, in particular by the registers referred to in Article 71 (2) of Council Regulation (EEC) No 822/87<sup>(2)</sup>, that the product in question has been vatted, bottled and labelled before the expiry of the abovementioned transitional periods.

<sup>(1)</sup> OJ No L 42, 15. 2. 1975, p. 1.

<sup>(2)</sup> OJ No L 84, 27. 3. 1987, p. 1.';

4. the following point 3 is added to Annex I:

'3. *For the United Kingdom:*

(a) England;

(b) Wales.'

*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, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 597/89

of 8 March 1989

laying down provisions for the implementation of Council Regulation (EEC) No 2144/87 on customs debt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt<sup>(1)</sup>, as amended by Regulation (EEC) No 4108/88<sup>(2)</sup>, and in particular Article 12 thereof,

Whereas Article 2 (1) (c) of Regulation (EEC) No 2144/87 stipulates that a customs debt on importation is incurred where goods liable to import duties are removed from the customs supervision involved in the temporary storage of the goods or their being placed under a customs regime involving customs supervision; whereas the following constitute a particular form of removal of goods from customs supervision: the customs declaration for the goods in question, any other act having the same legal effects and the production for endorsement by the competent authorities of a document, where the effect of this declaration, act or presentation is that the legal status of Community goods is wrongly conferred on goods liable to import duties;

Whereas, where the amount of a customs debt on importation incurred by virtue of Article 2 (1) (b), (c), (d) or (g) of Regulation (EEC) No 2144/87 has been paid, the said customs debt is extinguished; whereas in such a case the incurrence of a new customs debt on importation in respect of the same goods should be avoided; whereas it should consequently be stipulated that such goods must be considered *ipso facto* to be in free circulation; whereas this is without prejudice to the provisions concerning prohibitions or restrictions which may be applicable to the goods in question;

Whereas Article 8 (1) (b) of Regulation (EEC) No 2144/87 lays down that a customs debt is extinguished by confiscation of the goods; whereas, in the case of imported goods, the result of confiscation must not however be that the goods can be consumed or used in the Community

under the same conditions as goods released for free circulation against payment of import duties; whereas the said goods must therefore retain their non-Community status after confiscation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on General Customs Rules,

HAS ADOPTED THIS REGULATION:

*Article 1*

The presentation of a customs declaration for the goods in question, or any other act having the same legal effects, and the production for endorsement by the competent authorities of a document, shall be considered as removal of goods from customs supervision within the meaning of Article 2 (1) (c) of Regulation (EEC) No 2144/87, to the extent that these acts have the effect of wrongly conferring on them the legal status of Community goods.

*Article 2*

Without prejudice to the provisions laid down prohibitions or restrictions which may be applicable to the goods in question, where a customs debt on importation is incurred pursuant to Article 2 (1) (b), (c), (d) or (g) of Regulation (EEC) No 2144/87 and the import duties have been paid, those goods shall be deemed to be Community goods without the need for a declaration for entry into free circulation.

*Article 3*

The confiscation of goods pursuant to Article 8 (1) (b) of Regulation (EEC) No 2144/87 shall not affect the legal status of the goods in question.

*Article 4*

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

<sup>(1)</sup> OJ No L 201, 22. 7. 1987, p. 15.

<sup>(2)</sup> OJ No L 361, 29. 12. 1988, p. 2.

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

Done at Brussels, 8 March 1989.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 598/89

of 8 March 1989

amending Regulation (EEC) No 3711/88 fixing the target ceiling for imports of olive oil into Portugal in the 1988/89 marketing year

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, and in particular Article 252 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade <sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88 <sup>(2)</sup>, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 3711/88 <sup>(3)</sup>, as amended by Regulation (EEC) No 341/89 <sup>(4)</sup>, fixes the target ceiling for imports of olive oil into Portugal for the 1988/89 marketing year; whereas, in the present situation of the market in olive oil in Portugal, a feature of which is limited supply compared with demand, provision should be made for a definitive measure to increase the target ceiling for the current marketing year in order to ensure normal supply to the market;

Whereas, with a view to ensuring minimum supply to the greatest number of operators to satisfy their immediate requirements, it should be provided that each operator may submit tenders in respect of a maximum quantity only; whereas, with a view to preventing this provision from being circumvented in any way and consequently to preventing a small number of operators from monopolizing the quantities put up for sale, it should be provided that only recognized operators may be allocated quantities to be exported;

Whereas Commission Regulation (EEC) No 574/86 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3296/88, lays down the detailed rules for the application of the supplementary mechanism applicable to trade for all agricultural sectors; whereas certain detailed rules applying specifically to the oils and fats sector were laid down by Regulation (EEC) No 1634/86 <sup>(6)</sup>, as last amended by Regulation (EEC) No 219/87 <sup>(7)</sup>; whereas, in view of the current situation on the market for olive oil in Portugal, certain special detailed rules for the application of that mechanism

should be laid down for the current marketing year the better to organize imports into that country;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EEC) No 3711/88 is hereby replaced by the following:

*Article 1*

The target ceiling for imports into Portugal of olive oil covered by CN codes 1509 and 1510 00 from the other Member States is hereby fixed at 15 000 tonnes for the period 1 November 1988 to 31 October 1989.

Applications for STM licences shall be admissible only if they are submitted from 17 March 1989 by a natural or legal person conducting an activity in the olive oil sector and entered by virtue of such activity at 31 December 1988 in a public registry of a Member State.

In addition, tenderers may submit applications in respect of a maximum of 500 tonnes only.

Notwithstanding Article 2 (2) of Commission Regulation (EEC) No 574/86 <sup>(8)</sup>, rights arising from an STM licence shall not be transferable during the term of validity of that licence.

Where applications for STM licences relate to quantities exceeding the abovementioned ceiling, the Commission shall authorize the Member States concerned to issue licences in proportion to the quantity available.

<sup>(1)</sup> OJ No L 57, 1. 3. 1986, p. 1.

*Article 2*

Commission Regulation (EEC) No 293/89 <sup>(1)</sup> is hereby repealed.

*Article 3*

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

<sup>(8)</sup> OJ No L 33, 4. 2. 1989, p. 33.

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 325, 29. 11. 1988, p. 40.

<sup>(4)</sup> OJ No L 39, 11. 2. 1989, p. 18.

<sup>(5)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(6)</sup> OJ No L 144, 29. 5. 1986, p. 20.

<sup>(7)</sup> OJ No L 24, 27. 1. 1987, p. 8.

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

Done at Brussels, 8 March 1989.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 599/89****of 8 March 1989****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 <sup>(4)</sup> thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 534/89 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 534/89 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 534/89 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 59, 2. 3. 1989, p. 16.

## ANNEX

to the Commission Regulation of 8 March 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	31,81 <sup>(1)</sup>	
1701 11 90 910	30,61 <sup>(1)</sup>	
1701 11 90 950	<sup>(2)</sup>	
1701 12 90 100	31,81 <sup>(1)</sup>	
1701 12 90 910	30,61 <sup>(1)</sup>	
1701 12 90 950	<sup>(2)</sup>	
1701 91 00 000		0,3458
1701 99 10 100	34,58	
1701 99 10 910	34,65	
1701 99 10 950	34,65	
1701 99 90 100		0,3458

<sup>(1)</sup> 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.

<sup>(2)</sup> 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 600/89

of 8 March 1989

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

or

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

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

Whereas Commission Regulation (EEC) No 3557/88<sup>(7)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

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

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

— for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(10)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(11)</sup>,

— for the other currencies, a conversion rate based on the arithmetic mean of the spot market rates for the currency, as recorded over a given period, against the Community currencies referred to in the preceding indent, and the abovementioned factor;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of multiflorous (spray) carnations (CN code ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 4078/88 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

*Article 2*

This Regulation shall enter into force on 10 March 1989.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 271, 1. 10. 1988, p. 7.

<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 1.

<sup>(5)</sup> OJ No L 311, 17. 11. 1988, p. 2.

<sup>(6)</sup> OJ No L 359, 28. 12. 1988, p. 8.

<sup>(7)</sup> OJ No L 311, 17. 11. 1988, p. 9.

<sup>(8)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(9)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(10)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(11)</sup> 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 March 1989.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 601/89**  
**of 8 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 584/89 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 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 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 203, 28. 7. 1988, p. 22.

<sup>(4)</sup> OJ No L 63, 7. 3. 1989, p. 20.

## ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	34,57 <sup>(1)</sup>
1701 11 90	34,57 <sup>(1)</sup>
1701 12 10	34,57 <sup>(1)</sup>
1701 12 90	34,57 <sup>(1)</sup>
1701 91 00	41,40
1701 99 10	41,40
1701 99 90	41,40 <sup>(2)</sup>

<sup>(1)</sup> 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.

<sup>(2)</sup> 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 602/89**  
**of 8 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2368/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 536/89 <sup>(4)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2368/88 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, 1,45 ECU/100 kg.

*Article 2*

This Regulation shall enter into force on 9 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 205, 30. 7. 1988, p. 29.

<sup>(4)</sup> OJ No L 59, 2. 3. 1989, p. 20.

COMMISSION REGULATION (EEC) No 603/89  
of 8 March 1989

fixing the maximum export refund for white sugar for the 44th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88<sup>(2)</sup>, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1035/88, 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 44th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 44th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 37,239 ECU/100 kilograms.

*Article 2*

This Regulation shall enter into force on 9 March 1989.

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

Done at Brussels, 8 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 102, 21. 4. 1988, p. 14.



## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 28 February 1989

approving a specific programme for the processing of fruits and vegetables notified by the Spanish Government pursuant to Council Regulation (EEC) No 355/77

(Only the Spanish text is authentic)

(89/181/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed<sup>(1)</sup>, as last amended by Regulation (EEC) No 560/87 of 23 February 1987<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas on 23 July 1987 the Spanish Government forwarded a specific programme concerning the processing of fruit and vegetables and submitted supplementary information on 6 August 1987, 30 October 1987 and 22 March;

Whereas the aim of the specific programme in question is to rationalize and adapt the processing and marketing of fruit and vegetables in Spain so as to increase the competitiveness of the sector and add value to its production; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas approval of this programme does not include investments in the processing of tomatoes, as a separate programme will be submitted for this sector; whereas consideration is to be given to the existing production

quotas for other products covered by this programme whenever investments are proposed for this sector;

Whereas approval of this programme does not extend to investments in the manufacture of products which are not listed in Annex II to the Treaty;

Whereas approval of this programme cannot extend to cover research and development, particularly in the area of new products; whereas provision should be made for the funding of new products in accordance with the provisions of Article 7 (2) of Regulation (EEC) No 355/77;

Whereas approval of this programme does not cover investments for transportation after processing as these are subject to special conditions;

Whereas approval of this programme does not include investments relating to cereal and starch;

Whereas this programme contains sufficient information as laid down in Article 3 of Regulation (EEC) No 355/77 to show that the aims set out in Article 1 of that Regulation be achieved in the sector covering products processed from fruit and vegetables in Spain;

Whereas the estimated time required for implementation of this programme does not exceed the period mentioned in Article 3 (1) (g) of Regulation (EEC) No 355/77;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

<sup>(1)</sup> OJ No L 51, 23. 2. 1977, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 1.

HAS ADOPTED THIS DECISION :

- the processing of tomatoes ;
- research and development ;
- cereal and potato starch.

*Article 1*

1. The programme for the processing of fruit and vegetables submitted by the Spanish Government on 23 July 1987, concerning which further particulars were provided on 6 August 1987, 30 October 1987 and 22 March 1988 pursuant to Regulation (EEC) No 355/77 is hereby approved.

2. Such approval does not extend to investments in :

- the manufacture of products which are not listed in Annex II of the Treaty ;

*Article 2*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 28 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION DECISION

of 28 February 1989

on improving the efficiency of agricultural structures in the United Kingdom  
pursuant to Council Regulation (EEC) No 797/85

(Only the English text is authentic)

(89/182/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures<sup>(1)</sup>, as last amended by Regulation (EEC) No 1137/88<sup>(2)</sup>, and in particular Article 25 (3) thereof,

Having regard to Commission Regulation (EEC) No 1272/88 of 29 April 1988 laying down detailed rules for applying the set-aside incentive scheme for arable land<sup>(3)</sup>,

Whereas on 12 October 1988 the United Kingdom Government forwarded the following provisions pursuant to Article 24 (4) of Council Regulation (EEC) No 797/85:

- The Set-Aside Regulations 1988 (Statutory instruments 1988 No 1352)
- The Set-Aside Regulations (Northern Ireland) 1988 (Statutory Rules of Northern Ireland 1988 No 279);

Whereas, under Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas the list of crops considered for the purposes of the set-aside scheme for arable land set out in Annex 1, A must include all the crops listed under B with the exception of potatoes in order to comply with Article 1b (2) of Regulation (EEC) No 797/85 and Article 2 of Commission Regulation (EEC) No 1272/88;

Whereas, subject to the amendment of the list of arable crops referred to in Annex 1 of the provisions forwarded, the abovementioned provisions satisfy the conditions and the objectives of Title 01 of Regulation (EEC) No 797/85; whereas they are in accordance with Regulation (EEC) No 1272/88;

Whereas, however, in view of the newness of the scheme for land set-aside, the Commission reserves the right to

re-examine the provisions forwarded, particularly as regards the amount of the aid, on the basis of a report on their application to be submitted by the United Kingdom pursuant to Article 29 of Regulation (EEC) No 797/85 and to Article 16 (2) of Regulation (EEC) No 1272/88;

Whereas the EAGGF Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee for Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The provisions contained in Statutory Instruments 1988 No 1352 and in Statutory Rules of Northern Ireland 1988 No 279, forwarded by the United Kingdom Government pursuant to Article 24 (4) of Council Regulation (EEC) No 797/85 satisfy the conditions for a Community financial contribution to the common measure provided for in Title 01 of the said Regulation subject to the inclusion in the list of crops considered for the purposes of the arable land set-aside scheme set out in Annex 1, A of all the crops listed under B with the exception of potatoes.

2. Up to 31 December 1989 the Commission reserves the right to revise this Decision with effect from that date.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 28 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(2)</sup> OJ No L 108, 29. 4. 1988, p. 1.

<sup>(3)</sup> OJ No L 121, 11. 5. 1988, p. 36.

## COMMISSION DECISION

of 28 February 1989

authorizing the Kingdom of Spain to apply intra-Community surveillance to imports of certain television receivers originating in certain third countries

(Only the Spanish text is authentic)

(89/183/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty<sup>(1)</sup>, and in particular Articles 1 and 2 thereof,

Whereas Decision 87/433/EEC requires Member States to have prior authorization from the Commission before introducing intra-Community surveillance of imports covered by that Decision ;

Whereas, on 15 February 1989, a request was made to the Commission of the European Communities by the Spanish Government under Article 2 of Decision 87/433/EEC for authorization to introduce intra-Community surveillance for certain colour television receivers falling within CN codes 8528 10 73 and 8528 10 79, originating in China, Singapore, Hong Kong or Taiwan and put into free circulation in the Community ;

Whereas, in accordance with Article 1 (2) of Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports<sup>(2)</sup>, as last amended by Regulation (EEC) No 1243/88<sup>(3)</sup>, Spain applies a system of quantitative restrictions on imports of the abovementioned products originating in the countries referred to in Annex 1 to the Regulation ;

Whereas, in accordance with Article 1 of Council Regulation (EEC) No 3420/83<sup>(4)</sup>, as last amended by Regulation (EEC) No 2273/87<sup>(5)</sup> Spain applies a system of quantitative restrictions on imports of the abovementioned products originating in China ;

Whereas the information given by the Spanish authorities in support of this request has been examined closely by

the Commission, in accordance with the criteria laid down in Decision 87/433/EEC ;

Whereas the Commission has examined in particular whether information was supplied regarding the likelihood of any rapid and unpredictable deflections of trade developing ;

Whereas this examination has shown that the conditions for the application of surveillance measures in respect of the products in question do exist ;

Whereas, therefore, the Kingdom of Spain should be authorized to make the imports concerned subject to prior intra-Community surveillance until 31 December 1989,

HAS ADOPTED THIS DECISION :

*Article 1*

The Kingdom of Spain is hereby authorized to introduce, until 31 December 1989, and in accordance with Decision 87/433/EEC, intra-Community surveillance of imports of the products indicated below and originating in China, Singapore, Hong Kong or Taiwan.

CN code	Description
8528 10 73 8528 10 79	Colour television receivers with integral tube, with a diagonal measurement of the screen exceeding 42 cm

*Article 2*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 28 February 1989.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 238, 21. 8. 1987, p. 26.

<sup>(2)</sup> OJ No L 35, 9. 2. 1982, p. 1.

<sup>(3)</sup> OJ No L 113, 30. 4. 1986, p. 1, rectified in OJ No L 370, 30. 12. 1986, p. 29.

<sup>(4)</sup> OJ No L 346, 8. 12. 1983, p. 6.

<sup>(5)</sup> OJ No L 217, 6. 8. 1987, p. 1.

## COMMISSION DECISION

of 2 March 1989

on improving the efficiency of agricultural structures in Spain pursuant to Council Regulation (EEC) No 797/85

(Only the Spanish text is authentic)

(89/184/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures<sup>(1)</sup>, as last amended by Regulation (EEC) No 1137/88<sup>(2)</sup>, and in particular Article 25 (3) thereof,

Having regard to Commission Regulation (EEC) No 1272/88 of 29 April 1988 laying down detailed rules for applying the set-aside incentive scheme for arable land<sup>(3)</sup>,

Whereas the Spanish Government forwarded the following provisions pursuant to Article 24 (4) of Regulation (EEC) No 797/85:

- Royal Decree No 1435/1988 of 25 November 1988 governing the set-aside incentive scheme for arable land;
- Ministerial Order of 5 December 1988 concerning the rules for the application of the set-aside incentive scheme for arable land;

Whereas, under Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas vetches for fodder and green manure production are the only species of vicia which are authorized where land set aside is used;

Whereas this Decision does not relate to the Commission's authorization as regards the areas to be

exempted from the scheme for the set-aside of arable land;

Whereas the abovementioned provisions satisfy the conditions and the objectives of Title 01 of Regulation (EEC) No 797/85; whereas they are in accordance with Regulation (EEC) No 1272/88;

Whereas, however, in view of the newness of the set-aside scheme, the Commission reserves the right to re-examine the provisions forwarded, particularly as regards the amount of the aid, on the basis of a report on their application to be submitted by Spain pursuant to Article 29 of Regulation (EEC) No 797/85 and to Article 16 (2) of Regulation (EEC) No 1272/88;

Whereas the European Agricultural Guidance and Guarantee Fund (EAGGF) Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee for Agricultural Structure and Rural Development,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The provisions relating to the set-aside of arable land contained in Royal Decree No 1435/1988 of 25 November 1988 (and the Ministerial Order of 5 December 1988) forwarded by the Spanish Government pursuant to Article 24 (4) of Regulation (EEC) No 797/85, satisfy the conditions for a Community financial contribution to the common measure provided for in Title 01 of the said Regulation, subject to the following conditions:

- (a) the financial contribution from the Community shall not cover the additional aid in the case of afforestation;

<sup>(1)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(2)</sup> OJ No L 108, 29. 4. 1988, p. 1.

<sup>(3)</sup> OJ No L 121, 11. 5. 1988, p. 36.

(b) the Annex to Royal Decree No 1435/1988 concerning the areas to be exempted from the scheme for the set-aside of arable land is not the subject of this Decision ;

2. Up to 31 December 1989 the Commission reserves the right to revise this Decision with effect from that date.

*Article 2*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 2 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 513/89 of 28 February 1989 fixing for March 1989 the levy applicable in Spain to products subject to the price control system**

*(Official Journal of the European Communities No L 58 of 1 March 1989)*

On page 22 in Article 1:

*for:* '357,463',

*read:* '337,463'.

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COMMISSION OF THE EUROPEAN COMMUNITIES

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