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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 342/87

of 4 February 1987

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 1579/86 ⁽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⁾, 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 135/87 ⁽⁴⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 3 February 1987;

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 135/87 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 5 February 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 February 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	9,23	199,32
10.01 B II	Durum wheat	43,91	253,63 ⁽¹⁾ ⁽²⁾
10.02	Rye	38,30	176,68 ⁽³⁾
10.03	Barley	36,57	189,40
10.04	Oats	94,86	159,16
10.05 B	Maize, other than hybrid maize for sowing	—	183,46 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	36,57	131,12
10.07 B	Millet	36,57	156,53 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	22,48	182,90 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	36,57	67,40 ⁽⁵⁾
11.01 A	Wheat or meslin flour	27,81	293,93
11.01 B	Rye flour	68,51	262,24
11.02 A I a)	Durum wheat groats and meal	81,64	406,71
11.02 A I b)	Common wheat groats and meal	27,96	315,37

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/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 1,81 ECU/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 0,60 ECU/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 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 343/87

of 4 February 1987

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 1579/86⁽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⁾, 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 2011/86⁽⁴⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 3 February 1987;

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 originating in 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 4 February 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	3,83	3,83	3,85
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	6,82	6,82	6,85	6,85
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	5,09	5,09	5,12	5,12
11.07 B	Roasted malt	0	5,94	5,94	5,97	5,97

COMMISSION REGULATION (EEC) No 344/87**of 3 February 1987****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 3502/85 ⁽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 6 February 1987.

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

Done at Brussels, 3 February 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 335, 13. 12. 1985, p. 9.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	33,15	1 415	258,84	68,37	227,69	4 992	25,75	48 675	76,99	24,68
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	62,55	2 670	488,38	128,99	429,61	9 420	48,58	91 838	145,26	46,56
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	20,14	861	157,42	41,55	138,87	3 014	15,62	29 544	46,84	14,87
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	22,00	939	171,77	45,37	151,10	3 313	17,08	32 300	51,09	16,37
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	95,48	4 076	745,48	196,90	655,77	14 379	74,16	140 185	221,74	71,07
1.22	ex 07.01-36	ex 07.01 D II	Endives	101,37	4 327	791,46	209,05	696,22	15 266	78,73	148 832	235,42	75,46
1.28	07.01-41 07.01-43	07.01 F I	Peas	89,30	3 812	697,26	184,17	613,36	13 449	69,36	131 118	207,40	66,48
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	122,51	5 230	956,55	252,65	841,44	18 451	95,15	179 877	284,52	91,20
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	29,76	1 270	232,40	61,38	204,44	4 482	23,11	43 703	69,12	22,15
1.40	ex 07.01-54	ex 07.01 G II	Carrots	29,98	1 280	234,14	61,84	205,96	4 516	23,29	44 030	69,64	22,32
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	116,52	4 974	909,79	240,30	800,31	17 549	90,50	171 083	270,61	86,74
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	22,54	962	176,05	46,50	154,86	3 395	17,51	33 105	52,36	16,78
1.70	07.01-67	ex 07.01 H	Garlic	225,41	9 623	1 759,93	464,85	1 548,14	33 947	175,07	330 948	523,49	167,80
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	39,27	1 676	306,66	81,00	269,76	5 915	30,50	57 667	91,21	29,23
1.80		07.01 K	Asparagus :										
1.80.1	ex 07.01-71		— green	714,98	30 524	5 582,34	1 474,47	4 910,57	107 677	555,32	1 049 736	1 660,47	532,24
1.80.2	ex 07.01-71		— other	562,45	24 061	4 395,12	1 160,16	3 877,12	84 161	436,25	824 849	1 307,74	415,40
1.90	07.01-73	07.01 L	Artichokes	79,27	3 384	618,96	163,48	544,47	11 939	61,57	116 393	184,11	59,01
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	53,38	2 279	416,79	110,08	366,64	8 039	41,46	78 377	123,97	39,73
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	73,50	3 137	573,87	151,57	504,81	11 069	57,08	107 914	170,69	54,71
1.112	07.01-85	07.01 Q II	Chantarelles	980,32	41 938	7 660,46	2 022,11	6 757,62	146 689	760,37	1 437 668	2 279,32	724,02
1.118	07.01-91	07.01 R	Fennel	29,74	1 269	232,20	61,33	204,26	4 478	23,09	43 664	69,06	22,13
1.120	07.01-93	07.01 S	Sweet peppers	91,58	3 909	715,04	188,86	628,99	13 792	71,13	134 461	212,69	68,17
1.130	07.01-97	07.01 T II	Aubergines	96,27	4 110	751,68	198,54	661,22	14 499	74,77	141 350	223,58	71,66
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	66,26	2 829	517,37	136,65	455,11	9 979	51,46	97 290	153,89	49,32
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	43,18	1 843	337,13	89,04	296,56	6 502	33,53	63 396	100,28	32,14
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	74,60	3 185	582,47	153,85	512,38	11 235	57,94	109 532	173,25	55,53
2.10	08.01-31	ex 08.01 B	Bananas, fresh	41,19	1 758	321,66	84,96	282,95	6 204	31,99	60 487	95,67	30,66
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	51,55	2 200	402,48	106,30	354,05	7 763	40,03	75 686	119,72	38,37
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	101,70	4 342	794,09	209,74	698,53	15 317	78,99	149 325	236,20	75,71
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	173,36	7 401	1 353,59	357,52	1 190,70	26 109	134,65	254 538	402,62	129,05
2.50		08.02 A I	Sweet oranges, fresh :										
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	40,92	1 747	319,54	84,40	281,08	6 163	31,78	60 088	95,04	30,46

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	32,68	1 395	255,19	67,40	224,48	4 922	25,38	47 988	75,90	24,33
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	38,59	1 651	301,62	79,61	266,07	5 775	29,93	56 607	89,74	28,50
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :										
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	40,16	1 714	313,57	82,82	275,83	6 048	31,19	58 966	93,27	29,89
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	35,87	1 534	280,35	74,00	247,30	5 368	27,82	52 614	83,41	26,49
2.60.3	08.02-28	08.02 B I	— Clementines	58,28	2 488	455,07	120,20	400,31	8 777	45,27	85 575	135,36	43,38
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	56,16	2 397	438,52	115,82	385,75	8 458	43,62	82 462	130,43	41,81
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	37,67	1 608	294,12	77,68	258,73	5 673	29,25	55 309	87,48	28,04
2.80		ex 08.02 D	Grapefruit, fresh :										
2.80.1	ex 08.02-70		— white	36,41	1 554	284,28	75,09	250,07	5 483	28,28	53 459	84,56	27,10
2.80.2	ex 08.02-70		— pink	55,38	2 364	432,41	114,21	380,38	8 340	43,01	81 314	128,62	41,22
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	173,02	7 386	1 350,94	356,82	1 188,37	26 058	134,39	254 039	401,83	128,80
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	114,11	4 871	890,97	235,33	783,75	17 186	88,63	167 544	265,02	84,95
2.95	08.05-50	08.05 C	Chestnuts	101,92	4 360	796,49	210,24	702,62	15 251	79,05	149 480	236,99	75,27
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	48,82	2 084	381,20	100,68	335,33	7 353	37,92	71 684	113,39	36,34
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	164,90	7 040	1 287,49	340,06	1 132,56	24 834	128,07	242 109	382,96	122,75
2.120	08.07-10	08.07 A	Apricots	138,22	5 901	1 079,21	285,05	949,34	20 816	107,35	202 942	321,01	102,89
2.130	ex 08.07-32	ex 08.07 B	Peaches	191,18	8 162	1 492,68	394,26	1 313,05	28 792	148,49	280 692	443,99	142,32
2.140	ex 08.07-32	ex 08.07 B	Nectarines	250,64	10 700	1 956,90	516,88	1 721,41	37 746	194,67	367 988	582,08	186,58
2.150	08.07-51 08.07-55	08.07 C	Cherries	88,56	3 788	692,07	182,68	610,50	13 252	68,69	129 883	205,92	65,41
2.160	08.07-71 08.07-75	08.07 D	Plums	117,07	4 998	914,04	241,42	804,05	17 631	90,92	171 882	271,88	87,14
2.170	08.08-11 08.08-15	08.08 A	Strawberries	323,19	13 797	2 523,37	666,50	2 219,71	48 673	251,02	474 510	750,57	240,59
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	131,10	5 608	1 024,49	270,43	903,74	19 617	101,69	192 269	304,83	96,82
2.180	08.09-11	ex 08.09	Water melons	22,75	973	177,79	46,93	156,84	3 404	17,64	33 367	52,90	16,80
2.190		ex 08.09	Melons (other than water melons) :										
2.190.1	ex 08.09-19		— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	54,32	2 319	424,17	112,03	373,13	8 181	42,19	79 765	126,17	40,44
2.190.2	ex 08.09-19		— other	124,08	5 297	968,78	255,88	852,19	18 686	96,37	182 175	288,16	92,36
2.195	ex 08.09-80	ex 08.09	Pomegranates	47,87	2 048	374,10	98,75	330,01	7 163	37,13	70 209	111,31	35,35
2.200	08.09-50	ex 08.09	Kiwis	256,04	10 930	1 999,07	528,01	1 758,50	38 560	198,86	375 917	594,62	190,60
2.202	ex 08.09-80	ex 08.09	Khakis	73,55	3 140	574,28	151,68	505,17	11 077	57,12	107 991	170,82	54,75
2.203	ex 08.09-80	ex 08.09	Lychees	174,91	7 467	1 365,67	360,71	1 201,32	26 342	135,85	256 809	406,22	130,21

COMMISSION REGULATION (EEC) No 345/87
of 3 February 1987
on the supply of various lots of skimmed-milk powder as food aid

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

Having regard to Council Regulation (EEC) No 3331/82 of 3 December 1982 on food-aid policy and food-aid management and amending Regulation (EEC) No 2750/75 ⁽¹⁾, and in particular Article 3 (1), first subparagraph,

Having regard to Council Regulation (EEC) No 457/85 of 19 February 1985 laying down implementing rules for 1985 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management ⁽²⁾,

Having regard to Council Regulation (EEC) No 232/86 of 27 January 1986 laying down implementing rules for 1986 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management ⁽³⁾,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽⁴⁾, as last amended by Regulation (EEC) No 231/87 ⁽⁵⁾, and in particular Article 7 (5) thereof,

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 15 967 tonnes of skimmed-milk powder to be supplied fob, cif or free at destination ;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid ⁽⁶⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁷⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The intervention agencies shall, in accordance with the provisions of Regulation (EEC) No 1354/83, supply skimmed-milk powder as food aid on the special terms set out in Annex I.

Article 2

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

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

Done at Brussels, 3 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 54, 23. 2. 1985, p. 1.

⁽³⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁵⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽⁶⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁷⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX I

Notice of invitation of tender⁽¹⁾

Description of the lot	A	B	C
1. Programme :	1985		
(a) legal basis	Council Regulation (EEC) No 457/85		
(b) purpose	Commission Decision of } 9 July 1985 { 15 November 1985		
2. Recipient	}	Republic of India	
3. Country of destination		fob	
4. Stage and place of delivery		Embassy of India (Attn. Mr. A. K. Banerjee, Counsellor), chaussée de Vleurgat, 217, B-1050 Bruxelles (Tel : 02/640 91 40 ; Telex : 22510 INDEMB B)	
5. Representative of the recipient		3 000 tonnes ⁽²⁾ 500 tonnes 500 tonnes	
6. Total quantity		Intervention stock	
7. Origin of the skimmed-milk powder		German	
8. Intervention agency holding the stocks		Entered into intervention after 1 September 1986	
9. Specific characteristics		25 kg	
10. Packaging		'BOMBAY / 'CALCUTTA / 'MADRAS	
11. Supplementary markings on the packaging		SUPPLIED TO THE INDIAN DAIRY CORPORATION UNDER THE FOOD-AID PROGRAMME OF THE EUROPEAN ECONOMIC COMMUNITY'	
12. Shipment period		Before 30 April 1987	
13. Closing date for the submission of tenders		23 February 1987	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		Before 31 May 1987	
(a) shipment period		9 March 1987	
(b) closing date for the submission of tenders		(*) (2) (7)	
15. Miscellaneous			

Description of the lot	D
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient ⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 ICRC Nicaragua cif Corinto — 200 tonnes Community market confined to the United Kingdom United Kingdom Annex I B of Regulation (EEC) No 1354/83 25 kg in accordance with point 4.2 of Annex I B of Regulation (EEC) No 1354/83 A red cross 10 × 10 cm and : 'NIC-166 / ACCIÓN DEL COMITÉ INTERNACIONAL DE LA CRUZ ROJA / DESTINADO A LA DISTRIBUCIÓN GRATUITA / CORINTO' Before 28 February 1987 — — — The costs of supply are determined by the United Kingdom intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾

Description of the lot	E
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient) 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency holding the stocks 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 Council Regulation (EEC) No 232/86 Commission Decision of 27 October 1986 Mr Bartolomeu Simões Pereira, Ministre du Plan Bissau — Guinea Bissau Guinea Bissau cif Bissau Ambassade de Guinée Bissau, Av. F. Roosevelt 70, B-1050 Bruxelles (Tel.: 02/647 08 90 ; Telex : 63631 EGBB B) 300 tonnes Intervention stock German Entered into intervention after 1 August 1986 25 kg 'LEITE EM PÓ DESNATADO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À REPÚBLICA DA GUINÉ-BISSAU' Before 15 April 1987 23 February 1987 Before 30 April 1987 9 March 1987 (*) (*)

Description of the lot	F	G
1. Programme :	1986	
(a) legal basis	Council Regulation (EEC) No 232/86	
(b) purpose	Commission Decision of 10 February 1986	
2. Recipient	WFP	
3. Country of destination	China	
4. Stage and place of delivery	fob	
5. Representative of the recipient ⁽⁷⁾ ⁽⁸⁾	—	
6. Total quantity	731 tonnes	494 tonnes
7. Origin of the skimmed-milk powder	Community market	
8. Intervention agency holding the stocks	—	
9. Specific characteristics	⁽¹²⁾	
10. Packaging	25 kg ⁽¹³⁾	
11. Supplementary markings on the packaging	'CHINA 0264700 / ACTION OF THE WORLD FOOD PROGRAMME / SHANGAI' 'XINGANG'	
12. Shipment period	Before 15 April 1987	
13. Closing date for the submission of tenders	23 February 1987	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	Before 30 April 1987	
(b) closing date for the submission of tenders	9 March 1987	
15. Miscellaneous	⁽⁹⁾ ⁽⁹⁾ ⁽¹⁰⁾ ⁽¹¹⁾	

Description of the lot	H	I
1. Programme :	1985	
(a) legal basis	Council Regulation (EEC) No 457/85	
(b) purpose	Commission Decision of { 9 July 1985 15 November 1985	
2. Recipient	}	Republic of India
3. Country of destination		
4. Stage and place of delivery		fob
5. Representative of the recipient	Embassy of India (Attn. Mr. A. K. Banerjee, Counsellor), Chaussée de Vleurgat 217, B-1050 Bruxelles (Tel. 02/640 91 40 ; Telex 22510 INDEMB B)	
6. Total quantity	1 000 tonnes (?)	1 500 tonnes (?)
7. Origin of the skimmed-milk powder	Intervention stock	
8. Intervention agency holding the stocks	German	
9. Specific characteristics	Entered into intervention after 1 September 1986	
10. Packaging	25 kg	
11. Supplementary markings on the packaging	'BOMBAY /	'CALCUTTA /
	SUPPLIED TO THE INDIAN DAIRY CORPORATION UNDER THE FOOD-AID PROGRAMME OF THE EUROPEAN ECONOMIC COMMUNITY'	
12. Shipment period	Before 31 May 1987	
13. Closing date for the submission of tenders	23 February 1987	
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :		
(a) shipment period	Before 30 June 1987	
(b) closing date for the submission of tenders	9 March 1987	
15. Miscellaneous	() () ()	

Description of the lot	K	L	M
1. Programme :	1985		
(a) legal basis	Council Regulation (EEC) No 457/85		
(b) purpose	Commission Decision of { 9 July 1985 15 November 1985		
2. Recipient	}	Republic of India	
3. Country of destination		fob	
4. Stage and place of delivery		Embassy of India (Attn. Mr. A. K. Banerjee, Counsellor), chaussée de Vleurgat, 217, B-1050 Bruxelles (Tel : 02/640 91 40 ; Telex : 22510 INDEMB B)	
5. Representative of the recipient			
6. Total quantity	1 000 tonnes (°)	1 000 tonnes (°)	500 tonnes
7. Origin of the skimmed-milk powder	Intervention stock		
8. Intervention agency holding the stocks	German		
9. Specific characteristics	Entered into intervention after 1 September 1986		
10. Packaging	25 kg		
11. Supplementary markings on the packaging	'BOMBAY /	'CALCUTTA /	'MADRAS SUPPLIED TO THE INDIAN DAIRY CORPORATION UNDER THE FOOD- AID PROGRAMME OF THE EUROPEAN ECONOMIC COMMUNITY'
12. Shipment period	Before 31 May 1987		
13. Closing date for the submission of tenders	23 February 1987		
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :			
(a) shipment period	Before 30 June 1987		
(b) closing date for the submission of tenders	9 March 1987		
15. Miscellaneous	(°) (°) (°)		

Description of the lot	N
1. Programme : (a) legal basis (b) purpose	1986 — Action No 14/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Sudan
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	232 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency holding the stocks	—
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kg
11. Supplementary markings on the packaging	'ACTION No 14/87 / SUDAN 0053101 / ACTION OF THE WORLD FOOD PROGRAMME / PORT SUDAN'
12. Shipment period	Before 30 April 1987
13. Closing date for the submission of tenders	23 February 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 May 1987
(b) closing date for the submission of tenders	9 March 1987
15. Miscellaneous	⁽⁴⁾ ⁽⁶⁾ ⁽⁹⁾ ⁽¹⁰⁾ ⁽¹¹⁾

Description of the lot	O
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient(?) 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders. 15. Miscellaneous	1986 — Action No 1/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 WFP Gambia fob — 110 tonnes Community market Netherlands Annex I B of Regulation (EEC) No 1354/83 25 kg 'ACTION No 1/87 / GAMBIA 0062504 / ACTION OF THE WORLD FOOD PROGRAMME / BANJUL' Before 28 February 1987 — — — The costs of supply are determined by the Dutch intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) (*) (*) (*) (*) (*)

Description of the lot	P	Q	R
1. Programme :	1986 — Action No 8-9-10/87		
(a) legal basis	Council Regulation (EEC) No 232/86		
(b) purpose	Commission Decision of 10 February 1986		
2. Recipient	WFP		
3. Country of destination	Mozambique		
4. Stage and place of delivery	fob		
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—		
6. Total quantity	30 tonnes	25 tonnes	20 tonnes
7. Origin of the skimmed-milk powder	Community market		
8. Intervention agency	French		
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83		
10. Packaging	25 kg		
11. Supplementary markings on the packaging	'ACÇÃO No 8/87 / MOÇAMBIQUE 0238202 / MAPUTO'	'ACÇÃO No 9/87 / ACÇÃO DO PROGRAMA ALIMENTAR MUNDIAL / BEIRA'	'ACÇÃO No 10/87 / NACALA'
12. Shipment period	Before 28 February 1987		
13. Closing date for the submission of tenders	—		
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :			
(a) shipment period	—		
(b) closing date for the submission of tenders	—		
15. Miscellaneous	The costs of supply are determined by the French intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁶⁾		

Description of the lot	S
1. Programme : (a) legal basis (b) purpose	1986 — Action No 11/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Swaziland
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	270 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency holding the stocks	—
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kg
11. Supplementary markings on the packaging	'ACTION No 11/87 / SWAZILAND 0063702 / ACTION OF THE WORLD FOOD PROGRAMME / DURBAN IN TRANSIT TO GOLELA / SWAZILAND'
12. Shipment period	Before 30 April 1987
13. Closing date for the submission of tenders	23 February 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 May 1987
(b) closing date for the submission of tenders	9 March 1987
15. Miscellaneous	⁽⁴⁾ ⁽⁶⁾

Description of the lot	T
1. Programme :	1986 — Action No 12/87
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Swaziland
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	90 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	Belgian
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'ACTION No 12/87 / SWAZILAND 0064602 / ACTION OF THE WORLD FOOD PROGRAMME / DURBAN IN TRANSIT TO GOLETA / SWAZILAND'
12. Shipment period	Before 28 February 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Belgian intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁵⁾

Description of the lot	U
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 — Action No 13/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 WFP Jordan fob — 175 tonnes Community market French Annex I B of Regulation (EEC) No 1354/83 25 kilograms 'ACTION No 13/87 / JORDAN 0210803 / ACTION OF THE WORLD FOOD PROGRAMME / AQABA' Before 28 February 1987 — — — The costs of supply are determined by the French intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾ ⁽⁹⁾ ⁽¹⁰⁾ ⁽¹¹⁾

Description of the lot	V
1. Programme : (a) legal basis (b) purpose	1986 — Action No 6/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	UNHCR
3. Country of destination	Ethiopia
4. Stage and place of delivery	cif Assab
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	300 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency holding the stocks	—
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kg
11. Supplementary markings on the packaging	'ACTION No 6/87 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNHCR ASSISTANCE PROGRAMME GAMBELLA IN ETHIOPIA / FOR FREE DISTRIBUTION / ASSAB'
12. Shipment period	Before 30 April 1987
13. Closing date for the submission of tenders	23 February 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 May 1987
(b) closing date for the submission of tenders	9 March 1987
15. Miscellaneous	(4) (5)

Description of the lot	X
1. Programme :	1986 — Action No 3/87
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 10 February 1986
2. Recipient	Euronaid
3. Country of destination	See Annex II
4. Stage and place of delivery	fob
5. Representative of the recipient ^(*) ^(*)	—
6. Total quantity	90 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	Danish
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kg
11. Supplementary markings on the packaging	'ACTION No 3/87 / + (see Annex II)'
12. Shipment period	Before 28 February 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Danish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ^(*) ^(*) ^(*)

Description of the lot	Y
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient ⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency holding the stocks 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 — Action No 5/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 Euronaid See Annex II fob — 400 tonnes Community market — Annex I B of Regulation (EEC) No 1354/83 25 kg 'ACTION No 5/87 / + (see Annex II) Before 30 April 1987 23 February 1987 Before 31 May 1987 9 March 1987 ⁽⁴⁾ ⁽⁶⁾ ⁽¹⁴⁾ ⁽¹⁵⁾ ⁽¹⁶⁾ ⁽¹⁷⁾

Description of the lot	Z
1. Programme : (a) legal basis (b) purpose	1986 — Action No 16/87 Council Regulation (EEC) No 232/86 Commission Decision of 30 December 1986
2. Recipient	} Egyptian Arab Republic
3. Country of destination	
4. Stage and place of delivery	
5. Representative of the recipient	fob Ambassade de la république arabe d'Égypte — Section Commerciale, 522 avenue Louise, B-1050 Bruxelles (Tel : 02/647 32 27 ; Telex : 64809 COMRAU B)
6. Total quantity	500 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	German
9. Specific characteristics	(12)
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'SKIMMED-MILK POWDER — LOW-HEAT / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO EGYPT / ACTION No 16/87'
12. Shipment period	Before 28 February 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) (*)

Description of the lot	AA
1. Programme : (a) legal basis (b) purpose	1986 — Action No 17/87 Council Regulation (EEC) No 232/86 Commission Decision of 30 December 1986
2. Recipient	}
3. Country of destination	Egyptian Arab Republic
4. Stage and place of delivery	fob
5. Representative of the recipient	Ambassade de la république arabe d'Égypte — Section Commerciale, 522 avenue Louise, B-1050 Bruxelles (Tel : 02/647 32 27 ; Telex : 64809 COMRAU B)
6. Total quantity	3 000 tonnes ⁽¹⁸⁾
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency holding the stocks	—
9. Specific characteristics	⁽¹²⁾
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'SKIMMED-MILK POWDER — LOW-HEAT / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO EGYPT / ACTION No 17/87'
12. Shipment period	Before 30 April 1987
13. Closing date for the submission of tenders	23 February 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 May 1987
(b) closing date for the submission of tenders	9 March 1987
15. Miscellaneous	^(*) ⁽⁹⁾

Notes :

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
- (²) See list published in *Official Journal of the European Communities* No C 229 of 26 August 1983, page 2.
- (³) Once the successful tenderer has been informed of the award of the contract, he shall immediately contact the beneficiary or his representative with a view to determining what documents are required for the consignment and the details of period, rate and other circumstances concerning shipment.
- (⁴) Commission delegate to be contacted by the tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (⁵) Each tender may relate only to a partial quantity of 500 tonnes as specified in the complementary notice of invitation to tender published along with this Regulation in the 'C' series of the *Official Journal of the European Communities*, indicating the location of the warehouses in which the product is stored.
- (⁶) At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (⁷) The successful tenderer shall contact the recipient as soon as possible in order to ascertain which shipping documents are required. He shall also inform the recipient by telex, with a copy to the Commission, of :
 - 1. the date on which the goods will be available for loading at the port, which shall be not less than 30 days before the end of the shipment period ;
 - 2. the existing connections between the said port and India during the minimum period of 30 days referred to above.
- (⁸) The milk must have undergone ultra-high temperature treatment (148 °C for three seconds). A certificate to that effect is required.
- (⁹) The successful tenderer shall transmit to the representatives of the beneficiaries at the time of delivery a health certificate.
- (¹⁰) Veterinary certificate issued by an official entity stating that the product was processed from pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 90 days prior to the processing.
- (¹¹) The successful tenderer shall transmit to the representatives of the beneficiaries at the time of delivery a certificate of origin.
- (¹²) The milk powder must be obtained by the process 'low-heat temperature expressed whey protein nitrogen, not less than 6,0 mg/gm' and correspond to the characteristics mentioned in Annex I of Regulation (EEC) No 625/78 (OJ No L 84, 31. 3. 1978, p. 19). However, concerning the 'total colony count' the standard ADMI Standard Methods ED, 1971, pages 16-21 can be used instead of the international standard FIL 49 :1970.
- (¹³) To be delivered on standard pallets — 40 bags each pallet — wrapped in shrunken plastic cover.
- (¹⁴) The supplier should send a duplicate of the original invoice to :

MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL—3000 BK Rotterdam.
- (¹⁵) Shipment to take place in 20-foot containers ; conditions FCL/LCL Shippers-count-load and stowage (cls).
- (¹⁶) The successful tenderer has to submit to the recipient's agent complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the notice of invitation to tender.
- (¹⁷) The successful tenderer has to seal each container with a numbered locktainer, number of which to be provided to the beneficiary's forwarder.
- (¹⁸) The tender may relate only to a partial quantity amounting to 500 tonnes or a multiple of 500 tonnes ; see Article 11 (3) third subparagraph of Regulation (EEC) No 1354/83.

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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité total du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
(1)	(2)	(3)	(4)	(5)	(6)
X	90	90	Caritas Italiana	Sudan	Sudan / Caritas / 60622 / Juba via Monbasa / Action of Caritas Italiana / For free distribution / Gift of the European Economic Community
Y	400	200	WCC	Angola	Angola / WCC / 60711 / Huambo via Lobito / Acção do WCC / Destinado a distribuição gratuita / Donativo da Comunidade Económica Europeia
		200	WCC	Angola	Angola / WCC / 60710 / Luanda / Acção do WCC / Destinado a distribuição gratuita / Donativo da Comunidade Económica Europeia

COMMISSION REGULATION (EEC) No 346/87

of 4 February 1987

on the supply of milled long grain rice to the International Committee of the Red Cross (ICRC) as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽²⁾, as last amended by Regulation (EEC) No 1449/86⁽³⁾, and in particular Article 25 thereof,

Whereas, by its Decision of 10 February 1986 on the supply of food aid to ICRC, the Commission allocated to the latter organization 870 tonnes of cereals to be supplied cif;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies specified in the Annex hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

1. **Programme:** 1986 — Operation No 32/87⁽¹⁾
2. **Recipient:** CICR — 17, avenue de la Paix — CH-1211 Genève — Telex 23176
3. **Place or country of destination:** Nicaragua
4. **Product to be mobilized:** wholly milled long-grain rice (non-parboiled)
5. **Total quantity:** 300 tonnes (870 tonnes of cereals)
6. **Number of lots:** one
7. **Intervention agency responsible for conducting the procedure:**
Ente Nazionale Risi, piazza Pio XI, 1, I-Milano (Telex 334032)
8. **Method of mobilizing the product:** the Community market
9. **Characteristics of the goods:**
 - rice of fair and sound merchantable quality, free from abnormal smell and pests,
 - moisture: 15 %,
 - broken rice: 5 % maximum,
 - chalky grains: 5 % maximum,
 - grains striated with red: 3 % maximum,
 - spotted grains: 1,5 % maximum,
 - stained grains: 1 % maximum,
 - yellow grains: 0,050 % maximum,
 - amber grains: 0,20 % maximum.
10. **Packaging:**
 - new woven-polypropylene bags for food use, weighing not less than 120 g, which have been specially treated against the effects of ultraviolet light
 - net weight of the bags: 50 kg
 - marking on the bags:
 - a red cross 15 × 15 followed by, in letters at least 5 cm high:
'ACCIÓN N° 32/87 / NIC.-172 / ARROZ / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / ACCIÓN DEL COMITÉ INTERNACIONAL DE LA CRUZ ROJA / DESTINADO A LA DISTRIBUCIÓN GRATUITA / CORINTO'
11. **Port of shipment:** a Community port
12. **Delivery stage:** cif
13. **Port of landing:** Corinto
14. **Procedure to be applied in order to determine supply costs:** tendering
15. **Deadling for the submission of tenders:** 12 noon on 16 February 1987
16. **Shipment period:** 1 to 20 March 1987
17. **Security:** 15 ECU per tonne

Notes:

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
3. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, rate and other circumstances concerning shipment.
4. The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents: (in Spanish)
 - certificate of origin,
 - phytosanitary certificate,
 - proforma invoices.

⁽¹⁾ The operation number is to be quoted in all correspondence.

COMMISSION REGULATION (EEC) No 347/87

of 4 February 1987

on the supply of various consignments of cereals and rice to Mozambique as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1579/86⁽³⁾, and in particular Article 28 thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽⁴⁾, as last amended by Regulation (EEC) No 1449/86⁽⁵⁾, and in particular Article 25 thereof,

Whereas, by its Decision of 27 October 1986 on the supply of food aid to Mozambique the Commission allocated to the latter country 30 000 tonnes of cereals to be supplied cif;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect

of certain food-aid operations involving cereals and rice⁽⁶⁾, as last amended by Regulation (EEC) No 3826/85⁽⁷⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies specified in the Annexes hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annexes hereto.

Article 2

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

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁶⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁷⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX I

1. **Programme :** 1986 — Operation No 29/87⁽¹⁾
2. **Recipient :** IMBEC, E. E., CP 4229, Maputo — Telex 6-206 IMBEC MO MAPUTO
3. **Place or country of destination :** Mozambique
4. **Product to be mobilized :** common wheat
5. **Total quantity :** 20 000 tonnes
6. **Number of lots :** one
 - A : 15 000 tonnes
 - B : 5 000 tonnes
7. **Intervention agency responsible for conducting the procedure :**
 Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (telex 411 475)
8. **Method of mobilizing the product :** on the Community market
9. **Characteristics of the goods :**
 common wheat of fair, sound and merchantable quality, free from abnormal smell and pests which produces dough which does not stick during the mechanical kneading process.
 The common wheat must meet the following conditions :
 - moisture : 14,5 % maximum (ICC Method No 110)
 - protein content : 11,5 % minimum ($N \times 5,7$ in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - Zeleny index of at least 20 (ICC Method No 118)
10. **Packaging :** in bulk + for
 - A : 312 000 empty new jute sacks, minimum weight 500 g, of a capacity of 50 kilograms, 200 needles and sufficient twine
 - B : 104 000 empty new jute sacks, minimum weight 500 g, of a capacity of 50 kilograms, 100 needles and sufficient twine
 - marking on the bags in letters at least 5 cm high :
 'ACÇÃO Nº 29/87 / TRIGO / DOM DA COMUNIDADE ECONÓMICA EUROPEIA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :**
 - A : 15 000 tonnes : Maputo
 - B : 5 000 tonnes : Beira
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 17 February 1987
16. **Shipment period :** 10 to 31 March 1987
17. **Security :** 10 ECU per tonne

Notes :

1. At the request of the beneficiary, the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
2. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, rate and other circumstances concerning shipment.
3. The successful tenderer shall send a copy of the shipping documents to the following address :
 'Commission Delegation in Mozambique, A. Marongiu, Avenida do Zimbabwe, 522/533, Maputo Tel. 74 44 73/74 40 92/74 40 93/74 40 94, Télex 6-146 DELCOMEUR MAPUTO'.

⁽¹⁾ The operation number is to be quoted in all correspondence.

ANNEX II

1. **Programme :** 1986 — Operation No 30/87 ⁽¹⁾
2. **Recipient :** IMBEC, E.E., CP 4229, Maputo — Telex 6-206 IMBEC MO MAPUTO
3. **Place or country of destination :** Mozambique
4. **Product to be mobilized :** wholly milled long-grain rice (non-parboiled)
5. **Total quantity :** 3 450 tonnes (10 000 tonnes of cereals)
6. **Number of lots :** one
7. **Intervention agency responsible for conducting the procedure :**
Servicio Nacional de Productos Agrarios (SENPA), c/Beneficencia, 8, Madrid 28004 — Telex 23427
SENPA E
8. **Method of mobilizing the product :** the Community market
9. **Characteristics of the goods :**
 - rice of fair and sound merchantable quality, free from abnormal smell and pests
 - moisture : 15 %
 - broken rice : 5 % maximum
 - chalky grains : 5 % maximum
 - grains striated with red : 3 % maximum
 - spotted grains : 1,5 % maximum
 - stained grains : 1 % maximum
 - yellow grains : 0,050 % maximum
 - amber grains : 0,20 % maximum
10. **Packaging :**
 - in new bags : jute sacks of a minimum weight of 600 g
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
'ACÇÃO Nº 30/87 / ARROZ / DOM DA COMUNIDADE ECONÓMICA EUROPEIA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** cif
13. **Port of landing :** Maputo
14. **Procedure to be applied in order to determine supply costs :** tendering
15. **Deadline for the submission of tenders :** 12 noon on 17 February 1987
16. **Shipment period :** 10 to 31 March 1987
17. **Security :** 15 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
4. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, rate and other circumstances concerning shipment.
4. The successful tenderer shall send a copy of the shipping documents to the following address :
'M. A. Marongiu, Delegado CCE na RPM, Avenida do Zimbabwe, 522/533, Maputo, Tel. 74 44 73 / 74 40 92 / 74 40 93 / 74 40 94, Telex 6-146 DELCOMEUR MAPUTO.'

⁽¹⁾ The operation number is to be quoted in all correspondence.

COMMISSION REGULATION (EEC) No 348/87

of 4 February 1987

amending Regulation (EEC) No 2040/86 laying down detailed rules for the application of the co-responsibility levy in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1579/86 ⁽²⁾, and in particular Article 4 (7) thereof,Whereas Article 2 (1) of Commission Regulation (EEC) No 2040/86 ⁽³⁾, as last amended by Regulation (EEC) No 3534/86 ⁽⁴⁾, provides that the co-responsibility levy is to be paid to the competent body in respect of processing operations carried out in one month; whereas this interval may entail difficulties of an administrative nature for operators who process small quantities of cereals; whereas this provision should be relaxed;Whereas Article 6 of Regulation (EEC) No 2040/86 provides that operators are to keep accounts indicating, *inter alia*, the quantities of cereals processed and the date of processing; whereas this provision, which imposes an obligation to keep daily accounts, may be considered too restrictive for certain operators; whereas provision should be made for operators to be allowed to keep monthly accounts; whereas, however, the measures to be taken in the event of a change in the agricultural conversion rate in the course of the month during which the processing operations were carried out should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2040/86 is hereby amended as follows:

1. The following subparagraph is added to Article 2 (1):

'However, those operators who normally process a quantity of cereals of less than 100 tonnes in the course of a marketing year may, at their request, be authorized to pay the levy by the end of July of the following marketing year at the latest.'

2. The following is added to Article 6 (d):

'However, operators may be authorized to enter the quantities processed in a given month in the accounts at the end of that month; in this event, should there be an alteration of the agricultural conversion rate during the month in question, the amount of the levy to be paid shall be the higher amount.'

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.⁽³⁾ OJ No L 173, 1. 7. 1986, p. 65.⁽⁴⁾ OJ No L 326, 21. 11. 1986, p. 16.

COMMISSION REGULATION (EEC) No 349/87

of 4 February 1987

amending Regulation (EEC) No 2213/76 on the sale of skimmed-milk powder
from public storage

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organizations of the
market in milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 231/87 ⁽²⁾, and in particular Article 7 (5)
thereof,

Whereas Commission Regulation (EEC) No 2213/76 ⁽³⁾,
as last amended by Regulation (EEC) No 3819/86 ⁽⁴⁾,
limited the quantity of skimmed-milk powder put up for
sale by the Member States' intervention agencies to that
taken into storage before 15 April 1986;

Whereas, having regard to the market situation, that date
should be replaced by 1 August 1986;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2213/76, '15 April
1986' is hereby replaced by '1 August 1986'.

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, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ no L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ OJ No L 249, 11. 9. 1976, p. 6.

⁽⁴⁾ OJ No L 355, 16. 12. 1986, p. 26.

COMMISSION REGULATION (EEC) No 350/87

of 4 February 1987

fixing the maximum export refund for white sugar for the 34th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86

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 229/87 ⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar ⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1659/86, 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 34th 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

The maximum export refund for the 34th partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 43,880 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 29.

COMMISSION REGULATION (EEC) No 351/87

of 4 February 1987

fixing the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽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 the natural 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 amended by Regulation (EEC) No 1467/77⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added 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 paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾,
- 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;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 25, 28. 1. 1987, 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 162, 1. 7. 1977, p. 6.⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

exported in the natural state, shall be as 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

Article 2

This Regulation shall enter into force on 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 February 1987 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	43,68	
	(b) Other	41,78	
	(II) Flavoured or coloured sugar		0,4368
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	40,18 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4368
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	37,00 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

⁽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 352/87

of 4 February 1987

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 882/86 ⁽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 1860/86 ⁽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 12 January
1987, 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 Commis-
sion;

Whereas it follows from the application of the rules laid
down in Article 9 (1) of Regulation (EEC) No 1837/80

and in Article 4 (1), (3) and (4) of Regulation (EEC) No
1633/84 that the variable slaughter premium for sheep
certified as eligible in the United Kingdom, and the
amounts to be charged on products leaving region 5 of
the aforesaid Member State during the week beginning 12
January 1987, shall be set out in the Annexes hereto,

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 12
January 1987 the level of the premium shall be equiva-
lent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 1837/80 which left the territory of region 5
during the week beginning 12 January 1987, the amounts
to be charged shall be equivalent to those fixed in Annex
II 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 12 January 1987.

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

Done at Brussels, 4 Februar 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 82, 27. 3. 1986, p. 3.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 12 January 1987

Description	Premium
Certified sheep or sheepmeat	86,180 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
12 January 1987

(ECU/100 kg)

CCT heading No	Description	Amounts		
		A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified at the second, third and fourth indents of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)	C. Products specified at the first indent of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight	Live weight	Live weight
		40,505	20,252	4,050
		Net weight	Net weight	Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :			
	1. Carcases or half-carcases	86,180	43,090	8,618
	2. Short forequarters	60,326		
	3. Chines and/or best ends	94,798		
	4. Legs	112,034		
	5. Other :			
02.01 A IV b)	aa) Unboned (bone-in)	112,034		
	bb) Boned or boneless	156,848		
	Meat of sheep or goats, frozen :			
	1. Carcases or half-carcases	64,635		
	2. Short forequarters	45,245		
	3. Chines and/or best ends	71,099		
02.06 C II a)	4. Legs	84,026		
	5. Other :			
	aa) Unboned (bone-in)	84,026		
	bb) Boned or boneless	117,636		
	Meat of sheep or goats, salted in brine, dried or smoked :			
	1. Unboned (bone-in)	112,034		
ex 16.02 B III b) 2 aa) 11)	2. Boned or boneless	156,848		
	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :			
	— unboned (bone-in)	112,034		
	— boned or boneless	156,848		

(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 353/87
of 4 February 1987
amending Regulation (EEC) No 189/87 introducing a countervailing charge on
apples originating in Poland

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 1351/86 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 189/87 of 22 January 1987 ⁽³⁾, introduced a countervailing charge on apples originating in Poland;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of apples originating in Poland must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 189/87 '13,72' ECU' is hereby replaced by '27,30 ECU'.

Article 2

This Regulation shall enter into force on 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 21, 23. 1. 1987, p. 60.

COMMISSION REGULATION (EEC) No 354/87

of 4 February 1987

introducing a countervailing charge on lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1661/86 of 29 May 1986 fixing for the 1986/1987 marketing year the reference prices for lemons⁽³⁾ fixed the reference price for products of class I for the period November 1986 to April 1987 at 45,00 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for lemons originating in Cyprus the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these lemons;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 7,51 ECU per 100 kilograms net is applied to lemons (subheading 08.02 C of the Common Customs Tariff) originating in Cyprus.

Article 2

This Regulation shall enter into force on 6 February 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 39.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 355/87

of 4 February 1987

introducing a countervailing charge on endives originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 3211/86 of 22 October 1986 fixing for the 1986/87 marketing year the reference prices for endives⁽³⁾ fixed the reference price for products of class I for the period 1 February to 31 March 1987 at 63,15 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for endives originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these endives;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾,
- 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, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁷⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 11,91 ECU per 100 kilograms net is applied to endives (subheading 07.01 D II of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 6 February 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 299, 23. 10. 1986, p. 19.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 356/87
of 4 February 1987
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 229/87⁽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 2051/86⁽³⁾, as last amended by Regulation (EEC) No 341/87⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 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 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 173 1. 7. 1986, p. 91.

⁽⁴⁾ OJ No L 33, 4. 2. 1987, p. 9.

ANNEX

to the Commission Regulation of 4 February 1987 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	50,60
	B. Raw sugar	42,55 ⁽¹⁾

⁽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 Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 357/87

of 4 February 1987

altering the export refunds 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 1579/86⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Regulation (EEC) No 195/87⁽³⁾, as last amended by Regulation (EEC) No 333/87⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 195/87 to the informa-

tion 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 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 195/87 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 21, 23. 1. 1987, p. 71.

⁽⁴⁾ OJ No L 32, 3. 2. 1987, p. 13.

ANNEX

to the Commission Regulation of 4 February 1987 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin	—
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 (?) 10,00 (?)
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 10,00
10.03	Barley for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) — other third countries	125,00 129,00 20,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — zone I — other third countries	— 95,00 —
10.05 B	Maize, other than hybrid maize for sowing for exports to : — Switzerland, Austria and Liechtenstein — zone I, zone V, the German Democratic Republic and the Canary Islands — other third countries	10,00 20,00 —
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	190,00 190,00 167,00 155,00 143,00 128,00

		(ECU / tonne)
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	190,00
	— of an ash content of 701 to 1 150	190,00
	— of an ash content of 1 151 to 1 600	190,00
	— of an ash content of 1 601 to 2 000	190,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 1 300 ⁽¹⁾	321,00 ⁽³⁾
	— of an ash content of 0 to 1 300 ⁽²⁾	304,00 ⁽³⁾
	— of an ash content of 0 to 1 300	271,00 ⁽³⁾
	— of an ash content of more than 1 300	256,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	190,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

COMMISSION REGULATION (EEC) No 358/87

of 4 February 1987

altering the corrective amount applicable to the refund on cereals

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 1579/86 ⁽²⁾, and in particular the fourth sentence of
the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75
of 29 October 1975 laying down general rules for granting
export refunds on cereals and criteria for fixing the
amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund
on cereals was fixed by Commission Regulation (EEC) No
299/87 ⁽⁴⁾, as amended by Regulation (EEC) No
334/87 ⁽⁵⁾;

Whereas, the basis of today's cif prices and cif forward
delivery prices, taking foreseeable developments on the
market into account, the corrective amount at present
applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 16 (4) of
Regulation (EEC) No 2727/75, fixed in the Annex to
amended Regulation (EEC) No 299/87 which is appli-
cable to the export refunds fixed in advance in respect of
cereals, is hereby altered to the amounts set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 5 February 1987.

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

Done at Brussels, 4 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 30, 31. 1. 1987, p. 26.

⁽⁵⁾ OJ No L 32, 3. 2. 1987, p. 16.

ANNEX

to the Commission Regulation of 4 February 1987 altering the corrective amount applicable to the refund on cereals

(ECU / tonne)								
CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
10.01 B I	Common wheat and meslin for exports to :							
	— Zones II and III except Poland, Czechoslovakia, Hungary, Romania and Bulgaria	0	+ 30,00	+ 30,00	+ 30,00	— 30,00	— 30,00	— 30,00
	— other third countries	0	0	0	0	0	— 30,00	— 30,00
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	0	0	— 20,00	— 20,00	— 20,00
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	—	—	—	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	— 50,00	— 50,00
11.01 B	Rye flour	0	0	0	0	0	— 50,00	— 50,00
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	— 50,00	— 50,00
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	— 50,00	— 50,00

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 30 December 1986

amending Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat and Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries

(87/64/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100 and 113 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Directive 72/461/EEC ⁽⁴⁾, as last amended by Directive 84/643/EEC ⁽⁵⁾, lays down the health requirements which must be fulfilled by animals from which fresh meat is obtained for intra-Community trade; whereas Directive 72/462/EEC ⁽⁶⁾, as last amended by Directive 83/91/EEC ⁽⁷⁾, lays down health and veterinary inspection requirements for the importation of bovine animals and swine and fresh meat from third countries;

Whereas glands and organs, including blood, are within the scope of the abovementioned Directives; whereas they are required in large quantity by the pharmaceutical manufacturing industries of Member States to ensure the availability of extracts and enzymes for human and veterinary medicine;

Whereas this means that Member States should be afforded the possibility of authorizing on a more liberal

basis the importation of glands and organs, including blood, for pharmaceutical manufacturing purposes from third countries; whereas, with a view to ensuring the proper and specific use of such raw materials, authorization should be granted only when certain conditions, to be determined in accordance with a Community procedure, are fulfilled;

Whereas, in order to maintain Community preference, the same facilities should be applied in intra-Community trade of glands and organs, including blood, for pharmaceutical manufacturing purposes under certain minimum conditions which ensure the proper and specific use of such raw materials,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph shall be added to Article 3 of Directive 72/461/EEC:

- '(d) However, until 31 December 1996, in their compliance with (a), (b) and (c) but by way of derogation from Article 8a, the Member States may, subject to an authorization granted by their veterinary authorities, authorize the introduction in their territory of glands and organs, including blood, as raw materials for the pharmaceutical processing industry.

This authorization shall, moreover, be subject to compliance with the provisions concerning the identity of the materials in question, their packa-

⁽¹⁾ OJ No C 68, 15. 3. 1985, p. 5.

⁽²⁾ OJ No C 175, 15. 7. 1985, p. 262.

⁽³⁾ OJ No C 218, 29. 8. 1985, p. 7.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁵⁾ OJ No L 339, 27. 12. 1984, p. 27.

⁽⁶⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁷⁾ OJ No L 59, 5. 3. 1983, p. 34.

ging, transportation, storage, handling and processing and of residual matter following processing so that all public and animal health risks are eliminated.'.

Article 2

The present wording of Article 16 of Directive 72/462/EEC shall become paragraph 1 and the following paragraph shall be added :

'2. However, Member States may, until 31 December 1996, authorize imports of glands and organs, including blood, as raw materials for the pharmaceutical processing industry, coming from third countries which appear on the list drawn up under Article 3 (1) and are not the subject of a ban.

The general conditions to be complied with for the said imports shall be laid down in accordance with the procedure provided for in Article 30.

In accordance with the procedure provided for in Article 29, Member States may be authorized to import the said raw materials coming from third countries which do not appear on the list referred to in the first subparagraph under conditions which take account of the specific health situation of the third countries concerned.

The conditions relating to the said imports, established in accordance with the procedures referred to in the second and third subparagraphs, must in no

case be more favourable than those governing intra-Community trade.'

Article 3

The Council, on the basis of a report by the Commission — together with any appropriate proposals — will re-examine before 1 July 1995, the derogations provided for in Article 3 (d) of Directive 72/461/EEC and in Article 16 (2) of Directive 72/462/EEC.

Article 4

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1988. They shall forthwith inform the Commission thereof.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 30 December 1986.

For the Council

The President

G. SHAW

COUNCIL DECISION**of 19 January 1987****extending the duration of the measure provided for in Decision 81/859/EEC on
the designation and operation of a liaison laboratory for classical swine fever****(87/65/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾,Having regard to Council Decision 81/859/EEC of 19 October 1981 on the designation and operation of a liaison laboratory for classical swine fever⁽³⁾, and in particular the second paragraph of Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas Article 5 of Decision 81/859/EEC restricts the duration of the measure to five years;

Whereas, in order to ensure the continuity of the Community programme of eradication of classical swine fever, to maintain the coordination of laboratory work and to promote diagnostic methods, the duration of the said measure should be extended,

HAS ADOPTED THIS DECISION:

Article 1

The duration of the measure established by Decision 81/859/EEC is hereby extended for a further period of five years from the date of expiry of the period referred to in the first paragraph of Article 5 of that Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1987.

*For the Council**The President*

P. de KEERSMAEKER

⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 319, 7. 11. 1981, p. 20.

COUNCIL DECISION

of 19 January 1987

accepting undertakings given in connection with imports of binder and baler twine originating in Brazil and Mexico, and terminating the investigations

(87/66/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Procedure

1. In September 1977 the Commission terminated⁽²⁾ the anti-dumping/anti-subsidy proceedings initiated on 14 April 1977⁽³⁾ concerning imports of binder and baler twine originating in Brazil and Mexico on the grounds that the Brazilian and Mexican producers concerned gave undertakings that satisfied the Commission.

In March 1985 the Commission gave notice⁽⁴⁾ of the impending expiry of these undertakings pursuant to Article 15 of Regulation (EEC) No 2176/84.

2. The Commission then received a review request from the Liaison Committee of EEC Twine and Cordage Industries (EUROCORD) representing substantially all production of the product concerned in the former Community of Ten Member States. In view of the enlargement of the Communities the Portuguese producers associated themselves with the request.

In December 1985 the Commission, having decided that there was sufficient evidence to warrant a review, published⁽⁵⁾ a notice of the re-opening of the anti-dumping/anti-subsidy proceedings concerning imports of binder and baler twine falling within

heading No ex 59.04 of the Common Customs Tariff, corresponding to NIMEXE code ex 59.04-31, originating in Brazil and Mexico and commenced an investigation.

3. The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the Community producers and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

The Brazilian producers/exporters and their main agent in the Community made their views known in writing and requested and were granted hearings. The Mexican producer/exporter's agent for sales in the Community also requested and was granted a hearing. The Mexican producer/exporter did not, however, make its views known in writing and did not complete the Commission's questionnaire.

The Brazilian authorities made their views known in writing. The Mexican authorities made their views known in writing, but did not complete the Commission's questionnaire.

4. The Brazilian producers/exporters and their main agent in the Community requested and were granted the opportunity to meet representatives of Eurocord for the purpose of presenting their opposing views.
5. No submissions were made on behalf of Community purchasers or processors of binder and baler twine.
6. The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *EEC producers*

Belgium :

Ostend Stores and Ropeworks SA (Ostend),

Denmark :

L P Weideman & Sønner (Rudkøbing),

France :

Bihr Frères SA (Xertigny),

Cie Boussac Saint Frères (St Quen),

Vert Gazon (Valenciennes),

Ireland :

Irish Ropes Ltd (Kildare).

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 216, 9. 9. 1977, p. 2.

⁽³⁾ OJ No C 89, 14. 4. 1977, p. 5.

⁽⁴⁾ OJ No C 80, 28. 3. 1985, p. 3.

⁽⁵⁾ OJ No C 315, 6. 12. 1985, p. 2.

(b) *Brazilian producers/exporters*

Brascorda, João Pessoa (Paraíba),
 Cisaf, Natal (Rio Grande do Norte),
 Cisal, João Pessoa (Paraíba),
 Cosibra, João Pessoa (Paraíba),
 Fibrasa, João Pessoa (Paraíba),
 Sisalana, Salvador (Bahia),
 Stella Azzurra, Salvador (Bahia).

(c) *Agent of Brazilian producers/exporters*

Vendcord Ltd, Farnham (United Kingdom)

7. After publication of the notice of re-opening of the proceeding the Brazilian authorities requested consultations with the Commission before an on-the-spot investigation was undertaken. The Commission did not, however, grant such a request because the GATT anti-dumping code does not provide for consultations with the authorities of the exporting country involved in an anti-dumping proceeding. With regard to the anti-subsidy aspects of the proceeding, Article 3 (1) of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade provides that a reasonable opportunity for consultations shall be afforded when a proceeding is initiated. In the present case, however, the Commission did not decide to initiate a new anti-subsidy proceeding, but to review measures already in force as provided for by Article 15 of Regulation (EEC) No 2176/84 and Article 4 (7) and (9) of that Agreement. Consequently, there is no obligation to proceed to consultations as provided for by Article 3 (1) of the Agreement.

The Brazilian authorities were given the opportunity to discuss with the Commission the legal framework within which the re-opening took place.

8. The investigation of dumping, subsidies and price undercutting covered the period from 1 July 1983 to 30 November 1985.

B. Dumping

(a) *Brazil*

(i) Normal value

9. In the absence of sales in significant quantities of the product concerned on the domestic market of the exporting country, the Commission established normal value on the basis of the constructed value, determined by adding cost of production and a reasonable margin of profit.
10. For each of the companies concerned the cost of production was computed on the basis of all costs, in the ordinary course of trade, both fixed and variable, in the country of origin, of materials and manufacture.

11. In seeking to compute a reasonable amount for selling, administrative and other general expenses as well as for profit, the Commission asked the companies to suggest a product as similar as possible to binder and baler twine produced and marketed in Brazil. Most of the companies considered that they could not make such a proposal in view of the absence of a like product. However, the Commission was provided with details of the selling, administrative and other general expenses of a company related to one of the producers/exporters concerned producing cotton yarn, which they considered in 'some ways' similar to binder and baler twine, particularly in its marketing. The Commission did not accept this suggestion because it considered that no satisfactory evidence concerning the similarity of cotton yarn and binder and baler twine had been submitted. Furthermore, marketing is only one of many items entering into the category of selling, administrative and other general expenses incurred on the domestic market by this producer of cotton yarn was exceptionally low, i.e. approximately 2 % of the turnover.

12. Alternatively it was suggested that the Commission take the actual amount of selling, administrative and other general expenses incurred by each of the Brazilian companies on their exports to the Community, i.e. approximately 3,5 %. The Commission did not accept this proposal because it is in contradiction with Article 2 (3) (b) (ii) of Regulation (EEC) No 2176/84, which requires the use of data relating to the domestic market of the country of origin when calculating normal value.

13. As far as the profit margin was concerned, the Brazilian producers/exporters considered 5 to 8 % to be a reasonable amount, given the competitiveness of the market in the Community and the pressure exerted there on users to buy synthetic twine, which is significantly cheaper than sisal twine. However, these arguments relate to the situation outside the exporting country and cannot be taken into consideration for determining normal value.

14. In these circumstances, the Commission considered it appropriate to use the data submitted by the Brazilian companies during the on-the-spot investigation showing the actual selling, administrative and other general expenses incurred and the actual profit realised with regard to the manufacture and sale in Brazil of the same general category of products, i.e. of all sisal products such as wrapping twine, ropes and carpets.

This method was contested by the Brazilian companies on several grounds. It was claimed that the accounts submitted by these companies relating to domestic sales should be adjusted in order to take account of the extremely high inflation rate in Brazil. However, it is not considered necessary to take account separately of inflation when calculating, on the basis of the data relating to the same general cate-

gory of products, the amount of selling, administrative and other general expenses and profits to be added on to the costs of materials and manufacture of the products concerned. These data, which are drawn from the accounts covering entire financial years during the period under investigation, normally reflect inflation since the effects of the inflation are normally reflected not only in higher sales prices, but also in the costs incurred by the manufacturers, whether these refer to raw material, wages or general expenses.

Furthermore, the Brazilian companies argued that the data available to the Commission did not make it possible to take account of items which should normally be excluded when determining normal values for the product in question and which related to a number of products including some which they considered to be very different from the product concerned. It was argued that it was not, therefore, possible to calculate for each of the companies what the normal value would have been if the Brazilian producers had made sales on their domestic market, since the provisional findings of the Commission showed extraordinary differences between the normal values.

Subsequently, supplementary data relating to a narrower category of products were submitted by the Brazilian companies after the disclosure of the provisional findings with a view to constructing, selling, administrative and other general expenses as well as profits for the product concerned only. New evidence was also submitted concerning direct selling expenses and profits.

However, the new evidence submitted was only partial and could no longer at this stage of the investigation be fully verified. In addition, even if this evidence were taken into account, significant discrepancies would remain in the normal value, thus constructed for each of the companies.

The Commission suggested to the companies concerned the possibility of determining normal value in conformity with Article 2 (3) (b) (i) of Regulation (EEC) No 2176/84, i.e. by comparing export prices to the Community with the prices charged for exports to third countries, in particular to the United States of America, where the situation appeared to be such as to make it unlikely that dumping had taken place. However, the companies concerned appeared not to be ready for the new investigation that this would have required.

Under these circumstances the Commission decided to determine normal value on the basis of the cost of

production plus selling, administrative and other general expenses and profit for the same general category of products, i.e. all sisal products.

(ii) Export price

15. Export prices were determined on the basis of the prices actually paid for the products sold for export to the Community.

(iii) Comparison

16. In comparing normal value with each export transaction the Commission took account, where appropriate, of differences affecting price comparability, in particular of differences in conditions and terms of sale such as credit terms, commissions, transport, storage, handling and customs clearance.

All comparisons were made at ex-works level.

(iv) Margins

17. The above preliminary examination of the facts shows the existence of dumping in respect of Cisaf, Cisal, Cosibra, Fibrasa, Sisalama and Stella Azzurra, the margin of dumping being equal to the amount by which the normal value as established exceeds the export price to the Community.

The weighted average margin for each of these exporters, as calculated prior to the disclosure of the provisional findings, varies for each of the companies as follows:

— Cisaf	14,9 %
— Cisal	4,8 %
— Cosibra	0,2 %
— Fibrasa	30,9 %
— Sisalama	7,3 %
— Stella Azzurra	14,3 %

(b) *Mexico*

(i) Normal value

18. Normal value was provisionally determined, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84, on the basis of the facts available i.e. certain domestic prices charged by Cordemex.

(ii) Export price

19. The export price was determined in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84 on the basis of the facts available, i.e. certain prices actually paid for the product sold for export to the Community.

(iii) Comparison

20. Normal value was compared with the export price charged during the corresponding time period.

All comparisons were made at ex-works level.

(iv) Margin

21. The above preliminary examination of the facts shows the existence of dumping in respect of Cordemex, the margin of dumping being equal to the amount by which the normal value as established exceeds the export price to the Community. The margin so established amounts to 11,7 %.

C. Subsidies granted by the Brazilian authorities

(i) Concessionary financing system for exports of binder and baler twine

22. (aa) Under the terms of this financing system, between 21 January 1981 and 1 January 1984, producers/exporters could obtain working capital for the production of manufactured goods intended for export on the basis of Resolution No 674 of the Central Bank of Brazil of 21 January 1981, amended by resolution No 832 of 10 June 1983. The amount of the loans at preferential rates obtainable at a particular moment depended on the value of the exports of the product concerned by the Brazilian manufacturers during the previous year.

In paragraph 5.3 of Commission Decision 85/233/EEC of 16 April 1985 terminating the anti-subsidy proceeding concerning imports of soya meal originating in Brazil⁽¹⁾, it was determined that the financing facility provided under resolution No 674 constituted an export subsidy, since the financial benefits conferred on the Brazilian producers represented a charge on Brazil's public account. The banks administering the programme on behalf of the government obtain refinancing from the Central Bank at rates lower than the rate of increase in the value of variable treasury bonds, representing the cost of money to the Brazilian Government.

- (bb) By resolutions Nos 882 and 884 of 21 December 1983 the financing programme was reformulated so that between 2 January 1984 and 20 August 1984 the companies paid not only the full monetary correction compensating for the high rate of inflation but also an interest rate of 3 % on the amount of the loan.

Consequently, the financing under the terms and conditions of these resolutions do not constitute a subsidy during the period involved, since there was no charge on the public account involved.

- (cc) By resolution No 950 of 21 August 1984 the programme was again changed and provided that from 21 August 1984 to 2 May 1985 companies had to pay the full monetary correction plus the market interest rate minus the 10 % equalization rate allegedly introduced in order to make domestic loans competitive with foreign loans. By resolution No 1009 of 2 May 1985 the equalization rate was increased to 15 %. On the basis of the information available this system is at present still in force.

It was found during the investigation that Finex, a fund for the financing of exports set up as part of the Central Bank of Brazil on the basis of Law No 5025 of 10 June 1966, paid the amount of the equalization rate to the commercial banks granting the loans to the companies. It is therefore considered that this financing of the equalization constitutes an export subsidy.

- (dd) On the basis of the data collected during the investigation, it was found that the producers/exporters concerned benefited from the concessionary financing system with regard to their exports of binder and baler twine to the Community. In 1983/1984 and 1984/1985 the amounts of export subsidy expressed as a percentage (weighted average) of the value of the product exported to the Community on a cif Community frontier basis were as follows:

— Brascorda	5,00 %
— Cisaf	6,05 %
— Cisol	4,20 %
— Cosibra	1,99 %
— Fibrasa	1,55 %
— Sisalana	2,44 %
— Stella Azzurra	1,12 %

(ii) Income tax relief on profits from exports

23. Decree Law No 1158 of 16 March 1971, extended by Decree Laws No 1598 of 26 December 1977 and No 2134 of 26 June 1986, provides that companies may benefit from tax relief on profits made on their exports by deducting from the profit subject to income tax a percentage equal to that represented by the value of the manufactured goods exported divided by the firm's total revenue. Such benefit constitutes an export subsidy falling under item (e) of the Annex 'Illustrative List of Export Subsidies' to Regulation (EEC) No 2176/84.

The argument put forward by the Brazilian authorities that this tax exemption is not an export subsidy because it reduces the overall tax payable by the recipient is unsound. In this respect the determining factor is not the method applied by the authorities for calculating the benefit to the recipient, but a question of whether the benefit is specifically related to income from exports as opposed to income from domestic sales.

⁽¹⁾ OJ No L 106, 18. 4. 1985, p. 19.

It was found that the producers/exporters concerned benefited in 1983/1984 and 1984/1985 from this export subsidy the amounts of which, expressed as a percentage (weighted average) of the value of the product exported to the Community on a cif Community frontier basis, were the following:

— Brascorda	0,90 %
— Cisaf	0,07 %
— Cosibra	2,33 %
— Fibrasa	1,23 %
— Sisalana	2,21 %
— Stella Azzurra	5,07 %

(iii) Fiscal benefits granted to exports of manufactured products (called IPI tax credit premium)

24. Pursuant to Decree Law No 491 of 5 March 1969, Brazilian exporters of manufactured goods could benefit from a tax credit of which the amount was calculated on the basis of the adjusted fob invoice value of the exported goods. Such credit was to be deducted in the first place from the amount of the 'Tax on Industrialized Products' (IPI) assessed on operations conducted in the domestic market. It could also be deducted from the payment of other federal taxes or be used in other ways to be established by special regulations. The nominal rate was gradually reduced from 11 % in 1982 and the credit premium system was terminated on 1 May 1985 by Portaria MF No 176 of 12 September 1984. This tax credit constituted a subsidy since it conferred a financial benefit on the recipient and constituted a charge on the public account. Neither the authorities nor the companies concerned denied that this benefit constituted an export subsidy.

It appeared from the data collected during the investigation that the producers/exporters concerned benefited from this tax credit during the period under investigation. The amounts of export subsidy expressed as a percentage (weighted average) of the value of the product exported to the Community on a cif Community frontier basis, were the following:

— Brascorda	3,87 %
— Cisaf	2,86 %
— Cisal	5,86 %
— Cosibra	3,28 %
— Fibrasa	4,62 %
— Sisalana	5,10 %
— Stella Azzurra	3,91 %

(iv) Total amounts of export subsidies received

25. The total amounts of export subsidies received by the Brazilian companies concerned and expressed as a percentage of the value of the product concerned

exported to the Community, on a cif Community frontier basis, were as follows:

— Brascorda	5,90 %
— Cisaf	6,12 %
— Cisal	4,20 %
— Cosibra	4,32 %
— Fibrasa	2,78 %
— Sisalana	4,65 %
— Stella Azzurra	6,19 %

These amounts do not include the export subsidy granted in the form of the IPI tax credit premium, since it was terminated on 1 May 1985. Furthermore, no account has been taken of export subsidies which may have been received by the Brazilian producers of sisal twine during 1985/1986 since only part of that year fell under the period under investigation and, therefore, no representative figures were available.

D. Injury and threat of injury

26. With regard to the injury caused by the dumped and subsidized imports the evidence available to the Commission shows that imports of binder and baler twine into the Community as constituted on 31 December 1985 from Brazil and Mexico amounted to 20 732 tonnes in 1981/1982. After a reduction in 1982/1983 to 16 914 tonnes, they increased again to 20 416 tonnes in 1983/1984 and decreased to 19 464 tonnes in 1984/1985, i.e. a level 6,1 % lower than in 1981/1982.

This development corresponds to an increase in the market share held by these products from 25,0 % in 1981/1982 to 29,4 % in 1984/1985, whereas consumption decreased from 83 078 tonnes to 66 053 tonnes, i.e. by 20,5 % in the same period.

27. As far as imports of the product concerned originating in Brazil are concerned, it was found that they increased from 12 611 tonnes in 1981/1982 to 18 390 tonnes in 1984/1985, i.e. by 45,8 %. Imports originating in Mexico, however, decreased during the same period from 8 121 tonnes to 1 074 tonnes, i.e. by 86,7 %.

This development corresponds to an increase in the market share held by Brazilian imports from 15,2 % in 1981/1982 to 27,8 % in 1984/1985, but to a decrease in the market share held by Mexican imports from 9,8 % in 1981/1982 to 1,6 % in 1984/1985.

28. It was found that after 1978 most of the remaining Community producers had imported significant quantities of the product concerned originating in Brazil in order to reduce pressure from their Brazilian competitors on their customers. It was also found

during the investigation that all the producers resold the imported product at the same price as their own product. Since the Community producers made these imports in an attempt to defend their position in extremely difficult market conditions and given the fact that despite these efforts several producers were forced to close plants, it is considered appropriate not to exclude them from the injury assessment.

However, as far as price undercutting and price depression are concerned, it is considered appropriate to make determinations primarily with regard to the situation in that part of the Community market where the Community product was supplied almost exclusively by a producer which did not itself import the product originating in Brazil.

29. When examining the impact of the dumped and subsidized imports on the Community industry it was found that Community production declined from 42 365 tonnes in 1981/1982 to 31 772 tonnes in 1984/1985, i.e. by 25,0 %, and that there was significant under-utilization of the production capacity (approximately 30 % spare capacity). Furthermore, the market share of the Community industry decreased from 43,6 % in 1981/1982 to 36,5 % in 1984/1985, in contrast to the increase in the combined market share held by the products originating in Brazil and Mexico.

30. With regard to the prices charged by the Community industry it was found that the prices of the sole producer, which did not import into the Community the product originating in Brazil, were undercut by 11 % and that it had to reduce its list prices in 1984/1985 by an average of 9 %, so that it was not able to cover its increased costs of production.

31. As far as the profitability of the Community producers is concerned, a significant negative development between 1981/1982 and 1984/1985 was found, in particular with regard to producers in Belgium and France. It was also found that five plants had had to close in Belgium, Germany, Ireland and the Netherlands and that the number of people employed in the production of sisal twine in the Community was reduced by half during this period. Consequently the Commission determined that imports of the product originating in Brazil caused material injury to the Community industry.

32. Furthermore, the Commission examined in the light of the criteria laid down in Article 4 (3) of Regulation (EEC) No 2176/84 whether these imports would also constitute a threat of injury. It was found that the rate of increase of the dumped and subsidized imports from Brazil was significant between 1982 and 1985

and that the Brazilian producers/exporters concerned in this investigation have significant spare production capacity (approximately 26 %). It was also found that another company had started manufacturing and exporting binder and baler twine. No special facilities are required in Brazil or in the Community should the producers/exporters decide to export larger quantities to the Community.

However, with regard to the product concerned originating in Mexico, the Commission determined that these imports did not cause material injury given the sharp decrease in volume and market share.

33. The Commission has considered whether injury has been caused by other factors such as the decline in consumption in the Community due, amongst other reasons, to the replacement of sisal twine by synthetic twine. It has been established, however, that this decline has affected Community production more than it has affected the dumped and subsidized imports.

The amount of dumped and subsidized imports from Brazil and their impact on the Community industry led the Commission to determine that the effects of imports originating in this country taken in isolation have to be considered as constituting material injury to the Community industry concerned. Furthermore, it is considered that the expiry of the measures taken in 1977 will again lead to injury or threat of injury, in particular in the light of the facts mentioned under paragraph 32.

E. Community interest

34. On behalf of the Brazilian producers/exporters and their main agent in the Community, it was argued that it was not in the Community's interest to take action, mainly because the region in Brazil where the industry concerned is situated is highly dependent on the production of sisal fibre and twine and should therefore be given preferential treatment.

The Commission considered that this argument is to be examined in the light of Article 13 of the GATT anti-dumping code providing that special regard must be given by developed countries to the special situation of developing countries when considering the application of anti-dumping measures. In particular, it is provided that possibilities of constructive remedies shall be explored before applying anti-dumping duties where they would affect the essential interests of developing countries.

It results from this Article that the stage of development of exporting countries should be taken into account when examining what measures are most appropriate in a particular case, but should not determine whether or not it is appropriate to take protective measures at all. That interpretation is also considered to be in line with Article 14 of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the GATT.

35. It was also stated that any duty or remedy would either eliminate Brazilian twine from the Community market or would lead to increased prices to the detriment of Community farmers.

This argument cannot be accepted in general terms because the adoption of protective measures is not designed to exclude the imported products from the Community market but only to remove the injury caused by unfairly traded imports. In addition, no supporting evidence whatsoever was submitted to show that in this case a measure designed to remove the injury would eliminate the Brazilian product from the Community market. As far as the alleged cost increase for farmers resulting from any measures is concerned, such increase is negligible in comparison with their total expenses. In this respect it should be underlined that no submissions were made to the Commission on behalf of users of the product concerned.

Therefore, in view of the serious difficulties facing the Community industry, the Commission has come to the conclusion that it is in the Community's interests that action be taken, with regard to the imports from Brazil, at least as long as the conversion of the Community industry from signal twine to synthetic twine has not been completed. In view of the findings with regard to injury caused by the dumped and subsidized imports from Brazil, such injury, would be sufficiently offset by neutralizing the price depression which was found to be in the order of 9 % (see paragraph 30).

With regard to the imports originating in Mexico, it is considered appropriate to maintain the existing measures, given the fact that in the past the Mexican producer exported significant quantities to the Community and the likelihood that it is still capable of resuming such supplies. Since the Mexican producer/exporter did not cooperate with the Commission during the investigation, no evidence to the contrary is available. Therefore, it is considered that the renewal of the undertaking is in the interests of the Community since it will eliminate the threat of injury.

F. Acceptance of undertakings

36. The Brazilian producers/exporters of binder and baler twine were informed of the main findings of the preliminary investigation and commented on them. Despite objections, mainly to the dumping calculations, they were prepared to offer undertakings with regard to their exports to the Community. The Commission considered the new terms and conditions of these undertakings acceptable. In these circumstances the investigation concerning imports of binder and baler twine originating in Brazil may be terminated without imposition of anti-dumping and countervailing duties.

With regard to the imports of the product concerned originating in Mexico, the Commission was informed that Cordemex does not intend to denounce the undertaking given in 1977.

Objections to this course were raised in the Advisory Committee,

HAS DECIDED AS FOLLOWS :

Article 1

The undertakings given by :

- Brascorda, João Pessoa (Paraíba)
- Cisaf, Natal (Rio Grande do Norte)
- Cisal, João Pessoa (Paraíba)
- Cosibra, João Pessoa (Paraíba)
- Fibrasa, João Pessoa (Paraíba)
- Fisalplast, Salvador (Bahia)
- Sisalana, Salvador (Bahia)
- Stella Azzurra, Salvador (Bahia)

in connection with the anti-dumping/anti-subsidy investigation concerning imports of binder and baler twine of sisal for agricultural machines falling within heading No ex 59.04 of the Common customs Tariff, corresponding to NIMEXE code ex 59.04-31, originating in Brazil, are hereby accepted.

Article 2

The acceptance of the undertaking offered by Cordemex (Mexico) in 1977 in connection with the anti-dumping/anti-subsidy investigation concerning imports of binder and baler twine of sisal for agricultural machines falling within heading No ex 59.04 of the Common Customs Tariff, corresponding to NIMEXE code ex 59.04-31, originating in Mexico, is hereby renewed.

Article 3

The investigations referred to under Articles 1 and 2 are hereby terminated.

Done at Brussels, 19 January 1987.

For the Council

The President

P. de KEERSMAEKER

COMMISSION OF THE EUROPEAN COMMUNITIES

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