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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 428/87

of 9 February 1987

setting up a system of compensation for loss of export earnings for least-developed countries not signatory to the Third ACP — EEC Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

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

Having regard to the opinion of the European Parliament,

Whereas in pursuance of the Community development cooperation policy it is desirable to give effect on certain conditions to a system to compensate least-developed countries not signatory to the Third ACP — EEC Convention for losses of export earnings;

Whereas amongst the objectives that make up the importance and significance of development there is *inter alia* that of promoting the welfare and respecting the fundamental rights of the communities concerned; whereas it is therefore necessary to obtain the fullest guarantees that the system will operate to the benefit of those communities;

Whereas for the purposes of implementation, the aims and outlines of the system should be established in a framework regulation;

Whereas to ensure that the system attains its objectives it is necessary to provide that the countries concerned should benefit only if they undertake to abide by certain conditions;

Whereas the Treaty has not provided the necessary powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

TITLE I

OBJECTIVES AND GENERAL PROVISIONS

Article 1

1. As part of its cooperation policy with developing countries, the Community shall give effect, in accordance

with the objectives of that policy, to a system of compensation for loss of export earnings for States which are not signatory to the Third ACP — EEC Convention and are classified by the United Nations as least-developed countries (LLDCs) under the procedure provided for in Article 9.

2. The said system shall cover the period 1986 to 1990 and transfers shall start as from the financial year 1987.

Article 2

1. With the aim of remedying the effects of the instability of export earnings and of aiding the States concerned in their development efforts, the system shall operate to help stabilize the said States' earnings from exports to the Community of agricultural commodities on which their economies are dependent, which are affected by fluctuations in price or quantity or both, and which are included in the list referred to in Article 3.

2. The system referred to in paragraph 1 shall help stabilize export earnings by means of non-repayable transfers of financial resources, hereinafter referred to as 'transfers'.

3. Transfers must be used for projects, programmes or operations in the sector in which the loss of export earnings occurred, where the circumstances which caused the loss might be alleviated by such projects, programmes or operations, or, if that is not the case, in other appropriate sectors, for the purposes of diversification.

Article 3

1. The system shall apply to earnings from each of the recipient States' exports to the Community of each of the products listed in Annex I to the Regulation laying down the detailed rules of implementation provides for in Article 9.

2. Each recipient State shall certify that products to which the system applies have originated in its territory.

⁽¹⁾ OJ No C 183, 22. 7. 1986, p. 5.

TITLE II

FUNDING AND FINANCIAL MANAGEMENT

Article 4

The estimated budgetary cost of implementing the system pursuant to Article 1 should not exceed 50 million ECU for the five-year period from the financial year 1987 to the financial year 1991.

Article 5

1. The appropriations required for implementing the system established under this Regulation shall be determined under the annual budgetary procedure.
2. If, during a given financial year, the amount of the appropriations referred to in paragraph 1 is less than the sum of justified transfer requests to be covered for that financial year, the amount of each justified payment shall be reduced according to a formula which shall be specified in the detailed rules of implementation to be adopted by the Council under Article 9.

TITLE III

RULES AND PROCEDURES FOR IMPLEMENTATION

Article 6

1. The transfers referred to in Article 2 (2) shall be allocated on the basis of requests from the recipient States.
2. In addition to the necessary statistical data, transfer requests shall include substantial information concerning the situation in the sector or sectors in which the loss of earnings has occurred, the authorities' policies with regard

to those sectors, and the projects, programmes and operations to which the recipient State has allocated or undertakes to allocate the funds in accordance with the objectives and provisions set out in Article 2.

Article 7

Transfer requests shall be addressed to the Commission, which shall examine them in conjunction with the recipient State concerned. Such examination shall consider the statistical data, calculation of the amount of the transfer basis, any reduction which may be applicable, and the use to be made of the funds to be transferred.

Article 8

Following the examination referred to in Article 7, the Commission shall take a transfer approval decision.

Article 9

Detailed rules for the implementation of this Regulation shall be adopted by the Council acting by a qualified majority on a proposal from the Commission, as provided for in Article 148 (2) of the Treaty.

Article 10

The Commission shall report annually to the European Parliament and the Council on the administration of the system during the preceding year.

Article 11

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

It shall apply until 31 December 1991.

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

Done at Brussels, 9 February 1987.

For the Council

The President

M. EYSKENS

COUNCIL REGULATION (EEC) No 429/87
of 9 February 1987

laying down detailed rules for the implementation of Regulation (EEC) No 428/87 setting up a system of compensation for loss of export earnings for least-developed countries not signatory to the Third ACP — EEC Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 428/87 of 9 February 1987 setting up a system of compensation for loss of export earnings for least-developed countries not signatory to the Third ACP — EEC Convention⁽¹⁾, and in particular Article 9 thereof,

Having regard to the proposal from the Commission,

Whereas for the purposes of implementing the Regulation (EEC) No 428/87 (hereinafter referred to as 'the framework Regulation') it is necessary to lay down precise rules and procedures for calculation, approval and payment of transfers to recipient countries and for monitoring the use of such transfers,

HAS ADOPTED THIS REGULATION:

TITLE I

AVAILABILITY OF FUNDS

Article 1

If, during a given financial year, the amount of the appropriations determined in accordance with Article 5 (1) of the framework Regulation is less than the sum of justified transfer requests to be covered for that financial year, the amount of each justified transfer request shall be reduced by the percentage of the sum of justified transfer requests corresponding to the difference between such sum and the total funds available to the system for the year in question.

TITLE II

CALCULATION OF TRANSFER BASIS AND REDUCTIONS

Article 2

The part of the examination referred to in Article 7 of the framework Regulation which relates to statistical data and calculation of the transfer bases and any reductions which

may be applicable shall be undertaken by the Commission in accordance with Articles 3 to 13.

Article 3

1. The list of products covered by system appear in the Annex I hereto.
2. Upon presentation of each transfer request the applicant State shall choose meaning between the following system :
 - (a) each product listed in Annex I shall constitute a product within the meaning of this Regulation ; or
 - (b) product groups 1 and 2, 3 to 5, 6 and 7, 8 and 9, 10 to 12, 13 to 15, 16 to 19, 20 to 22, 23 and 48, 45 and 46, and 44 and 49 shall each constitute a product within the meaning of this Regulation.

Article 4

1. The system shall be implemented in respect of products which are :
 - (a) released for free circulation in the Community ; or
 - (b) brought into the Community under the inward processing arrangements in order to be processed.
2. The statistics used to implement the system shall be either :
 - (a) those obtained by cross-checking the Community and the recipient State statistics, account being taken of fob values ; or
 - (b) those obtained by multiplying the unit values for the exports of the recipient State in question as given in that State's statistics, by the quantities imported into the Community, as shown in Community statistics.

Article 5

Requests for transfers shall be inadmissible in the following cases :

- (a) if the request is presented after 31 March of the year following the year of application ;
- (b) if it emerges from the examination of the request that the fall in earnings from exports to the Community is the result of a trade policy of that State adversely affecting exports to the Community in particular.

Article 6

1. The system shall apply to the earning from a recipient State's exports of the products listed in the Annex I if during the year preceding the year of application,

⁽¹⁾ See page 1 of this Official Journal.

earning from the exports of each product to all destinations, re-exports excluded, represented at least 1,5 % of its total earning from exports of goods.

2. Where, following a natural disaster, a substantial fall in production of the product in question is recorded during the year preceding the year of application, the percentage referred to in paragraph 1 shall be calculated on the basis of the average export earnings from that product during the first three reference years instead of during the year preceding the year of application.

A substantial fall in production shall be taken to mean at least 50 % of the average production during the first three reference years.

Article 7

The system shall apply where the loss of earnings referred to in Article 9 (3) represents at least 1,5 % of the corresponding reference level as defined in Article 8.

Article 8

1. In order to implement the system, a reference level shall be worked out for each recipient State and for exports of each product.

2. The reference level shall correspond to the average of export earning in the four years preceding each year of application.

3. Where, however, a recipient State :

- begins processing a product traditionally exported in the raw state, or
- begins exporting a product which it did not traditionally produce,

the system may be put into operation on the basis of a reference level calculated over the three years preceding the year of application.

Article 9

1. The recorded loss of earnings shall be the amount by which the reference level exceeds actual earnings from exports of the products in question to Community during the application year.

2. If the recorded loss as defined in paragraph 1 exceeds the loss of earnings on exports of the product to all destinations, the system shall apply on the basis of the latter amount.

3. The loss as ascertained in accordance with paragraphs 1 and 2, plus 2 % for statistical errors and omissions, shall constitute the basis of the transfer.

Article 10

1. The export earnings for each year of the reference period and for the year of application shall be determined on the basis of the equivalent in the currency of the recipient State concerned of the earnings expressed in foreign exchange.

2. The reference level shall be calculated after the export earnings for each year of the reference period have been converted into ECU at the average annual exchange rate for the ECU against the currency of the recipient State concerned for the corresponding year.

3. The earnings for the year of application shall be converted into ECUs at the average annual exchange rate for the ECU against the currency of the recipient State concerned for the year of application.

4. If there is a fluctuation of more than 10 % in the annual average exchange rate of the year of application for the currency of the recipient State concerned against the ECU in relation to the average of the average annual exchange rates for each year of the reference period, the earnings for the year of application shall be converted into ECUs, by way of derogation from paragraph 3 and without prejudice to paragraph 2, at a rate set at a level which restricts the fluctuation to 10 % in relation to the said average.

Article 11

1. Consultations shall take place between the Commission and the applicant State if :

- (a) the volume of marketed production of the product concerned in the application year is 15 % or more below the average for the reference period ;
- (b) exports of the product to all destinations as a percentage of marketed production for the application year are fifteen percentage points or more below the average percentage for the reference period ;
- (c) exports of the product to the Community as a percentage of exports to all destinations during the application year are fifteen percentage points or more below the average percentage for the reference period ;
- (d) the sum of the percentage points referred to in paragraphs (b) and (c) is fifteen or more.

2. Consultations shall not be held on the grounds set out in paragraph 1 (c) where the transfer basis has been calculated under Article 9 (2).

3. The purpose of the consultations is :

- (a) to identify the causes of the major changes referred to in paragraph 1 ;
- (b) to decide whether the transfer basis referred to in Article 9 (3) should be reduced, and if so by how much.

4. The transfer basis must be reduced if the causes of the change are attributable to circumstances within the control of the recipient State or of operators concerned with the production or export of the product in question.

Article 12

1. If the consultations show that the transfer basis should be reduced, the reduction shall be calculated in accordance with paragraph 2 and 4 of this Article. If there is only partial justification for a reduction, the reduction will be proportionally smaller.

2. Where real earnings for the application year from exports of a product which, under Article 3 (b), can be grouped with a product for which a transfer has been requested exceed the corresponding reference level the transfer basis will be reduced by a sum equivalent to the value of the excess.

3. Where at the end of the application year an applicant State has exportable quantities of the product in question which are not subject to quota under an international commodity agreement and for which there is a demand, the transfer basis shall be reduced by a sum equivalent to the value of the said quantities.

4. Where paragraphs 2 and 3 do not apply, the reduction shall be calculated as a percentage of the transfer basis, which shall be equal:

- (a) to the percentage referred to in Article 11 (1) (a) if the transfer basis has been reduced because of a change as referred to in that provision;
- (b) to the difference in percentage points between the two percentages referred to in Article 11 (1) (b), (c) or (d) if the transfer basis has been reduced because of a change referred to in one of those provisions.

Article 13

1. In order to ensure that the compensation system functions efficiently and to facilitate the examination referred to in Article 2, appropriate statistical and customs cooperation shall be instituted between the Commission and each recipient State.

2. To this end, each recipient State shall notify the Commission, by sending monthly statistics on the volume and value of total exports, and exports to the Community and, where available, on the volume of marketed production, for each product for which the export level represents a percentage at least equal to the percentage referred to in Article 6 (1).

3. The recipient States and the Commission shall adopt by agreement any measures facilitating *inter alia* the exchange of necessary information, the submission of requests for transfers, the provision of information concerning the use of transfers, the implementation of any other

aspect of the system, by means of the widest possible use of standard forms.

TITLE III

USE OF TRANSFERS

Article 14

1. The part of the examination referred to in Article 7 of the framework Regulation which relates to the use of funds to be transferred shall bear on:

- whether the proposed use is in accordance with Article 2 (3) of the framework Regulation;
- the likely economic and social effects on the sectors concerned of the proposed projects, programmes or operations;
- the contribution which such projects, programmes or operations will make to promoting the welfare of the communities concerned.

2. Funds may be used for the projects, programmes or operations referred to in paragraph 1 to finance not only investment costs but also, *inter alia*, local and maintenance costs, the supply and subsidization of inputs necessary for production, interest rate subsidies on carryover loans, and price intervention.

Article 15

Payment of the transfer decided on in accordance with Article 8 of the framework Regulation shall be subject to an undertaking from the recipient State regarding:

- (a) the exact way in which transferred funds are to be used, i.e. the projects, programmes or operations to be undertaken in the sectors referred to in Article 2 (3) of the framework Regulation;
- (b) special conditions which the government and administration of the recipient State must comply with in implementing the abovementioned projects, programmes or operations;
- (c) arrangements for use of any counterpart funds generated when transferred foreign exchange is used in whole or in part to purchase goods or services which are then resold by the authorities of the recipient State against payment in the national currency.

TITLE IV

FOLLOW-UP OF USE OF TRANSFERS

Article 16

1. The recipient State shall, within twelve months of the signing of the transfer agreement send the Commission a report on the use which it has made of the funds

transferred. The report shall contain all the information specified on the form drawn up jointly in accordance with Article 13 (3).

2. Should the report referred to in paragraph 1 not be presented within the time-limit set or should it call for comment, the Commission may suspend the adoption or application of any decision on subsequent transfer requests until that State has provided the required information.

3. The Commission may also suspend the adoption or implementation of any decision on subsequent transfer requests should it appear from the report that :

(a) an approved operation has been implemented in an unsatisfactory manner and the recipient State has taken no steps to improve the situation ;

(b) the agreed implementation has been undertaken in such a way as to compromise the objective referred to in the third indent of Article 14 (1) of promoting the welfare of the communities concerned.

Article 17

The list of countries eligible for the system is given in the Annex hereto.

Article 18

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, 9 February 1987.

For the Council

The President

M. EYSKENS

ANNEX I

List of products covered referred to in Article 3

	<i>NIMEXE Code</i>
1. Groundnuts, shelled or not	12.01-31 to 12.01-35
2. Groundnut oil	15.07-74 and 15.07-87
3. Cocoa beans	18.01-00
4. Cocoa paste	18.03-10 to 18.03-30
5. Cocoa butter	18.04-00
6. Raw or roasted coffee	09.01-11 to 09.01-17
7. Extracts, essences or concentrates of coffee	21.02-11 to 21.02-15
8. Cotton, not carded or combed	55.01-10 to 55.01-90
9. Cotton linters	55.02-10 to 55.02-90
10. Coconuts	08.01-71 to 08.01-75
11. Copra	12.01-42
12. Coconut oil	15.07-29, 15.07-77 and 15.07-92
13. Palm oil	15.07-19, 15.07-61 and 15.07-63
14. Palm nut and kernel oil	15.07-31, 15.07-78 and 15.07-93
15. Palm nuts and kernels	12.01-44
16. Raw hides and skins	41.01-11 to 41.01-95
17. Bovine cattle leather	41.02-05 to 41.02-98
18. Sheep and lamb skin leather	41.03-10 to 41.03-99
19. Goat and kid skin leather	41.04-10 to 41.04-99
20. Wood in the rough	44.03-20 to 44.03-99
21. Wood roughly squared or half-squared, but not further manufactured	44.04-20 to 44.04-98
22. Wood sawn lengthwise, but not further prepared	44.05-10 to 44.05-79
23. Fresh bananas	08.01-31
24. Tea	09.02-10 to 09.02-90
25. Raw sisal	57.04-10
26. Vanilla	09.05-00
27. Cloves — whole fruit, cloves and stems	09.07-00
28. Sheep's or lambs' wool, not carded or combed	53.01-10 to 53.01-40
29. Fine animal hair of Angora goats — mohair	53.02-95
30. Gum arabic	13.02-91
31. Pyrethrum — flowers, leaves, stems, peel and roots ; saps and extracts from pyrethrum	12.07-10 and 13.03-15
32. Essential oils, not terpenes, of cloves of niaouli and ylang-ylang	33.01-23
33. Sesame seed	12.01-68
34. Cashew Nuts und kernels	08.01-77
35. Pepper	09.04-11 and 09.04-70
36. Shrimps and prawns	03.03-43
37. Squid	03.03-68
38. Cotton seeds	12.01-66
39. Oil-cake	23.04-01 to 23.04-99
40. Rubber	40.01-20 to 40.01-60
41. Peas	07.01-41 to 07.01-43
	07.05-21 and 07.05-61
42. Beans	07.01-45 to 07.01-47
	07.05-25, 07.05-65 and ex 07.05-99
43. Lentils	07.05-30 and 07.05-70
44. Nutmeg	09.08-13 and 09.08-60
45. Shea nuts	12.01-70
46. Shea nut oil	ex 15.07-82 and ex 15.07-98
47. Mangoes	ex 08.01-99
48. Dried bananas	08.01-35
49. Mace	09.08-16 and 09.08-70
50. Jute	57.03-10 to 57.03-50

*ANNEX II***List of eligible countries referred to in Article 17**

People's Republic of Bangladesh
Kingdom of Bhutan
People's Democratic Republic of Yemen
Republic of Haiti

Lao People's Democratic Republic
Republic of Maldives
Kingdom of Nepal
Yemen-Arab Republic

COUNCIL REGULATION (EEC) No 430/87

of 9 February 1987

concerning the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff and coming from third countries, and amending Regulation (EEC) No 950/68 on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, by Decision 86/222/EEC⁽¹⁾, the Council approved the renewal of the cooperation agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade;

Whereas the agreements with Indonesia and Brazil⁽²⁾ will remain in force until at least 31 December 1989; whereas they represent the outcome of negotiations conducted under Article XXVIII of the General Agreement on Tariffs and Trade in order to obtain temporary suspension, valid until 31 December 1989 at least, of the tariff concession which had been granted by the Community for imports of products falling within subheading 07.06 A of the Common Customs Tariff; whereas they authorize the Community to suspend the said concession;

Whereas the Community has committed itself to the GATT Contracting Parties to apply a levy of not more than 6 % *ad valorem* to some of the products in question, for the period during which the existing binding is suspended; whereas, under the most-favoured-nation clause, the Community must accord similar treatment to third countries which are not members of the GATT but benefit from this clause;

Whereas, as a result of the adoption by the Community of protective measures concerning imports of sweet potatoes, consultations were held under Article 6 of the Trade and Economic Cooperation Agreement between the European Economic Community and the People's Republic of China⁽³⁾ concerning imports into the Community of manioc falling within subheading 07.06 A of the Common Customs Tariff and of sweet potatoes falling within subheading 07.06 B; whereas the outcome of these consultations was a mutually satisfactory solution comprising, on the one hand, the restriction by China of its exports in 1987, 1988 and 1989 to 350 000 tonnes of manioc and 600 000 tonnes of sweet potatoes a year, and, on the other, the authorization given by the Community for the importation of these quantities, subject, in the case of manioc, to a levy of not more than 6 % *ad valorem*;

Whereas, in these circumstances, the provisions relating to tariff subheading 07.06 A at present contained in Regu-

lation (EEC) No 950/68⁽⁴⁾, as last amended by Regulation (EEC) No 4066/86⁽⁵⁾, should be extended,

HAS ADOPTED THIS REGULATION:

Article 1

For products falling within subheading 07.06 A of the Common Customs Tariff — manioc, arrowroot, salep and other similar roots and tubers with a high starch content, with the exception of sweet potatoes — the levy of not more than 6 % *ad valorem* applicable to imports shall be collected solely on the following annual quantities fixed by the third country of origin:

- (a) Thailand: the quantities resulting from the renewal of the agreement approved by Decision 86/222/EEC for 1987, 1988, 1989 and 1990;
- (b) Indonesia: 825 000 tonnes a year for 1987, 1988 and 1989;
- (c) other countries which are at present Contracting Parties to the GATT, with the exception of Thailand and Indonesia: 145 590 tonnes a year for 1987, 1988 and 1989;
- (d) China: 350 000 tonnes a year for 1987, 1988 and 1989;
- (e) third countries other than those referred to in (a), (b), (c) and (d): 30 000 tonnes for 1987; for 1988 and 1989 the quantities will be fixed by the Council, acting by a qualified majority on a proposal from the Commission.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75⁽⁶⁾, as last amended by Regulation (EEC) No 2913/86⁽⁷⁾.

Article 3

The text of subheading 07.06 A of the Common Customs Tariff in Regulation (EEC) No 950/68 shall be maintained as set out in the Annex.

Article 4

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

⁽¹⁾ OJ No L 155, 10. 6. 1986, p. 8.

⁽²⁾ OJ No L 219, 28. 7. 1982, p. 56 and p. 58.

⁽³⁾ OJ No L 250, 19. 9. 1985, p. 1.

⁽⁴⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1986, p. 11.

⁽⁶⁾ OJ No L 281, 1. 1. 1975, p. 1.

⁽⁷⁾ OJ No L 272, 24. 9. 1986, p. 1.

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

Done at Brussels, 9 February 1987.

For the Council

The President

M. EYSKENS

ANNEX

Heading Number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith:		
	A. Manioc, arrowroot, salep and other similar roots and tubers with high starch content, excluding sweet potatoes:		
	I. Fresh or dried, whole or sliced, but not further processed	6 (L)	(b)
	II. Other, including pellets	6 (L)	(b)
(b) 6 % <i>ad valorem</i> , subject to certain conditions.			

COMMISSION REGULATION (EEC) No 431/87

of 12 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 11 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 13 February 1987.

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

Done at Brussels, 12 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 17, 20. 1. 1987, p. 1.

ANNEX

to the Commission Regulation of 12 February 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	9,23	197,59
10.01 B II	Durum wheat	43,91	265,43 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	38,30	178,08 ⁽⁶⁾
10.03	Barley	36,57	190,23
10.04	Oats	94,86	158,94
10.05 B	Maize, other than hybrid maize for sowing	—	182,20 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	36,57	129,82
10.07 B	Millet	36,57	155,47 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	22,48	182,06 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	36,57	65,28 ⁽⁵⁾
11.01 A	Wheat or meslin flour	27,81	291,51
11.01 B	Rye flour	68,51	264,20
11.02 A I a)	Durum wheat groats and meal	81,64	425,00
11.02 A I b)	Common wheat groats and meal	27,96	312,76

⁽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 432/87

of 12 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 11 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 13 February 1987.

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

Done at Brussels, 12 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 12 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	2,18	2,18	2,18
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	3,88	3,88	3,88	3,88
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	2,90	2,90	2,90	2,90
11.07 B	Roasted malt	0	3,38	3,38	3,38	3,38

COMMISSION REGULATION (EEC) No 433/87

of 12 February 1987

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1454/86⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 414/86⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 413/86⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 415/86⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on

the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 9 and 10 February 1987 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 13 February 1987.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 2.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 48, 26. 2. 1986, p. 3.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	52,00 ⁽¹⁾
15.07 A I b)	54,00 ⁽¹⁾
15.07 A I c)	52,00 ⁽¹⁾
15.07 A II a)	64,00 ⁽²⁾
15.07 A II b)	82,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : 0,60 ECU/100 kg ;

(b) Turkey : 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this tariff subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	11,88
07.03 A II	11,88
15.17 B I a)	27,00
15.17 B I b)	43,20
23.04 A II	4,16

COMMISSION REGULATION (EEC) No 434/87**of 12 February 1987****suspending standing invitation to tender for the export of common wheat held
by the intervention agencies**

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 7 (5) thereof,

Having regard to Commission Regulation (EEC) No
1836/82 of 7 July 1982 laying down the procedure and
conditions for the disposal of cereals held by the interven-
tion agencies ⁽³⁾, as last amended by Regulation (EEC) No
124/87 ⁽⁴⁾,

Whereas it is convenient to suspend the tenders under
Regulations (EEC) No 2600/86 ⁽⁵⁾, (EEC) No 2601/86 ⁽⁶⁾,
(EEC) No 2602/86 ⁽⁷⁾, (EEC) No 2633/86 ⁽⁸⁾, (EEC) No
3250/86 ⁽⁹⁾, (EEC) No 3908/86 ⁽¹⁰⁾ and (EEC) No
48/87 ⁽¹¹⁾;

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 tenders under Regulations (EEC) No 2600/86, (EEC)
No 2601/86, (EEC) No 2602/86, (EEC) No 2633/86,
(EEC) No 3250/86, (EEC) No 3908/86 and (EEC) No
48/87 are suspended.

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, 12 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 15, 17. 1. 1987, p. 9.

⁽⁵⁾ OJ No L 235, 21. 8. 1986, p. 12.

⁽⁶⁾ OJ No L 235, 21. 8. 1986, p. 14.

⁽⁷⁾ OJ No L 235, 21. 8. 1986, p. 16.

⁽⁸⁾ OJ No L 237, 23. 8. 1986, p. 17.

⁽⁹⁾ OJ No L 302, 28. 10. 1986, p. 5.

⁽¹⁰⁾ OJ No L 364, 23. 12. 1986, p. 22.

⁽¹¹⁾ OJ No L 7, 9. 1. 1987, p. 12.

COMMISSION REGULATION (EEC) No 435/87
of 12 February 1987
setting the indicative ceiling for imports of new potatoes for 1987 and amending
Regulation (EEC) No 624/86

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, and in particular Article 83 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary trade mechanism⁽¹⁾, amended by Regulation (EEC) No 2297/86⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Article 83 of the Act of Accession provides for a forward estimate of production and consumption of new potatoes in the Community as constituted on 31 December 1985 to be drawn up at the start of each marketing year; whereas a special estimate must be drawn up for the period from 1 January 1987 to the beginning of the 1987/1988 marketing year; whereas these estimates lead to the conclusion that a new indicative ceiling should be fixed;

Whereas general rules for the application of the supplementary trade mechanism were laid down by Council Regulation (EEC) No 569/86 and certain detailed rules for its application were specified in Commission Regulation (EEC) No 574/86⁽³⁾, as last amended by Regulation (EEC) No 3866/86⁽⁴⁾;

Whereas Commission Regulation (EEC) No 624/86⁽⁵⁾ laid down certain detailed rules for applying the supplementary trade mechanism to new potatoes; whereas it

should be amended in order to take account among other things of the fact that the indicative ceiling for imports is fixed annually;

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

HAS ADOPTED THIS REGULATION:

Article 1

The indicative ceiling for imports into Community as constituted on 31 December 1985 of new potatoes from Spain falling under subheading 07.01 A II of the Common Customs Tariff shall for the period 1 January to 30 June 1987 be 88 000 tonnes.

Article 2

The second sentence of Article 2 (1) of Regulation (EEC) No 624/86 is replaced by the following:

'However the period of validity of the licences shall expire not later than 30 June of each year for which an indicative ceiling for imports has been fixed.'

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 1 January 1987.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 201, 24. 7. 1986, p. 3.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁴⁾ OJ No L 359, 19. 12. 1986, p. 33.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 1.

COMMISSION REGULATION (EEC) No 436/87

of 12 February 1987

amending Regulation (EEC) No 1528/78 laying down detailed rules for the application of the system of aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 1985/86⁽²⁾, and in particular Article 6 (3) thereof,

Whereas Article 14 of Commission Regulation (EEC) No 1528/78⁽³⁾, as last amended by Regulation (EEC) No 2341/86⁽⁴⁾, provides a definition of the term 'processing undertaking'; whereas this definition does not take account of the technical progress afforded by the drying of fodder by artificial processes other than dehydration; whereas such progress should be encouraged, attention being paid all the while to any possible effects on the markets, and the said definition should be amended in line with the provisions of Article 1 of Regulation (EEC) No 1117/78 for the duration of a period of observation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 14 (1) (a) of Regulation (EEC) No 1528/78 is hereby replaced by the following:

(a) any establishment where:

— either fresh fodder is dehydrated by means of a drier which satisfies the following requirements:

(aa) air temperature at the entry point not less than 93 °C;

(bb) residence time of the fodder being dehydrated not exceeding three hours;

(cc) in case of drying in layers of fodder, bed depth of each layer no deeper than one metre;

— or sun-dried fodder is milled;

— or protein concentrates obtained from lucerne or grass juice are manufactured;

— or until 30 April 1987 fodder is dried by artificial means other than that referred to in the first indent and the products dried in this way are milled;

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, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 2.

⁽²⁾ OJ No L 171, 28. 6. 1986, p. 4.

⁽³⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁴⁾ OJ No L 203, 26. 7. 1986, p. 17.

COMMISSION REGULATION (EEC) No 437/87

of 12 February 1987

amending Regulations (EEC) No 2750/86 and (EEC) No 3214/86 as regards raw sugar from beet and cane harvested in the Community and intended for the supply of Portuguese refineries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Commission Regulations (EEC) No 2750/86⁽⁴⁾ and (EEC) No 3214/86⁽⁵⁾ lay down, in particular, detailed rules for the granting of Community aids for raw sugar obtained from cane or beet harvested in the Community and intended for the supply of refineries in the Community; whereas those rules provide that the payment of the aids for transport cannot take place unless the party claiming entitlement provides in particular the customs document of entry of the sugar into the Member State concerned; whereas administrative requirement is such as to delay significantly the payment in question; whereas consequently, with a view to facilitating payment, provision should be made for arrangements similar to those in force for the payment of monetary compensatory amounts;

Whereas the quantities of raw cane sugar produced in the French overseas departments which can benefit from the refining aids for the 1986/87 marketing year were laid down in Regulation (EEC) No 2750/86; whereas in accordance with the second subparagraph of Article 3 (2) of Regulation (EEC) No 2225/86 those quantities were deter-

mined on the basis of a Community supply balance sheet for raw sugar; whereas the production of the French departments Guadeloupe and Martinique for the 1986/87 marketing year is slightly higher than that taken into consideration in the balance sheet; whereas the supplementary quantities are already under contract for refining partly in France and partly in Portugal; whereas the Annex to Regulation (EEC) No 2750/86 should therefore as a consequence be revised;

Whereas since all the abovementioned measures improve the arrangements to the advantage of the interested parties and in order to avoid any differences in treatment, their application should be made retroactive to the beginning of the 1986/87 marketing year;

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

Regulation (EEC) No 2750/86 is hereby amended as follows:

1. The first subparagraph of Article 1 (1)(b) is replaced by the following:

'(b) shall be paid on presentation by the producer concerned:

— of the customs document of entry for consumption in the European regions of the Community or of the copy or photocopy of that document certified to be a true copy either by the body which approved the original document or by the official services of the Member State concerned,

and

— the bill of lading, the results of the analyses and the final invoice.'

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 253, 5. 9. 1986, p. 8.

⁽⁵⁾ OJ No L 299, 23. 10. 1986, p. 24.

2. The Annex is replaced by the following :

ANNEX

Quantities of raw cane sugar, expressed as tonnes of white sugar :

Originating from the French overseas departments	For refining			
	in metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	159 000	65 000	0	0
2. Guadeloupe and Martinique	30 400	20 400	0	0'

Article 2

Regulation (EEC) No 3214/86 is hereby amended as follows :

The first subparagraph of Article 3 (1) (b) is replaced by the following :

'(b) shall be paid on presentation by the refiner :

- of the customs document of entry for consumption in Portugal or of the copy or photocopy of that document certified to be a true copy either by the body which approved the original document or by the official services of Portugal,
- and
- the bill of lading, the results of the analyses and the final invoice.'

Article 3

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

It shall apply with effect from 1 July 1986.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 438/87**of 12 February 1987****laying down for the period 1 July 1986 to 31 December 1986 compensation measures in respect of preferential raw sugar and raw sugar from the French overseas departments intended for refining in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 90/87 ⁽²⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽³⁾, as last amended by Regulation (EEC) No 229/87 ⁽⁴⁾, and in particular Articles 13 (2) and 37 (2) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar ⁽⁵⁾, and in particular Article 5 (2) thereof,

Whereas the increase with effect from 1 April 1986 in the raw sugar intervention price for the 1985/86 marketing year has been maintained as it stands for the 1986/87 marketing year by reason of the fixing of this price by Council Regulation (EEC) No 1453/86 ⁽⁶⁾ at the same level as for the last three months of the 1985/86 marketing year; whereas the increase of 0,15 % in this price continues to have a structural effect on the preferential sugar refining margin during the current year;

Whereas the guaranteed prices fixed for the preferential sugars to be imported during the 1986/87 delivery period have been fixed at the level of the prices fixed for Community sugar during the 1986/87 marketing year; whereas in view of the influence that such a guaranteed price can have on Community refiners of preferential raw sugar, it is appropriate to provide for compensation for the said increase by allowing a derogation from Commission Regulation (EEC) No 3154/85 ⁽⁷⁾ insofar as the level of the monetary compensatory amounts to be applied are concerned;

Whereas such a derogation should not lead to an over-compensation; whereas it is therefore appropriate to

apply these arrangements for a first period comprising six months of the marketing year in question;

Whereas the application of the monetary compensatory amount in force on 20 October 1986 to the said sugars, imported in accordance with the provisions of Commission Regulation (EEC) No 2782/76 ⁽⁸⁾ and for which the import entry was accepted during the period from 10 to 23 November 1986, will not give rise to an overcompensation;

Whereas Article 5 (1) of Regulation (EEC) No 2225/86 provides that when the advance fixing of monetary compensatory amounts in trade with third countries is made applicable to the importation of preferential raw sugar and where this application benefits the importers of this sugar, the aid to the refiners of raw sugar from the French overseas departments shall be supplemented by a corresponding flat-rate amount which will re-establish the equilibrium in the price conditions existing between the two types of sugar: whereas, as a consequence, the raw sugar from the French overseas departments for which the bill of lading was drawn up during the period 1 July to 31 December 1986 should benefit from a supplement to the aid referred to in Article 3 of the abovementioned Regulation in the form of a flat-rate amount of 0,70 ECU per tonne of raw sugar of standard quality; whereas recourse to this possibility shall be likened to the advance fixing of monetary compensatory amounts;

Whereas Article 5 (1) of Regulation (EEC) No 3154/85 provides that the monetary compensatory amount to be granted or charged on importation shall be the amount applicable on the day when the customs authorities accept the import entry;

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 5 (1) of Regulation (EEC) No 3154/85, the monetary compensatory amount applicable to imports of preferential raw sugar carried out pursuant to Regulation (EEC) No 2782/76 for which the import entry was accepted during the period from 10 to

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 13, 15. 1. 1987, p. 12.

⁽³⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁴⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽⁵⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁶⁾ OJ No L 133, 21. 5. 1986, p. 6.

⁽⁷⁾ OJ No 310, 21. 11. 1985, p. 9.

⁽⁸⁾ OJ No 318, 17. 11. 1976, p. 13.

23 November 1986 shall, at the request of the interested party, be the amount applicable on 7 November 1986, provided that the sugar concerned was refined during the period 1 July 1986 to 31 December 1986.

Article 2

The aid referred to in Article 3 of Regulation (EEC) No 2225/86 shall be supplemented at the request of the interested party by the amount of 0,70 ECU per tonne of raw

sugar of standard quality within the limit of the quantities of raw sugar produced in the French overseas departments intended for refining in the European regions of the Community, for which the bill of lading was drawn up during the period 1 July 1986 to 31 December 1986.

Article 3

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, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 439/87

of 12 February 1987

amending for the 14th time Regulation (EEC) No 1371/84 laying down detailed rules for the application of the additional levy referred to in Article 5c of Council Regulation (EEC) No 804/68

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector ⁽³⁾, as last amended by Regulation (EEC) No 2316/86 ⁽⁴⁾, and in particular Article 6 (1) thereof,

Whereas Commission Regulation (EEC) No 1371/84 ⁽⁵⁾, as last amended by Regulation (EEC) No 2969/86 ⁽⁶⁾, set detailed rules for the application of the additional levy specified in Article 5c of Regulation (EEC) No 804/68;

Whereas the third subparagraph of Article 4 (1) of Regulation (EEC) No 1371/84 specifies that in the case of Spain the date set for submission of the application for registration dealing with the products and quantities of these products sold by direct sale during the reference calendar year may not be later than 31 December 1986; whereas in view of difficulties that have arisen over the introduction of national measures for implementing the additional levy arrangement this date should be deferred by three months;

Whereas Article 9 of Regulation (EEC) No 1371/84 stipulates that the characteristics of milk considered to be representative shall be those of the milk delivered or purchased during the second period of application of the additional levy arrangement; whereas in the light of experience it should be specified that where producers or purchasers have exceeded the permitted fat level in deliveries or purchases of milk made during the second period the calendar year 1983 is to be used as reference

year; whereas provision should also be made for the cases of producers or purchasers who commenced the delivery or purchase of milk for the first time after the beginning of the second period or whose deliveries or purchases of milk were interrupted during that period; whereas provision should also be made for cases where the quantity of milk used as basis for calculation of the levy is expressed in litres; whereas in addition in certain cases the provisions of Article 9 (3) of the abovementioned Regulation should be relaxed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1371/84 is amended as follows:

1. In the third subparagraph of Article 4 (1) '31 December 1986' is replaced by '31 March 1987'.

2. Article 9 is amended as follows:

(a) The second subparagraph of paragraph I shall read:

'However,

— in the case of producers or purchasers for whom, as regards the period mentioned in the first subparagraph, the quantity of milk serving as a basis for the calculation of the levy has been increased as a result of an increase in the fat content of the milk delivered or purchased, the fat content of the milk delivered or purchased that is to be considered as representative shall be the average content recorded for the 1983 calendar year,

— in the case of producers or purchasers whose deliveries or purchases of milk were interrupted during the period referred to in the first subparagraph, the Member State may decide, on a request from the party concerned and without prejudice to the application of the provisions of the first indent, that the fat content considered as representative is to be the average content recorded during the twelve months prior to the interruption in question,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁴⁾ OJ No L 202, 25. 7. 1986, p. 3.

⁽⁵⁾ OJ No L 132, 18. 5. 1984, p. 11.

⁽⁶⁾ OJ No L 276, 27. 9. 1986, p. 28.

- in the case of producers or purchasers who commence delivery or purchase of milk for the first time after the beginning of the second period of the additional levy arrangement the fat content of the milk delivered or purchased that is to be considered as representative shall be the average content recorded for the first twelve months of their operations.
- (b) The following subparagraph is added to paragraph 2:
- 'In cases where the quantity of milk serving as basis for calculation of the levy is expressed in litres the increase of 0,26 % for each 0,1 gram of additional fat shall be multiplied by the coefficient 0,971.'
- (c) In paragraph 3
- the words 'the reference period referred to in Article 2 of Regulation (EEC) No 857/84' are replaced by 'the calendar year 1983';
 - the following subparagraph is added:
'However if the sum of the quantities of milk delivered or purchased by a producer or purchaser during these two six-month periods, increased by applying the provisions of the first subparagraph, is greater than the quantity that would be given by applying paragraph 2 to the whole of the third period the Member State may decide that in this case the provisions of paragraph 2 shall apply with effect from 1 April 1986.'

Article 2

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

However, the provisions of the second subparagraph of Article 9 (3) of Regulation (EEC) No 1371/84 may be applied with effect from 1 April 1986 at the request of the party concerned.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 440/87
of 12 February 1987
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 231/87 ⁽²⁾, and in particular Article 14 ⁽⁸⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 169/87 ⁽⁴⁾;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1986/87 milk year by Council Regulation (EEC) No 1339/86 ⁽⁵⁾;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 11 of that Regulation respectively; whereas this method consists in adding together the various components defined in those Articles;

Whereas Commission Regulation (EEC) No 1073/68 of 24 July 1968 laying down detailed rules for determining

free-at-frontier prices and for fixing levies in respect of milk and milk products ⁽⁶⁾, provides that the component of the levy fixed by means of a coefficient expressing the weight ratio between the milk powder contained in the product and the product itself is, for the products falling within subheading 04.02 B I b), calculated by multiplying the basic amount by the quantity of milk powder contained in the product; whereas the same applies to products falling within subheading 04.02 B II b) as regards the component of the levy fixed by means of a coefficient expressing the weight ratio between the milk components contained in the product and the product itself;

Whereas the basic amount must be equal to one hundredth part of the levy set out for each product in the second subparagraph of Article 9(1) and the second subparagraph of Article 9(2) of Regulation (EEC) No 1073/68;

Whereas Annex II to Regulation (EEC) No 2915/79 listed certain products of Group 11 originating in and consigned from certain non-member countries; whereas the levy applicable to these products is set out in Annex I to Regulation (EEC) No 1767/82 ⁽⁷⁾, as last amended by Regulation (EEC) No 394/87 ⁽⁸⁾;

Whereas Commission Regulation (EEC) No 3700/81 of 23 December 1981 ⁽⁹⁾ laid down detailed interim rules in respect of the cheese agreements with Austria and Finland;

Whereas, within the tariff quotas referred to in Annex I to Regulation (EEC) No 1767/82, the levy on 100 kilograms of a product of Group 10 or 11 or falling within subheadings 04.04 E I b) 1 and b) 2 shall be the amount fixed in that Annex;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 21, 23. 1. 1987, p. 9.

⁽⁵⁾ OJ No L 119, 8. 5. 1986.

⁽⁶⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽⁷⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁸⁾ OJ No L 40, 10. 2. 1987, p. 10.

⁽⁹⁾ OJ No L 369, 24. 12. 1981, p. 33.

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14(3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Regulation (EEC) No 1073/68 provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 (a) 2 and (b) to (g) of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

Whereas Regulation (EEC) No 788/86⁽¹⁾, as amended by Regulation (EEC) No 1927/86⁽²⁾, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland.

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in

particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19(1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas, if the levy 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 coefficient provided for in the last subparagraph of Article 3(1) of Regulation (EEC) No 1676/85⁽³⁾.

⁽¹⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽²⁾ OJ No L 167, 24. 6. 1986, p. 11.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

— 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 it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 (1) of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1987.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 12 February 1987 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.01 A I a)	0110	33,55
04.01 A I b)	0120	31,14
04.01 A II a) 1	0130	31,14
04.01 A II a) 2	0140	38,18
04.01 A II b) 1	0150	29,93
04.01 A II b) 2	0160	36,97
04.01 B I	0200	76,88
04.01 B II	0300	162,62
04.01 B III	0400	251,33
04.02 A I	0500	32,16
04.02 A II a) 1	0620	163,16
04.02 A II a) 2	0720	218,13
04.02 A II a) 3	0820	220,55
04.02 A II a) 4	0920	260,81
04.02 A II b) 1	1020	155,91
04.02 A II b) 2	1120	210,88
04.02 A II b) 3	1220	213,30
04.02 A II b) 4	1320	253,56
04.02 A III a) 1	1420	30,14
04.02 A III a) 2	1520	40,69
04.02 A III b) 1	1620	162,62
04.02 A III b) 2	1720	251,33
04.02 B I a)	1820	36,27
04.02 B I b) 1 aa)	2220	per kg 1,5591 (*)
04.02 B I b) 1 bb)	2320	per kg 2,1088 (*)
04.02 B I b) 1 cc)	2420	per kg 2,5356 (*)
04.02 B I b) 2 aa)	2520	per kg 1,5591 (*)
04.02 B I b) 2 bb)	2620	per kg 2,1088 (*)
04.02 B I b) 2 cc)	2720	per kg 2,5356 (*)
04.02 B II a)	2820	52,91
04.02 B II b) 1	2910	per kg 1,6262 (*)
04.02 B II b) 2	3010	per kg 2,5133 (*)
04.03 A	3110	295,68
04.03 B	3210	360,73
04.04 A	3300	225,73 (*)
04.04 B	3900	379,35 (*)
04.04 C	4000	157,44 (*)
04.04 D I a)	4410	210,17 (*)
04.04 D I b)	4510	220,52 (*)
04.04 D II	4610	317,24
04.04 E I a)	4710	379,35
04.04 E I b) 1	4800	253,33 ⁽¹⁰⁾

<i>(ECU/100 kg net weight, unless otherwise indicated)</i>		
CCT heading No	Code	Import levy
04.04 E I b) 2	5000	229,12 ⁽¹¹⁾
04.04 E I c) 1	5210	171,84
04.04 E I c) 2	5250	325,84
04.04 E II a)	5310	379,35
04.04 E II b)	5410	325,84
17.02 A II	5500	41,95 ⁽¹²⁾
21.07 F I	5600	41,95
23.07 B I a) 3	5700	119,35
23.07 B I a) 4	5800	155,21
23.07 B I b) 3	5900	145,62
23.07 B I c) 3	6000	120,57
23.07 B II	6100	155,21

- (¹) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivable aerobic bacteria and less than two coliform bacteria.
- (²) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (³) In calculating the fat content the weight of any added sugar shall be disregarded.
- (⁴) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components:
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product;
 - (b) 7,25 ECU; and
 - (c) 25,78 ECU.
- (⁵) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components:
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product; and
 - (b) 25,78 ECU.
- (⁶) The levy is limited to:
- 18,13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
 - 9,07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (⁷) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (⁸) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (⁹) The levy is limited to 36,27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (¹⁰) The levy per 100 kg net weight is limited to:
- 12,09 ECU for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
 - 15,00 ECU for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (¹¹) The levy is limited to:
- 77,70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
 - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
 - 101,88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
 - 65,61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Yugoslavia and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey, Cyprus or Yugoslavia,
 - 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria and for products listed under (r) of that Annex imported from Norway,
 - 60 ECU per 100 kg net weight for products listed under (s) of that Annex imported from Finland,
 - 18,13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
 - 15,00 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (¹²) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (¹³) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and subheadings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
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COMMISSION REGULATION (EEC) No 441/87

of 12 February 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 354/87 of 4 February 1987⁽³⁾ introduced a countervailing charge on lemons originating in Turkey and suspended the preferential customs duty on imports of these products;Whereas the present trend of prices for Turkish products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas

the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Turkey can be abolished;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 354/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 February 1987.

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

Done at Brussels, 12 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 34, 5. 2. 1987, p. 42.⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 9.⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 442/87

of 12 February 1987

introducing a countervailing charge on clementines originating in Morocco

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 3208/86 of 22 October 1986 fixing for the 1986/87 marketing year the reference prices for clementines⁽³⁾ fixed the reference price for products of class I for the period from 1 November 1986 to 20 February 1987 at 59,57 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 Commission 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 clementines originating in Morocco 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 clementines;

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 Council 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 1,73 ECU per 100 kilograms net is applied to clementines (subheading 08.02 B I of the Common Customs Tariff) originating in Morocco.

Article 2

This Regulation shall enter into force on 14 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. 14.

⁽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, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 443/87**of 12 February 1987****abolishing the countervailing charge on clementines 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 Commission Regulation (EEC) No 6/87⁽³⁾, amended by Regulation (EEC) No 190/87⁽⁴⁾, introduced a countervailing charge on clementines originating in Cyprus;

Whereas for clementines originating in Cyprus there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of clementines originating in Cyprus can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 6/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 February 1987.

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

Done at Brussels, 12 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 1, 3. 1. 1987, p. 11.

⁽⁴⁾ OJ No L 21, 23. 1. 1987, p. 62.

COMMISSION REGULATION (EEC) No 444/87

of 12 February 1987

fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

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 426/86 of 24 February 1986 on the common organization of the market in products from fruit and vegetables ⁽¹⁾, amended by Regulation (EEC) No 1838/86 ⁽²⁾, and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such products;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds ⁽³⁾, account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, of prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices on the Community market are being determined, of the ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas the export refunds for these products were last fixed by Commission Regulation (EEC) No 829/86 ⁽⁴⁾;

Whereas pursuant to Articles 87 and 255 of the Act of Accession account shall be taken of the difference in prices recorded or economically justified when fixing the level of various amounts within the common agricultural policy; whereas existing differences in prices of the raw material used in the processing of the products to be exported lead to the result that specific refunds should be fixed for products obtained from raw material originating in Spain and Portugal;

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas in such cases the refunds for added sugars should apply;

Whereas application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in the Annex hereto.
2. Where no refund is fixed for a product listed in the Annex, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

Article 2

Regulation (EEC) No 829/86 is hereby repealed.

Article 3

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 159, 14. 6. 1986, p. 1.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

⁽⁴⁾ OJ No L 76, 21. 3. 1986, p. 32.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 12 February 1987 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

CCT heading No	Description	(ECU/100 kg net)		
		Refund		
		I ⁽¹⁾	II ⁽²⁾	III ⁽³⁾
ex 08.11 E	Cherries, stalked, stoned and preserved in a sulphur solution and with a drained net weight at least equal to 50 % of the net weight :			
	— for destinations other than North America	13,30	—	13,30
ex 20.02 C	Tomato concentrate :			
	— for destinations other than North America	6,00 ⁽⁴⁾	6,00 ⁽⁴⁾	6,00 ⁽⁴⁾
ex 20.04	Cherries preserved by sugar (drained, glacé or crystallized) :			
	— for destinations other than North America	30,22	—	30,22
ex 20.06 A	Common hazel-nuts (fruit of the species <i>Corylus avellana</i>), other than mixtures	14,51	13,31	14,51
ex 20.07	Pure orange juices not containing added substances with a sugar content of :			
	— 10° Brix or more but less than 22° Brix	2,10	2,10	2,10
	— 22° Brix or more but less than 33° Brix	4,20	4,20	4,20
	— 33° Brix or more but less than 44° Brix	6,30	6,30	6,30
	— 44° Brix or more but less than 55° Brix	8,40	8,40	8,40
	— 55° Brix or more	10,50	10,50	10,50

⁽¹⁾ Amounts shown shall apply to products obtained from fruit harvested within the Community of Ten.

⁽²⁾ Amounts shown shall apply to products obtained from fruit harvested in Spain.

⁽³⁾ Amounts shown shall apply to products obtained from fruit harvested in Portugal.

⁽⁴⁾ This amount is valid per 100 kg net weight of product with a dry matter content of not less than 28 % but less than 30 %. For products with other degrees of concentration it is determined by applying the coefficients provided for in Annex V, Section I, of Regulation (EEC) No 1709/84 (OJ No L 162, 20. 6. 1984, p. 8).

COMMISSION REGULATION (EEC) No 445/87**of 12 February 1987****fixing the export refunds on cereal-based compound feedingstuffs**

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 subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as amended by

Regulation (EEC) No 2560/77⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only the products normally used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 537/83⁽⁷⁾, provides that calculation of the export refund must be based on the average of the refunds granted on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the month of exportation and on the levy applicable to maize; whereas this calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of a quantity of maize which is representative of the usual cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 3817/85⁽⁹⁾, should be used;

⁽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 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 63, 9. 3. 1983, p. 10.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 368, 31. 12. 1985, p. 16.

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⁽¹⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case

of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 13 February 1987.

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

Done at Brussels, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 12 February 1987 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

CCT heading No	Special specification for refund	Nomenclature in simplified wording	Refund		
23.07 B I		Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 2743/75, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04 and subheadings 17.02 A and 21.07 F I): Of a milk powder content of less than 50 % by weight and of a cereal products ⁽¹⁾ content by weight:			
	0510	— Exceeding 5 % but not exceeding 10 %	7,93 ⁽²⁾	7,96 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	1010	— Exceeding 10 % but not exceeding 20 %	15,87 ⁽²⁾	15,91 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	2010	— Exceeding 20 % but not exceeding 30 %	31,74 ⁽²⁾	31,82 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	3010	— Exceeding 30 % but not exceeding 40 %	47,61 ⁽²⁾	47,73 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	4010	— Exceeding 40 % but not exceeding 50 %	63,47 ⁽²⁾	63,64 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	5010	— Exceeding 50 % but not exceeding 60 %	79,34 ⁽²⁾	79,55 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	6010	— Exceeding 60 % but not exceeding 70 %	95,21 ⁽²⁾	95,46 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	7010	— Exceeding 70 %	103,87 ⁽²⁾	104,14 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾

⁽¹⁾ 'Cereal products' means the products falling within Chapter 10 and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.

⁽²⁾ For exports to Zones A, B, C, D and E specified in Annex II to Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 501/85.

⁽³⁾ Minimum content of maize and/or sorghum exceeding: 0510: 5 %; 1010: 10 %; 2010: 20 %; 3010: 30 %; 4010: 40 %; 5010: 50 %; 6010: 60 %; 7010: 60 %.

In so far as this minimum is observed, these refunds shall, at the request of the party concerned, also apply where the cereal products' content exceeds the maximum specified on the same line.

⁽⁴⁾ For export to other third countries.

COMMISSION REGULATION (EEC) No 446/87

of 12 February 1987

fixing 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 fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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⁽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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 13 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽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, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 12 February 1987 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Refund
10.01 B I	Common wheat and meslin	
	for exports to :	
	— Switzerland, Austria, Liechtenstein, Ceuta and Melilla	121,00
	— zone II b)	127,00
	— other third countries	—
10.01 B II	Durum wheat	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	15,00 ⁽⁹⁾
	— other third countries	20,00 ⁽⁹⁾
10.02	Rye	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	5,00
	— other third countries	10,00
10.03	Barley	
	for exports to :	
	— Switzerland, Austria, Liechtenstein, Ceuta and Melilla	125,00
	— zone II b)	129,00
	— other third countries	20,00
10.04	Oats	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	—
	— other third countries	—
10.05 B	Maize, other than hybrid maize for sowing	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	10,00
	— zone I, zone V, the German Democratic Republic and the Canary Islands	20,00
	— other third countries	—
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	184,00
	— of an ash content of 521 to 600	184,00
	— of an ash content of 601 to 900	162,00
	— of an ash content of 901 to 1 100	150,00
	— of an ash content of 1 101 to 1 650	139,00
	— of an ash content of 1 651 to 1 900	124,00

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	184,00
	— of an ash content of 701 to 1 150	184,00
	— of an ash content of 1 151 to 1 600	184,00
	— of an ash content of 1 601 to 2 000	184,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 1 300 ⁽¹⁾	335,00 ⁽²⁾
	— of an ash content of 0 to 1 300 ⁽²⁾	317,00 ⁽²⁾
	— of an ash content of 0 to 1 300	283,00 ⁽²⁾
	— of an ash content of more than 1 300	267,00 ⁽²⁾
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	184,00

⁽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 447/87

of 12 February 1987

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1588/86⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed

from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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⁽⁶⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 13 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽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, 12 February 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 12 February 1987 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	160,93
11.07 A II b)	212,30
11.07 B	247,42

COMMISSION REGULATION (EEC) No 448/87

of 12 February 1987

fixing the rates of the refunds applicable to certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

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 the first sentence of the
fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽³⁾, as last amended by Regulation (EEC)
No 1449/86 ⁽⁴⁾, and in particular the first sentence of the
fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 2727/75
and Article 17 (1) of Regulation (EEC) No 1418/76
provides that the difference between quotations of prices
on the world market for the products listed in Article 1 of
each of those Regulations and the prices within the
Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 3035/80 of 11
November 1980 laying down general rules for granting
export refunds on certain agricultural products exported
in the form of goods not covered by Annex II to the
Treaty, and the criteria for fixing the amount of such
refunds ⁽⁵⁾, as last amended by Regulation (EEC) No
2223/86 ⁽⁶⁾, specifies the products for which a rate of
refund should be fixed, to be applied where these
products are exported in the form of goods listed in
Annex B to Regulation (EEC) No 2727/75 or in Annex B
to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of
Article 4 (1) of Regulation (EEC) No 3035/80, the rate of
the refund per 100 kilograms for each of the basic
products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article,
that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in
obtaining supplies of the basic products in question
on the Community market and the prices ruling on
the world markets;
- (b) the level of the refunds on exports of processed agri-
cultural products covered by Annex II to the Treaty
which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the
industries which use Community products and those
which use third-country products under inward
processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80
provides that, when the rate of the refund is being fixed,
account should be taken, where appropriate, of produc-
tion refunds, aids or other measures having equivalent
effect applicable in all Member States in accordance with
the Regulation on the common organization of the
market in the product in question to the basic products
listed in Annex A to that Regulation or to assimilated
products; whereas such production refunds are granted
under the conditions laid down in Council Regulation
(EEC) No 2742/75 of 29 October 1975 on production
refunds in the cereals and rice sectors ⁽⁷⁾, as last amended
by Regulation (EEC) No 3794/85 ⁽⁸⁾, and Council Regula-
tion (EEC) No 1009/86 of 25 March 1986 establishing
general rules applying to production refunds in the
cereals and rice sector ⁽⁹⁾; whereas, for the purposes of
applying the provisions of Article 4 (3) of Regulation
(EEC) No 3035/80 the amount of the production refund
applicable for the goods in question, in accordance with
Regulations (EEC) No 2742/75 or (EEC) No 1009/86 and
their implementing provisions, should be taken into
account;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 194, 17. 7. 1986, p. 1.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 20.

⁽⁹⁾ OJ No L 94, 9. 4. 1986, p. 6.

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B

to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

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, 12 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

CCT heading No	Description	(ECU/100 kg) Rate of refund
10.01 B I	Common wheat, and meslin (mixed wheat and rye):	
	— For the manufacture of starch	14,622 ⁽¹⁾
	— Other than for the manufacture of starch	14,622
10.01 B II	Durum wheat	19,466 ⁽²⁾
10.02	Rye	13,214
10.03	Barley	15,749
10.04	Oats	12,716
10.05 B	Maize, other than hybrid maize for sowing:	
	— For the manufacture of starch	14,764 ⁽¹⁾
	— Other than for the manufacture of starch	14,764
10.06 B I b) 1	Round grain husked rice	40,181
10.06 B I b) 2	Long grain husked rice	44,784
10.06 B II b) 1	Round grain wholly milled rice	51,846
10.06 B II b) 2	Long grain wholly milled rice	64,904
10.06 B III	Broken rice:	
	— For the manufacture of starch	21,495 ⁽¹⁾
	— Other than for the manufacture of starch	21,495
10.07 C II	Grain sorghum	16,354
11.01 A	Wheat or meslin flour	17,362
11.01 B	Rye flour	23,103
11.02 A I a)	Durum wheat groats and meal	30,172 ⁽²⁾
11.02 A I b)	Common wheat groats and meal	17,362

⁽¹⁾ On exportation of goods covered by the Annex to Regulation (EEC) No 1009/86, this amount must be reduced by the amount of the production refund applicable for the goods in question, in accordance with Regulations (EEC) No 2742/75 and (EEC) No 1009/86 and their implementing provisions.

On exportation of other goods, this amount must be reduced by the amount of the production refund applicable for the goods in question at the time of export.

⁽²⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 December 1986

relating to a proceeding under Article 85 of the EEC Treaty

(IV/31356 — ABI)

(Only the Italian text is authentic)

(87/103/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal and in particular Articles 2, 4, 6 and 8 thereof,

Having regard to the application for negative clearance and the notification made on 11 October 1984 by the Associazione Bancaria Italiana, piazza del Gesù, 49 Roma concerning agreements and recommendations relating to the activities of the banks that are members of the Associazione,

Having regard to the summary of the application and of the notification published⁽²⁾ pursuant to Article 19 (3) of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

THE FACTS

I. THE NOTIFICATION

A. The Associazione Bancaria Italiana

- (1) The Associazione Bancaria Italiana (hereinafter called the ABI) is a non-profit-making association

comprising banks and financial and credit institutions and their associations. Its objects are to defend its members' interests and study and discuss matters of concern to the banking and financial sector.

- (2) In order to achieve these objects, the ABI :
- (a) represents the collective interests of members ;
 - (b) cooperates with the public authorities and with economic and social organizations in solving problems connected with the banking and financial sectors ;
 - (c) informs and assists members ;
 - (d) promotes studies and research into banking and financial matters ;
 - (e) promotes exchanges of information and agreements between members on points of common interest.
- (3) The ABI has three categories of members :
- (a) active members : financial and credit institutions established in Italy ;
 - (b) corresponding members : the foreign subsidiaries of Italian banks ;
 - (c) *de jure* members : the professional associations of the various categories of credit institutions.
- Corresponding members and *de jure* members have no right to vote at meetings.
- (4) Practically all credit institutions (banks, savings banks, agricultural credit institutions and cooperative banks, finance and leasing companies, etc.) are members of the ABI. On 31 December 1984, 1 096 credit institutions were doing business in Italy, with a total of 12 965 branches.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 251, 8. 10. 1986, p. 2.

- (5) The ABI's organs are : the Assembly, the Council, the Executive Committee, the President and the Auditors. The Executive Committee is empowered to approve inter-bank agreements and formulate recommendations concerning the uniform application of commission for banking services.

B. The content of the notification

- (6) On 11 October 1984 the ABI notified to the Commission a set of 10 agreements and five recommendations concluded through the Association. The notified agreements and recommendations may be divided into the following categories :

- agreements which concern relations between banks,
- agreements which concern relations between banks and their customers,
- recommendations relating to the minimum commissions chargeable to customers.

- (7) (a) Agreements which concern relations between banks :

- agreement on the Italian bills and documents collection and/or acceptance service,
- agreement on the service of collecting bank cheques and similar instruments payable in Italy,
- agreement on a new, uniform type of lire traveller's cheque,
- inter-bank Bancomat convention,
- RID (direct inter-bank relations/standing orders),
- RIBA (bank receipts/direct debits).

- (8) (b) Agreements which concern relations between banks and their customers :

- agreement on foreign exchange and/or non-resident account lire dealings,
- agreement on the minimum charges that may be made by banks for the safe deposit service,
- agreement on the minimum charges that may be made by banks for the safe custody service,
- agreement on the charging of a commission for the negotiation and collection of foreign currency traveller's cheques.

- (9) (c) Recommendations relating to the minimum commissions chargeable to customers :

- inter-bank agreement on mutual obligations,
- commission guidelines in respect of requests for accountancy data from firms of auditors,
- commissions to be charged to foreign banks for information furnished with a view to an audit,
- charges payable by customers for the administration of ordinary Treasury bonds,
- telephone bills payment service.

II. THE PROCEDURE

A. The Statement of Objections

- (10) Following the notification, the Commission, by a statement of objections sent on 2 August 1985, informed the ABI that it proposed, under Article 85 of the EEC Treaty :

1. to find that the conditions for the application of Article 85 (1) were satisfied in the case of the following agreements :

- agreement on the Italian bills and documents collection and/or acceptance service,
- agreement on the service of collecting bank cheques and similar instruments payable in Italy,
- agreement on foreign exchange and/or non-resident account lire dealings,
- agreement on the charging of a commission for the negotiation and collection of foreign currency traveller's cheques,
- inter-bank agreement on mutual obligations, but only the following chapters and points :
 - Chapters VII to XIII,
 - point 8-C of Chapter II concerning the commission for transfers by telegram, telex and telephone,
 - point 1 of Chapter III concerning the commission on the maximum overdraft ;

- (11) 2. to find that the conditions for the application of Article 85 (1) were not satisfied in the case of the following agreements :

- inter-bank Bancomat convention,
- RID,
- RIBA procedure,
- telephone bills payment service,
- agreement on the minimum charges that may be made for the safe deposit service,

- agreement on the minimum charges that may be made for the safe custody service ;
- (12) 3. to find that, having regard to the arguments advanced in the notification, the conditions for the application of Article 85 (3) were satisfied in the case of the following agreement :
- inter-bank agreement on a new, uniform type of lire traveller's cheque ;
- (13) 4. to reserve, for the time being, its position on Chapters I to VI of the inter-bank agreement on mutual obligations, which concern interest rates on loans and deposits, pending the outcome of a possible further examination aimed at checking the information received and examining the soundness of the arguments put forward in the notification.

B. The position of the ABI

- (14) After the ABI had sent its written observations, at a meeting between Commission representatives and ABI representatives the latter stated that, of the agreements covered by the statement of objections, they were prepared to abandon the following :

- (15) — Agreement on foreign exchange and/or non-resident account lire dealings.

Of this agreement, while Chapter 3 is retained, the first two chapters have been deleted ; these concern :

- (i) The establishment of the criteria for determining the interest payable in case of late transfer of the currency ;
 - (ii) The conditions to be applied to payments made by Italians resident abroad or to Italians resident abroad ;
- Agreement on the charging of a commission for the negotiation and collection of foreign currency traveller's cheques ;
 - Agreement on mutual obligations.

Chapters VII to XIII concerning the commissions and value dates applicable in relations with customers are deleted, apart from paragraphs 11 to 19 of Chapter VII, concerning the commission and value dates applicable in relations between banks. Chapter II point 8-C (commission for transfers by telegram, telex and telephone) and Chapter III point 1 (commission on the maximum overdraft) are also deleted inasmuch as they are provisions between banks and customers ;

- Commission guidelines in respect of requests for accountancy data ;
- Commissions payable to foreign banks for information furnished with a view to an audit ;
- Charges payable by customers for the administration of ordinary Treasury bonds.

As regards these agreements, the Commission recalls that in its communication it had considered these agreements to be contrary to Article 85 (1) and not capable of benefiting from the exemption provided in paragraph 3 of the same Article.

C. The current situation

At present there remain seven agreements to which negative clearance is granted, three to which an exemption is granted and two points of one regarding which the Commission reserves its position.

- (16) 1. Agreements to which negative clearance is granted :

- Inter-bank Bancomat convention,
- RID,
- RIBA procedure,
- Agreement on foreign exchange and/or non-resident account lire dealings (Chapter 3),
- Agreement on the minimum charges that may be made for the safe deposit service,
- Agreement on the minimum charges that may be made for the safe custody service,
- Telephone bills payment service (SIP).

- (17) 2. Agreements maintained in force with a view to exemption :

- Agreement on the Italian bills and documents collection and/or acceptance service,
- Agreement on the service of collecting bank cheques and similar instruments payable in Italy,
- Inter-bank agreement on a new, uniform type of lire traveller's cheque.

- (18) 3. Parts of the agreement on changes not covered by this Decision.

In the statement of objections, the Commission reserved its position on Chapters I to VI concerning interest rates on loans and deposits. As regards these chapters, the ABI furnished the following information in its notification :

- the guidelines on rates have long since ceased to be operatives,

- an agreement laying down the maximum level of interest payable to customers in relation to the size of deposits was in force until 31 March 1982; however, especially in recent years, the agreement has not been complied with because the levels of rates provided for are too different from the market rates;
- as regards interest rates on loans, banks ceased to be bound by the agreement as long ago as 1970,
- since 1 May 1975, the ABI's Executive Committee has posted the prime rate; however, this guideline is not binding on banks, which remain free to establish their own scale of rates,
- the prime rate, which is determined in the light of money market rates (official discount rate, ordinary treasury bonds rate), economic forecasts and monetary policy trends, is an acknowledgement of the situation existing on the money market,
- since February 1983 the guideline nature of the prime rate and of the top rate has been formally confirmed: the fixing of lending rates is left to the banks, and the ABI simply gives statistical information on the average prime rate of the banking system.

The reservation made in the Statement of Objections is based on the need to check the information received and examine the soundness of the arguments put forward in the notification in the light of experience gained over an extended period of time; this reservation is therefore maintained.

- (19) The Decision likewise does not cover paragraphs 11 to 19 of Chapter VII of this agreement concerning the commissions and value dates applicable in inter-bank relations.

As regards these paragraphs it must be borne in mind that the ABI, while it recommends their implementation, does so pending adoption by its organs of appropriate decisions in this sphere. Since the precise date for adopting these decisions has not yet been set, it is advisable for the Commission to reserve its position on the subject.

III. SUMMARY OF THE AGREEMENTS COVERED BY THE DECISION

- (20) **1. Agreement on the Italian bills and documents collection and/or acceptance service**

This agreement, which entered into force on 1 October 1968, governs the technical aspects of the

Italian bills and documents collection and acceptance service as regards relations between the banks concerned. Within the framework of the technical procedure for the notification of dishonour in the 'special collections' network (maximum period 15 days), the agreement also provides for the setting of a fixed amount which constitutes the remuneration of the bank notifying the dishonour.

- (21) **2. Agreement on the service of collecting bank cheques and similar instruments payable in Italy**

This agreement, which entered into force on 27 October 1969, lays down the rules and technical procedures for performing the service of collecting bank cheques and similar instruments as regards relations between banks. In this technical context, the agreement fixes uniform value dates for the debit and credit of cheques and other instruments applicable between the banks requesting the service, those providing it and any intermediaries.

- (22) **3. Agreement on a new, uniform type of lire traveller's cheque**

This agreement, which entered into force on 1 March 1980, lays down rules governing the issue, circulation and payment of traveller's cheques and proposes standardized types of cheque. Its signatories are either issuer-sellers of cheques or corresponding consignees who do not issue but merely sell cheques.

The technical part of the agreement lays down rules on:

- the supply and safekeeping of cheques,
- the use of cheques in Italy and elsewhere,
- the reimbursement of cheques used, lost, stolen, destroyed or cancelled before issue or of unused cheques,
- and
- the characteristics (colour, form) of the uniform cheques.

In this context, the agreement contains provisions concerning the remuneration of the corresponding consignees, the remuneration of the issuer, and the value dates of the debit to the corresponding member of the proceeds of cheque sales.

The agreement refers to the fact that, in determining the usual commission to be paid by the client, the remuneration of the issuer should not be overlooked.

The commission including remuneration is determined as a percentage of the value of cheques sold.

(23) **4. Inter-bank Bancomat convention**

The convention determines the criteria for the creation in Italy of a system of 24-hour automated teller machines. There are two classes of member :

- active : banks which install automated teller machines and issue Bancomat cards to their customers,
- passive : banks which do not install automated teller machines but issue Bancomat cards to their customers, subject to a certain maximum number of cards.

Members undertake not to participate in other networks and organizations of a similar nature in Italy. Ceilings are placed on daily or monthly withdrawals.

Members undertake to remain within the system for three years from 1 October 1983. Membership may be cancelled on three months' notice. Members who breach the agreements and rules may be expelled on the ABI's initiative.

The rules determine the criteria and practical arrangements for setting up the system.

Among other matters, they lay down :

- the conditions of operation of the service (value dates as between the paying bank and the issuing bank, commissions for each transaction and their apportionment between the paying bank and the issuing bank) and the apportionment of administrative expenses among members,
- the logo,
- a map showing the location of machines and the criteria for determining the number of machines to be allocated to each member and their location,
- the general conditions governing relations with users,
- standards for the withdrawals procedure,
- the information to be included in the accountancy data transmitted,
- the information to be included in the lists to be forwarded by the company responsible for administering the system.

(24) **5. RID (Direct Inter-bank relations/standing orders)**

This agreement lays down the technical procedure in respect of collection by pre-authorized debit, on an account in credit, arising under contractual obligations providing for periodic payments the date of which is determined in advance (e.g. gas, electricity).

The agreement fixes :

- the value dates which the payee's bank must apply for debiting the payer's bank with the amount to be collected,
- the commission for the payer's bank,
- the commission for the SIA (the company administering the system).

(25) **6. RIBA (Bank receipts/direct debits)**

This agreement lays down the technical procedure in respect of collection by direct debits and the inter-bank administration of such debits. The beneficiary transmits to his bank the data of the debits (on magnetic tape for processing by computer), which are forwarded through the SIA to the payer's bank, which is responsible for printing the advice that payment is due, printing the entry and making payment.

The agreement sets out :

- the commission due and the value dates applicable in the event of payment ;
- the charges payable and the value dates applicable in the event of the return of unpaid debits.

The agreement entered into force on 15 January 1985.

(26) **7. Agreement on foreign exchange and/or non-resident account lire dealings**

This agreement lays down the conditions and rules governing the execution of orders to transfer liquid assets from non-resident lire accounts which authorized Italian banks are required to apply both to banks abroad and to other authorized Italian banks. Penalties are applicable in the event of late transfer of liquid assets from non-resident lire accounts. The agreement entered into force on 14 February 1972.

(27) **8. Agreement on the minimum charges for renting safes**

The agreement indicates the minimum charges for renting safes. The charges are based on the volume and number of the safes rented. The agreement entered into force on 1 July 1978.

(28) **9. Agreement on the minimum charges for the safe custody service**

The agreement indicates the minimum charges for each deposit and the minimum and maximum charges based on volume.

The agreement entered into force on 1 January 1980.

(29) 10. Telephone bills payment service (SIP)

This agreement sets out the procedure for the payment of telephone bills by debit to the customer's account or by payment over the counter, and lays down:

- (a) in the case of payment by debit to the customer's account:
 - the value date for the customer's bank,
 - the commission chargeable to the customer,
 - the SIA's share;
- (b) in the case of payment over the counter, the amount chargeable to the payer and to the SIP.

IV. COMMENTS FROM THIRD PARTIES

- (30) The Commission has not received any comments from third parties in response to publication of a summary of the notified agreements in accordance with Article 19 (3) of Regulation No 17. Its attention was drawn to the purported existence of an additional concerted practice which, on further inspection, could not be proved.

LEGAL ASSESSMENT

I. ARTICLE 85 (1)

A. Undertakings

1. Undertakings

- (31) The banks and financial institutions which are members of the ABI are undertakings within the meaning of Article 85; moreover, the associations which are members of the ABI are associations of undertakings.

The ABI, which comprises such undertakings and associations, is an association of undertakings.

2. Agreements between undertakings

- (32) The notified agreements are agreements between the undertakings which are members of the ABI.

The circulars by which the ABI has continued, by decision of the Executive Committee, to adjust the technical content of the agreements to the market situation and recommend their implementation, are decisions of an association of undertakings within the meaning of Article 85.

B. Assessment of the notified agreements

1. Agreements not covered by Article 85 (1)

- (33) The following agreements are not covered by Article 85 (1) because they do not contain any restrictions of competition or because they contain restrictions of competition which do not affect trade between Member States to an appreciable extent.

(a) No restrictions

Agreement on foreign exchange and/or non-resident account lire dealings (Chapter 3)

- (34) One of the aims of this agreement is that the transfer of non-resident account lire within the banking system should be effected not later than one day after the value date indicated by the originating foreign bank. To that end the agreement provides that, in the event of late execution of transfer orders, the Italian bank which is responsible for the delay and which has effected the transfer more than one day after the indicated value date must reimburse any interest paid by the recipient bank. It is a technical instrument which sanctions a failure to fulfil obligations, in order to speed up transfers, and which places no obstacle in the way of banks' competitive activity.

This agreement therefore contains no restrictions of competition.

(b) No appreciable effect on trade between Member States

Inter-bank Bancomat convention

RID (direct inter-bank relations/standing orders)

RIBA (bank receipts/direct debits)

Telephone bills payment service

- (35) The purpose of these agreements is to standardize and rationalize banking operations at national level; they concern only relations between banks.

In addition to containing technical provisions, the agreements lay down the amount of commission and the value dates which constitute the remuneration for the service rendered. The fixing of the remuneration constitutes a restriction of competition in the sense that banks' freedom to determine the charge for the service both on the supply side and on the demand side is eliminated. It could also indirectly influence the fixing of the conditions applicable to customers and hence limit banks' freedom to determine the charges payable by their customers.

(36) Moreover, the Bancomat agreement contains an exclusivity clause which, in preventing the participating banks from joining a competing network, constitutes a restriction of competition.

(37) However, these agreements do not appreciably affect trade between Member States for the following reasons:

- the inter-bank services covered by the agreements are limited to Italy and concern economic activities which, by contract or by their very nature, can only be exercised in Italy; firstly, for technical reasons the use of the Bancomat cards is not possible beyond Italy's borders; secondly, the other agreements either concern payment for supplies of goods (gas, electricity, telephone) the distribution of which is limited to Italy or payment for services (rental etc) limited to Italy; as regards the exclusivity clause in the Bancomat agreement, this does not have an appreciable effect on trade between Member States taking into account the fact that possible creation of a competing network in Italy is at present hardly likely, so that the restriction has no real practical effect,

- as far as the impact on the conditions applicable to customers is concerned, this is very slight in relation to the final cost of the service to the customer, and the service rendered concerns economic activities which affect only very indirectly trade between Member States, as explained in the preceding indent,

- moreover, the participation of Italian branches of foreign companies in these agreements is limited.

(38) Agreement on the minimum charges that may be made for the safe deposit service

Agreement on the minimum charges that may be made for the safe custody service

These two agreements, by fixing the conditions applicable to customers, restrict, or even eliminate, the freedom of signatory banks to fix charges.

(39) Although the agreements relate directly to the charges payable by customers, and trade may theoretically be affected, the very object of the service is such that the effect cannot be appreciable.

(40) The very fact of depositing articles or securities in a safe or in safe custody is an indication that their owner does not intend to use them for trade; moreover, it is unlikely, given Italy's geographical situation, that trade in such services between Italy and the other Member States will develop to an appreciable extent.

2. Agreements covered by Article 85 (1)

(41) The following agreements are covered by Article 85 (1):

- Agreement on the Italian bills and documents collection and/or acceptance service,

- Agreement on the service of collecting bank cheques and similar instruments payable in Italy,

- Inter-bank agreement on a new, uniform type of lire traveller's cheque.

(a) Restrictions of competition

(42) These agreements limit, or even take away, the freedom of members of the ABI to determine individually the remuneration for the banking services requested or offered. Each member of the ABI, whether it be a bank requesting the service or a bank requested to provide the service, must respect the commissions and value dates provided in the agreements. Competition in respect of an essential element of the business conduct of banks, namely charges, is prevented from operating normally.

(43) This fixing of commissions and value dates influences the possibility for parties to determine the conditions they wish to apply to their customers in the light of their internal profitability situation — notably the cost of the operations — their specialization and their business policy.

(44) The freedom of action of the parties, who make up the entire banking sector in Italy, and the choices open to consumers are restricted. In particular, customers no longer have the opportunity otherwise open to them to take advantage of competition in respect of mutual obligations or of deriving any benefit from entrusting to a given institution all the services they require.

(45) Foreign banks established in Italy must become members of the ABI if they are to benefit from the services it offers. As members, they sign the agreements as soon as their activities extend to the sectors to which the agreements relate. Accordingly, any possibility of their competing with Italian banks is eliminated as they must comply with the commissions and value dates laid down in the agreements and hence are deprived of the freedom to determine a fundamental element of competition: the charge made for the service

rendered. In this situation, penetration of the Italian market by foreign banks is made more difficult and the market cannot develop normally as it would do if the agreements did not exist. The restrictions are all the more serious as they can lead to the total elimination of the — limited — competition offered by foreign banks.

(b) Effect on trade between Member States

- (46) Owing to the participation in the ABI of all the financial and credit institutions established in Italy, and hence also of the Italian subsidiaries and branches of foreign institutions and the foreign subsidiaries of Italian banks, the ABI agreements may affect trade between Member States to an appreciable extent.

- (47) Because of the considerable volume of Italian international trade and the interpenetration of the national and international capital markets, the operations conducted by the banks that are members of the ABI with establishments abroad and/or in foreign currencies account for a sizeable proportion of their total operations.

The funds administered by foreign banks amounted in 1982 to 2,39 % of all funds administered in Italy. This market share attributable to foreign banks could be greater if they were free to determine the charges for their services and thus enter into real competition with Italian banks.

- (48) Moreover, taking account of the fact that, in Italy in 1984, imports represented approximately 32 % of domestic consumption of goods and exports approximately 25 % of gross domestic product, that approximately 42 % of imports were of Community origin and 46 % of exports were sent to the other Member States, and the fact that all such operations are settled through the agency of banks, it must be concluded that, at least within the limits of the operations covered by the agreements in question, trade between Member States is directly affected by the ABI agreements.
- (49) The services affected by the agreements can apply not only to domestic operations carried out on Italian territory but also to transfrontier operations. The 'special collections' procedure, under which the remuneration of the domestic banks is fixed by agreement for the Italian bills and documents collection service and/or the acceptance service, can be used for requests for payment originating from other Member States.
- (50) The agreement on the service of collecting bank cheques and other similar instruments provides for the application of the value dates specified in the agreement in relation to non-resident lire accounts

and foreign currency credit instruments presented for collection.

- (51) Finally the agreement on a new uniform type of lire traveller's cheque — which is intended to facilitate payments by Italian nationals in other Member States and payments by nationals of the other Member States in Italy — expressly relates to foreign transactions.
- (52) Moreover, this effect is all the more appreciable since the ABI agreements apply also to services provided to foreign clients, considering the importance of these clients.

II. ARTICLE 85 (3)

The four conditions required for exemption under Article 85 (3) are fulfilled in the present case for the reasons set out below.

A. Improvement of the distribution of services and promotion of technical progress

The agreements in question satisfy a need for the standardization and rationalization of the services offered.

1. Standardization

- (53) As the services involved are banking services the provision of which economic operators can request anywhere in Italy and which require the intervention of one or more banks, the simplification and standardization of procedures contribute to improving the provision of these services. Although it is possible for a bank to know and adapt itself to the procedures peculiar to each bank doing business in Italy, this is very difficult owing to the fact that, before the procedure for the provision of the requested service is started, it is impossible to know who the future parties will be.
- (54) The use of standard forms and compliance with standard rules of procedure simplify the work of each intervening bank. Depending on the stage reached in the procedure, each bank knows exactly what service may be requested of it; moreover, regardless of who is operating upstream or downstream, it can plan the conduct of the entire operation.
- (55) The standardization of operations, by permitting the use of an automated system for the transfer of instruments and cheques and for the administration of the service, speeds up the operation, improves the payments system, facilitates the distribution of cheques and instruments and makes for speedier circulation of money.

- (56) The uniformity of the procedure and the standardization of the operations provided for permit the centralization on management companies or 'category institutes' of certain operations, notably the clearing of credit commissions and debit commissions relating to services rendered.

Moreover, centralization has the advantage, from the point of view of each bank involved, of limiting the number of relationships and grouping together consignments of data and instruments.

As far as each agreement is concerned, standardization permits the following improvements:

- (57) (a) Agreement on the Italian bills and documents collection and/or acceptance service

Normally, a customer who hands over an instrument to his bank for collection learns of its dishonour only when the instrument is physically returned to him. Replacing paper with magnetic tape, or better still on-line transmission, saves time which would otherwise be wasted in transmitting and checking instruments manually. Moreover, centralization by the SIA (the company administering the service) of the data concerning dishonoured instruments makes it possible to send to each bank all such data on a single medium.

- (58) (b) Agreement on the service of collecting bank cheques and similar instruments payable in Italy

Hundreds of millions of cheques drawn on some 1 100 banks are collected each year. Without the agreement, all these operations would have to be effected manually and individually and each bank would have to maintain relations with all the others. The agreement makes it possible to have a limited number of relationships. The network of relationships created by the agreement permits the clearing of the credits and debits relating to collections. The clearing operation is very substantial when the *four central 'category institutes' (1)*, which represent 96,06 % of the financial institutions concerned, intervene.

- (59) (c) Agreement on a new, uniform type of lire traveller's cheque

(1) The category institutes are:

- Istituto centrale Banche popolari italiana (on 31. 12. 84, 145 banks with 2 415 branches),
- Istituto centrale Banche e Banchieri (on 31. 12. 84, 119 banks with 2 960 branches),
- Istituto di credito delle Casse di risparmio (ICCRI) (on 31. 12. 84, 79 banks with 3 510 branches and 10 other institutions with 131 branches),
- Istituto di credito delle Casse rurali e artigiane (Iccrea) (on 31. 12. 84, 691 banks with 1 174 branches).

The standardization of amounts and of the presentation and cost of the service contributes to improving the payment system. Under the scheme, cheques which are for a fixed amount may be used outside the country of the establishment which issued them and cashed at banks in various foreign countries, including the Member States of the EEC. In their standard form, the traveller's cheques may be cashed in the local currency of various countries, including the EEC Member States. Under the agreement, cheques are paid in full, free of commission, by paying banks, which facilitates their acceptance by the non-banking sector. The fixing of the charges for the services makes it easier for the paying banks to obtain reimbursement of the cheques they cash.

2. Rationalization

- (60) The agreements contribute to rationalizing the procedures in question. The procedures proposed in the agreements were determined in the light of the experience of the banks most highly specialized in the provision of such services. As a result, the procedures worked out are effective and easy to implement, all operations whose cost is unjustified or whose utility is not proven having been eliminated.

B. Benefit to the consumer

Each of the agreements in question is of benefit to consumers.

- (a) Agreement on the Italian bills and documents collection and/or acceptance service

- (61) This agreement, by providing for speedy notification of dishonour, has the following advantages for users of the service:

- a guarantee that the amount fixed does not exceed the optimum cost to banks owing to the fact that, in determining it, account had to be taken both of the requirements of the bank requesting the service and of those of the bank asked to provide the service,
- the possibility of suspending in good time supplies to insolvent purchasers,
- a better use of the enterprise's circulating capital; after presentation of instruments for collection, the bank places funds at the disposal of the customer; use of such funds where there is an insolvent debtor would oblige the customer to repay the capital used together with all the related financial charges; all this can be avoided by timely knowledge of dishonour.

- (b) Agreement on the service of collecting bank cheques and similar instruments payable in Italy

(62) This agreement, by fixing uniform value dates, offers consumers the following advantages :

- prompt availability off the amount shown on the instrument and of the funds resulting from presentation of a cheque for collection, owing to the more speedy conduct of the whole operation,
- the fixing of value dates at a level which does not exceed the optimum level for banks, owing to the fact that, in determining their duration, account had to be taken of :
 - the value dates of the most efficient banks
 - the conflicting interests of those banks which are usually requesters of the service and those which are usually providers of the service.

(c) Inter-bank agreement on a new, uniform type of lire traveller's cheque

(63) Users of the lire traveller's cheques scheme derive the following benefits from it :

- bearers of traveller's cheques have, in practice, every European currency at their disposal ; they can obtain cash according to their requirements from credit institutions in every foreign country they visit, they can also use traveller's cheques to settle directly their bills in the non-banking sector of foreign countries, the cheque being honoured for the full amount in local currency at the prevailing exchange rate,
- acceptors in the non-banking sector can be certain that the traveller's cheques will be paid to them in full by their country's banks, without any deduction of collection commission ; their business is thus stimulated by the possibility of direct payment by traveller's cheque,
- reimbursement in case of non-use, loss, theft or destruction benefits both bearers and acceptors by affording them an additional safeguard.

C. Indispensability of the restrictions

The restrictions imposed on banks, both on those requesting a service and on those providing it, are indispensable to the proper provision of the services covered by the agreements.

(64) The collection in a given place of an instrument or cheque drawn on a given establishment is a service which the latter cannot render unless it has branches or correspondents in that place. In accepting

cheques or instruments issued by banks located anywhere in Italy, paying banks render a service to users who are neither their customers nor those of other banks in the same place, which is neither counterbalanced nor offset by equivalent reciprocal services.

(65) Where such a service is rendered collectively by all banks to bank customers, it is essential that the procedures for accepting and clearing the cheques and instruments concerned should be determined by mutual agreement between the banks requesting the service and those which, in the various places concerned, are called upon to provide it.

(66) Within the framework of such agreements, the joint and uniform fixing of the remuneration for services is inherent in the collaboration between, on the one hand, the banks requesting the service and the intervening management companies or category institutes and, on the other hand, the banks called upon to provide the service which makes centralized clearing possible.

Varying commissions from one bank to another would mean bilateral negotiations between the 1 100 banks signatory to the agreements in order that each bank requesting the service might agree with the bank called upon to provide it the remuneration it is to receive ; any centralized clearing would thus be rendered impossible and the cost of operating services would be considerably increased.

(67) The restriction imposed on the banks providing the service not to overstep the maximum value dates and commissions provided for is necessary to avoid the charging of additional costs or commissions that are not justified by the service rendered.

D. Elimination of competition

The agreements at issue do not afford the signatory banks the possibility of eliminating competition in respect of a substantial part of the services in question.

(68) 1. The agreements at issue do not directly govern relations between banks and their customers. A possibility of competition therefore continues to exist at the level of relations between each bank and its customers. The extent to which value dates and commissions are passed on to customers is left to the discretion of the bank which requested the service, which makes it only one factor in the ultimate cost of the service rendered to its customers.

- (69) Moreover, in the case of the two collection agreements, the customer chooses the bank not only on the basis of the cost of the collection service in general, but also on that of the granting of credit by the bank according to the amount indicated on the instruments or cheques handed over for collection. This element of choice is not limited by the agreements.
- (70) As regards more particularly the agreement on traveller's cheques, it should be noted that, in fact, any person visiting a foreign country generally has the choice between various methods of payment such as currency of the country visited, the country of origin or another country, postal payment orders, credit cards, automated teller machine cards usable in more than one country, and Eurocheques.
- (71) 2. As regards competition between banks, the agreement operates only where the bank which requested the service has no branch or correspondent in the place where the service is to be provided. Banks remain free to apply a different set of rules to the provision of such services by reaching bilateral agreements between them.

III. ARTICLES 6 AND 8 OF REGULATION No 17

- (72) In accordance with Article 6 (1) of Regulation No 17, this Decision should take effect on 11 October 1984, the date of notification of the agreements in question.
- (73) In accordance with Article 8 (1) of Regulation No 17, the exemption resulting from this Decision should be granted for an initial period of 10 years in view of the following considerations:
- the restrictions contained in the agreements are not considerable in scope,
 - technological developments in the areas covered by the agreements do not seem capable of bringing about major changes during the indicated period of validity of the Decision.
- (74) In accordance with Article 8 (1), the ABI must bring immediately to the Commission's attention, so as to enable the latter to check whether the conditions of exemption are being met throughout the duration thereof, any change in the commissions and value dates specified in the notified agreements,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the facts in its possession, the Commission hereby finds that there are no grounds under Article

85 (1) of the EEC Treaty for action on its part in respect of the following agreements:

- inter-bank Bancomat convention,
- RID (direct inter-bank relations/standing orders),
- RIBA procedure (bank receipts/direct debits),
- agreement on foreign exchange and/or non-resident account lire dealings,
- agreement on the minimum charges that may be made by banks for the safe deposit service,
- agreement on the minimum charges that may be made by banks for the safe custody service,
- telephone bills payment service,

notified on 11 October 1984 by the Associazione Bancaria Italiana.

Article 2

Pursuant to Article 85 (3) of the EEC Treaty, the provisions of Article 85 (1) are hereby declared inapplicable, for the period from 11 October 1984 to 10 October 1994, to the following agreements:

- agreement on the Italian bills and documents collection and/or acceptance service,
- agreement on the service of collecting bank cheques and similar instruments payable in Italy,
- agreement on a new, uniform type of lire traveller's cheque.

Article 3

The Associazione Bancaria Italiana shall inform the Commission forthwith of any addition to or change in the commissions and value dates specified in the agreements listed in Article 2, and of any new agreement concluded by the members within the Association.

Article 4

This Decision is addressed to the Associazione Bancaria Italiana (ABI), Piazza del Gesù, 49, Roma, Italy.

Done at Brussels, 12 December 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

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