

Official Journal

of the European Communities

ISSN 0378-6978

L 129

Volume 30

19 May 1987

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- Commission Regulation (EEC) No 1359/87 of 18 May 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1
- Commission Regulation (EEC) No 1360/87 of 18 May 1987 fixing the premiums to be added to the import levies on cereals, flour and malt 3
- ★ **Commission Regulation (EEC) No 1361/87 of 18 May 1987 imposing a provisional anti-dumping duty on imports of ferro-silico-calcium/calcium silicide originating in Brazil 5**
- ★ **Commission Regulation (EEC) No 1362/87 of 18 May 1987 laying down detailed rules for the application of Regulation (EEC) No 777/87 with respect to the buying-in and the granting of aid for the private storage of skimmed-milk powder 9**
- Commission Regulation (EEC) No 1363/87 of 18 May 1987 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands) 12
- Commission Regulation (EEC) No 1364/87 of 18 May 1987 fixing the import levies on white sugar and raw sugar 14
- ★ **Council Regulation (EEC) No 1365/87 of 18 May 1987 amending Regulation (EEC) No 4034/86 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1987 and certain conditions under which they may be fished 15**

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1359/87

of 18 May 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⁾, as amended by Regulation (EEC) No 910/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 135/87⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 15 May 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 19 May 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 88, 31. 3. 1987, p. 42.

⁽⁵⁾ OJ No L 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 May 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	16,66	202,05
10.01 B II	Durum wheat	52,48	258,58 ⁽¹⁾ ⁽²⁾
10.02	Rye	45,73	176,21 ⁽⁶⁾
10.03	Barley	44,00	195,86
10.04	Oats	102,29	155,93
10.05 B	Maize, other than hybrid maize for sowing	4,93	181,14 ⁽³⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	44,00	135,61
10.07 B	Millet	44,00	149,32 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,91	184,96 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	44,00	67,98 ⁽⁵⁾
11.01 A	Wheat or meslin flour	39,02	298,57
11.01 B	Rye flour	79,72	262,39
11.02 A I a)	Durum wheat groats and meal	95,18	415,30
11.02 A I b)	Common wheat groats and meal	39,18	319,01

⁽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 1360/87

of 18 May 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⁾, as amended by Regulation (EEC) No 910/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2011/86⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 15 May 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 19 May 1987.

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

Done at Brussels, 18 May 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 88, 31. 3. 1987, p. 42.

⁽⁵⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 18 May 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 5	1st period 6	2nd period 7	3rd period 8
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	0	0	0
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 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1361/87

of 18 May 1987

imposing a provisional anti-dumping duty on imports of ferro-silico-calcium/
calcium silicide originating in Brazil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Procedure

- (1) On 30 September 1986 the Commission received a complaint lodged by the Comité de Liaison des Producteurs de Ferro-Alliages de la Communauté Economique Européenne on behalf of French, German, Italian, Spanish and Portuguese producers of ferro-silico-calcium/calcium silicide whose collective output constitutes practically all Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of ferro-silico-calcium/calcium silicide falling within Common Customs Tariff subheadings 73.02 G and 28.57 D, corresponding to NIMEXE codes ex 73.02-98 (now : ex 73.02-99) and ex 28.57-40, originating in Brazil, and commenced an investigation.

The proceeding covers ferro-silico-calcium/calcium silicide containing between 28 % and 35 % calcium and up to 8 % iron, either in lumpy or powder form.

- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (3) The majority of the known producers, two exporters and two importers made their views known in writing. Some of these companies requested and

were granted hearings. A Portuguese producer, Companhia Portuguesa de Fornos Electricos Sarl, suspended production after the initiation of the proceeding and therefore did not cooperate in the investigation. Consequently, this producer has been eliminated from the scope of the investigation.

- (4) No submissions were made on behalf of Community purchasers of ferro-silico-calcium/calcium silicide.
- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

EEC producers :

- Pechiney Electrometallurgie, Paris, France,
- SKW Trostberg Aktiengesellschaft, Trostberg, Germany ;

Brazilian producers/exporters :

- Bozel Mineração e Ferroligas SA, São Paulo,
- Electrometalur SA Indústria e Comércio, Belo Horizonte ;

EEC importer :

Hofflinghouse & Co (UK) Ltd, London, United Kingdom.

The Commission requested and received detailed written submissions from the complainant Community producers, the exporters and one importer and verified the information therein to the extent considered necessary.

The investigation of dumping covered the period from 1 January to 30 September 1986.

B. Normal value

- (6) Normal value was provisionally determined on the basis of the domestic prices of those producers who exported to the Community and who provided sufficient evidence. Since, on the Brazilian market, sales prices are set according to specific granular sizes, different normal values were established on the basis of the prices for these sizes.

C. Export price

- (7) Export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 244, 30. 9. 1986, p. 13.

D. Comparison

- (8) In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting price comparability. The exporters claimed and could show that such differences existed in respect of payment terms, handling, taxes, transport and packaging costs, and commissions paid to third parties. In addition, one exporter claimed that one particular granular form of the product, a powder, was sold on the domestic market in a different granular composition and therefore had different physical characteristics from that exported to the Community. Domestic price data in Brazil were not available because the exported variety was not sold in Brazil, however it was demonstrated to the satisfaction of the Commission that the different production processes for these two forms of the product gave rise to different costs. Consequently, an allowance for differences in physical characteristics was granted.

All comparisons were made at ex-works level.

E. Margins

- (9) The above preliminary examination of the facts shows the existence of dumping with regard to one exporter only: Bozel Mineração e Ferroligas SA, the margins of dumping being equal to the amount by which the normal value as established exceeds the prices for export to the Community.

These margins vary according to the granular size of the material concerned. When determining the aggregate dumping margin, account was taken of the fact that not all quantities exported to the Community had been entered for free circulation in the Community during the period investigated. The aggregate dumping margin related to, and when expressed as a percentage of, the quantities entered for free circulation in the Community equals 16,52 %.

F. Injury

- (10) The evidence available to the Commission shows that imports into the Community from Brazil of ferro-silico-calcium/calcium silicide, increased from zero or almost zero in 1983 and 1984 to 1 490 tonnes in 1985 and 2 256 tonnes in the first nine months of 1986 with a consequent increase in market share held by the exporting country for the same periods from almost 0 % to 6,4 % and 15,1 %, and in the most important Community market from 0 % to about 38 %. The Commission investigated the sales prices at which the imported Brazilian product was sold in the Community. It was established that the sales prices of these

imports for the majority of sales undercut the prices of the Community industry by more than 18 %.

- (11) The Community industry in respect of which the impact of the dumped imports must be assessed is the entire Community industry which produces ferro-silico-calcium/calcium silicide, as defined under point (1), with the exception of the Portuguese producer, (see point (3)).

Since virtually no ferro-silico-calcium/calcium silicide, as defined above, of any origin other than the Community or Brazil is sold in the Community, the consequent impact on the Community industry has been the mirror-image of the findings referred to under point (10). In particular, the market share held by the Community industry has decreased from 100 % to 84,9 % (and to 62 % in the most important Community market) during the reference period, representing a loss of sales equal to the imported quantities.

The Commission further investigated whether the dumped imports had had any effects on production, capacity utilization and stocks. It was found that, in the ferro-alloys sector, producers normally manufacture a wide range of different alloy products. In addition, production within one furnace can normally be switched from one product to another with the result that, theoretically, the global production facility could be considered to be the production facility of any given product within the whole range. In general, however, the producers manufacture products in quantities that they can reasonably expect to sell.

Although, under these conditions, a decreased sales volume implies a decrease in production destined for the Community market and although, on the assumption of a planned use of the same production facility, this would have logically resulted in a lower capacity utilization, the Commission does not consider these conclusions to be meaningful elements in its injury determination.

As to stocks, it was found that certain producers do not manufacture on a regular monthly basis, in order to benefit as much as possible from reduced electricity rates at certain times of the year, and that stock figures are generally influenced by this fact.

It was found, however, that prior to mid-1985 stocks were generally low and destined to supply expected and already placed orders. Stocks increased considerably in the latter half of 1985 and remained relatively high in the first nine months of 1986. These stock increases corresponded to the trend in sales of the Brazilian product on the Community market, see point (10), and did not correspond to any trend in Commu-

nity consumption. However, to a lesser degree, a reduction in demand for the product in question due to a decline in steel production generally, combined with its gradual replacement by other products, are also considered to be contributory factors.

As to employment, the available figures were not found to lend themselves to any meaningful conclusion because the Community producers manufactured a variety of products for which their workforce would be equally available.

As to the profitability of the Community producers it was established that the two biggest producers have seen their profitability being seriously eroded in 1985 and the first nine months of 1986. The profit margin of one company was more than halved during this period, putting in jeopardy its investment plans, whilst the other company made reasonable profits in 1985, but incurred substantial losses in the first three quarters of 1986.

- (12) It was claimed by the Brazilian exporters that the Community industry could not have suffered any injury from dumped imports because the Community producers refused to supply a specific group of customers, namely the producers of cored wire, a manufactured product for which ferro-silico-calcium/calcium silicide is the main ingredient.

The Commission accepts that such an allegation, where substantiated, ought to be taken into account during the Commission's investigation since it could influence its finding of whether injury has occurred or not.

However, it is noted that the allegations in this context centre on the period between the latter half of 1984 and the first half of 1985. The Commission examined this in the context of the present anti-dumping investigation and has provisionally concluded that — subject to the possibility of a further examination — during the period for which dumping was investigated the customers in question were supplied, with the exception of one customer with whom there was a disagreement about the purchase price.

The exporters also alleged that the Community producers interfered with the attempts by European cored-wire producers to obtain ferro-silico-calcium/calcium silicide from intermediaries and, furthermore, that the Community producers made an effort to bring the Brazilian exporters into their cartel and to attempt to make them agree to stop exporting to Europe.

The Commission takes the view that the purpose of anti-dumping proceedings is not and cannot be to

enforce or encourage restrictive business practices, and that the opening of such a proceeding does not therefore deprive an enterprise of its right to avail itself of the provisions of Articles 85 and 86 of the Treaty establishing the European Economic Community.

It might be appropriate, therefore, for the Commission to review a proceeding pursuant to Article 14 (1) of Regulation (EEC) No 2176/84 if and when an infringement under Articles 85 or 86 has been discovered and a proceeding has been opened under Council Regulation No 17, first Regulation implementing Articles 85 and 86 of the Treaty (1).

- (13) The Commission has considered whether injury has been caused by other factors such as the stagnation of demand. Consumption in the Community has declined for the reasons outlined at point (11) above; it has, however, been established that this decline has affected Community production more than it has affected the dumped imports. The substantial increase in dumped imports and the prices at which they are offered for sale in the Community has led the Commission to determine that the effect of the dumped imports of ferro-silico-calcium/calcium silicide originating in Brazil, taken in isolation, has to be considered as constituting material injury to the Community industry concerned.

G. Community interest

- (14) It was claimed that it was not in the Community interest that Community producers of cored wire, a product for which ferro-silico-calcium/calcium silicide is used, and which is manufactured both by the Community producers of ferro-silico-calcium/calcium silicide and by other enterprises, be put in a situation in which they are dependent upon their competitors for their raw materials.

The Commission has no reason to believe that the cored-wire producers would become dependent on the Community ferro-silico-calcium/calcium silicide industry when Brazilian imports could offer an alternative source, albeit at non-dumped prices.

- (15) When considering the interests of the Community, the Commission also took into account the fact that the Community ferro-alloys industry as a whole is being subjected to low-priced non-dumped imports of other ferro-alloy products to such an extent that it would not serve the Community's interests if the Commission allowed it to be exposed to dumped imports of this product as well.

(1) OJ No 13, 21. 2. 1962, p. 204/62.

In view of the serious difficulties facing the Community ferro-alloys industry and its economic and strategic importance, the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

H. Rate of duty

- (16) In view of the provisional finding that no dumping exists in respect of exports to the Community by Eletrometalur SA, no anti-dumping duty should be imposed on imports of the product in question from this exporter.
- (17) Having regard to the extent of the injury caused, the rate of duty to be imposed on imports from other exporters should correspond to the margin of dumping provisionally estimated. A lesser duty would not suffice for the elimination of injury as provisionally established.

A period should be fixed within which the parties concerned may make their views known and request a hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of ferro-silico-calcium/calcium silicide falling within Common Customs Tariff subheadings 73.02 G and

28.57 D, corresponding to NIMEXE codes ex 73.02-99 and ex 28.57-40, originating in Brazil.

2. The amount of the duty shall be 143 ECU per tonne, net.

The duty shall not apply to products manufactured and exported by Eletrometalur SA Indústria e Comércio.

For the purposes of this Regulation, ferro-silico-calcium/calcium silicide is a product containing between 28 % and 35 % calcium and up to 8 % iron, either in lumpy or powder form.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 18 May 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 1362/87

of 18 May 1987

laying down detailed rules for the application of Regulation (EEC) No 777/87
with respect to the buying-in and the granting of aid for the private storage of
skimmed-milk powder

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 Regula-
tion (EEC) No 773/87 ⁽²⁾, and in particular Article 7a (1),
first subparagraph and (3) thereof,

Whereas Council Regulation (EEC) No 777/87 of 16
March 1987 modifying the intervention arrangements for
butter and skimmed-milk powder ⁽³⁾, lays down the condi-
tions under which the Commission may, until the end of
the fifth 12-month period of application of the supple-
mentary levy system referred to in Article 5c of Regula-
tion (EEC) No 804/68, suspend the buying-in of skim-
med-milk powder by intervention agencies;

Whereas the conditions under which it may be decided to
suspend the buying-in of skimmed-milk powder should
be laid down and whereas it should be provided that, in
order to monitor the progress of this scheme, the
Commission should be kept regularly informed of the
quantities of skimmed-milk powder for which storage
contracts are concluded;

Whereas Article 7a (2) of Regulation (EEC) No 804/68
provides that aid may be granted for the private storage of
skimmed-milk powder where it is decided to suspend the
buying-in of skimmed-milk powder by intervention agen-
cies; whereas detailed rules should be laid down for gran-
ting private storage aid and whereas, in particular, the
conditions to be met by the skimmed-milk powder for
which a contract is concluded should be specified;
whereas, with respect to quality, reference should be made
to the definitions given in Article 1 of Council Regulation
(EEC) No 986/68 ⁽⁴⁾, as last amended by Regulation (EEC)
No 548/87 ⁽⁵⁾; whereas it is advisable, in this connection,
not to specify any requirements as to the water content;

Whereas, to ensure equal access for the parties concerned,
the storage contract should be drawn up in accordance
with Community provisions, and rules should be laid
down concerning the conclusion of contracts;

Whereas it should be provided that the period of storage
may be reduced where quantities of skimmed-milk
powder released from stock are intended for export;
whereas the evidence that the powder has been exported
should be furnished as it is connection with export
refunds, in accordance with the provisions of Commission
Regulation (EEC) No 2730/79 ⁽⁶⁾, as last amended by
Regulation (EEC) No 3903/86 ⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Where it has been observed that the condition
referred to in Article 1 (2) of Regulation (EEC) No 777/87
has been fulfilled, the buying-in provided for in Article 7
(1) of Regulation (EEC) No 804/68 may be suspended
from the Monday following that observation.

2. Where buying-in is suspended, offers for sale may
not under any circumstances be registered by the inter-
vention agencies later than the end the week during
which the observation referred to in paragraph 1 was
made.

3. The Member States shall notify to the Commission,
no later than 12.00 hours on the Wednesday of each
week, the quantities of skimmed-milk powder for which
an offer to sell has been registered in accordance with
Article 1 (4) of Commission Regulation (EEC) No
625/78 ⁽⁸⁾.

Article 2

1. During periods when the buying-in of skimmed-
milk powder is suspended as provided for in Article 1,
contracts for private storage aid for skimmed-milk powder
may be concluded with the intervention agency of the
Member State on whose territory the warehouse in which
the product will be stored is situated.

2. Private storage aid may be granted only in respect of
skimmed-milk powder manufactured in the Community
which:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 169, 18. 7. 1968, p. 4.

⁽⁵⁾ OJ No L 56, 26. 2. 1987, p. 2.

⁽⁶⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁷⁾ OJ No L 364, 23. 12. 1986, p. 13.

⁽⁸⁾ OJ No L 84, 31. 3. 1978, p. 19.

- (a) has been manufactured in a production unit which undertakes to keep, on a permanent basis, the records referred to in Article 3 (1) (b) of Regulation (EEC) No 625/78 ;
- (b) has been manufactured within the 28 days preceding the first day of the storage to which the contract relates but not before the date on which the buying-in skimmed-milk powder was suspended as provided for in Article 1 ;
- (c) complies with the definition given in Article 1 of Regulation (EEC) No 986/68 ;
- (d) is stored in packages or containers bearing at least the following information, in code where appropriate :
 - the identifying number of the factory ;
 - the date of manufacture ;
 - the consignment number ;
 - the net weight ;
 - the Member State of manufacture.

3. The skimmed-milk powder may be taken into storage between the date of suspension of buying-in, as provided for in Article 1, and 31 August of the year in question.

Article 3

1. Storage contracts shall relate to a minimum quantity of 10 tonnes per consignment.
2. A storage contract shall be concluded only if the storer undertakes :
 - (a) to keep the consignments of skimmed-milk powder in the warehouses for a period of at least 60 days ;
 - (b) not to alter the composition of the consignment covered by the contract for the duration of the contract ;
 - (c) to keep stock accounts and to notify to the intervention agency each week the quantities which have entered or been removed from storage during the previous week.
3. The storage contract shall include in particular provisions relating to :
 - (a) the quantity of skimmed-milk powder, identified by consignment ;
 - (b) the amount of the aid ;
 - (c) the dates relating to the performance of the contract ;
 - (d) the identification of the warehouses ;
 - (e) the checks to be carried out in accordance with Article 6 (1).
4. The storage contract shall be drawn up in writing for one or several consignments. The date on which storage under the contract begins shall be the day following entry into storage.

The storage contract shall be concluded before the skimmed-milk powder enters storage. Storage operations must be completed within 28 days from the date on which the contract is concluded.

5. The powder must be removed from storage in whole consignments.

Article 4

1. The amounts of the aid and the maximum period of storage under contract shall be fixed at the same time that it is decided to suspend buying-in pursuant to Article 1.

The aid shall be converted into national currency at the representative exchange rate in force on the first day of storage under the contract.

2. No aid shall be granted where the period of storage under contract is less than 60 days.

3. The aid shall be paid at the end of the period of storage once it has been verified that the storer has fulfilled his obligations.

Article 5

By way of derogation from Article 3 (2) (a) and Article 4 (2), one or more consignments of skimmed-milk powder under contract may be removed from the warehouse after an actual storage period of 30 days providing that, within 60 days following their removal from the warehouse :

- they have left the geographical territory of the Community within the meaning of Article 9 (2) of Regulation (EEC) No 2730/79,
- or
- they have been put to one or more of the uses provided for in Article 5 (1) of Regulation (EEC) No 2730/79,
- or
- they have been placed in a victualling warehouse approved in accordance with the provisions of Article 26 of Regulation (EEC) No 2730/79.

The contractor shall inform the intervention agency, at least two working days before removal from the warehouse begins, of the quantities which he intends to export.

For the purposes of applying the first subparagraph, evidence shall be furnished as in connection with export refunds.

Article 6

1. The Member States shall take the necessary steps to check the consignments under contract, with respect to their age and to the identification of the quantities stored.

The date on which the consignment entered storage shall be checked in accordance with the procedures laid down by the intervention agency.

2. The Member States shall notify to the Commission, no later than Tuesday of each week, the quantities of skimmed-milk powder for which storage contracts have been concluded during the previous week.

Article 7

The time limits, dates and conditions laid down in this Regulation shall be calculated in accordance with Council Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾.

However, Article 3 (4) of the said Regulation shall not apply to the calculation of the time limit laid down in this Regulation.

Article 8

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

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

Done at Brussels, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

COMMISSION REGULATION (EEC) No 1363/87

of 18 May 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 1661/86 of 29 May 1986 fixing for the 1986/87 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of May 1987 at 45,58 ECU per 100 kilograms net;

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,56 ECU per 100 kilograms net is applied to fresh lemons (subheading 08.02 C of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 20 May 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 39.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1364/87
of 18 May 1987
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 1357/87 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 May 1987.

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

Done at Brussels, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.
⁽³⁾ OJ No L 173, 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 127, 16. 5. 1987, p. 29.

ANNEX

to the Commission Regulation of 18 May 1987 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	51,73
	B. Raw sugar	43,45 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COUNCIL REGULATION (EEC) No 1365/87**of 18 May 1987****amending Regulation (EEC) No 4034/86 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1987 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 of that Regulation,

Having regard to the proposal from the Commission,

Whereas under Article 3 of Regulation (EEC) No 170/83 it is incumbent upon the Council to fix the total allowable catches by stock or group of stocks, the share available to the Community and the specific conditions under which those catches must be made; whereas, under the terms of Article 4 of that Regulation, the share available to the Community is allocated among the Member States;

Whereas Regulation (EEC) No 4034/86⁽²⁾ fixed, for certain fish stocks and groups of fish stocks, the total allowable catches for 1987 and certain conditions under which they may be fished;

Whereas Regulation (EEC) No 4034/86 fixed the share available to the Community for the stock of cod in the region of Spitsbergen and Bear Island (ICES division II b);

Whereas fishing for this Community share may take place only after allocation to Member States;

Whereas, in order to ensure rational management, catch quotas should be allocated between the Member States so as to guarantee the relative stability of fishing; whereas, in the case in question, this allocation should be made so as to reflect a relationship between the rights which each of the Member States may claim and the structural situation which has developed in these circumstances;

Whereas the allocation of the share of the cod stock available to the Community in the area in question is entirely without prejudice to the rights and obligations deriving from the Treaty of Paris of 1920,

HAS ADOPTED THIS REGULATION:

Article 1

The figures relating to cod in ICES division II b in Annex II to Regulation (EEC) No 4034/86 are hereby replaced by those set out 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*.

It shall apply as from 1 May 1987.

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

Done at Brussels, 18 May 1987.

For the Council

The President

P. DE KEERSMAEKER

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 376, 31. 12. 1986, p. 39.

ANNEX

Stock			Member State	1987 quota (tonnes)
Species	Geographical regions	ICES or NAFO zone		
Cod	Spitsbergen and Bear Island	II b	Belgium	
			Denmark	
			Germany	3 200
			Greece	
			Spain	10 900
			France	1 800
			Ireland	
			Italy	
			Luxembourg	
			Netherlands	
			Portugal	2 300
			United Kingdom	2 700
			Available for Member States	100 (!)
			EEC Total	21 000

(1) Except for Germany, Spain, France, Portugal and the United Kingdom.