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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 1623/87
of 9 June 1987**

**opening, allocating and providing for the administration of a Community tariff
quota for certain eels falling within subheading ex 03.01 A II of the Common
Customs Tariff (1 July 1987 to 30 June 1988)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas eel fishing has been prohibited or has become impossible in certain Community production centres; whereas this has led to a drop in Community production of eels in general and particularly of fresh eels (live or dead), chilled or frozen, falling within subheading ex 03.01 A II of the Common Customs Tariff, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within heading No 16.04 thereof; whereas this production is likely to be developed, particularly in two Member States, without, however, being able to satisfy all the requirements of the Community; whereas the processing industries in the Community consequently depend to a large extent on imports for their supplies of eels; whereas, from 1 July 1987 to 30 June 1988 the application of the Common Customs Tariff duty should therefore be suspended totally on imports of the relevant products up to an appropriate quantitative limit; whereas the introduction of a Community measure of this nature is unlikely to harm Community production;

Whereas current demand not met by Community production which must therefore be met by imports can be estimated at 5 250 tonnes for the period 1 July 1987 to 30 June 1988; whereas a tariff quota for the relevant types of eel should therefore be opened for this period on the conditions set out above; whereas the fixing of the quota volume at this level does not, however, prevent its readjustment during the quota period;

Whereas it is, in particular, necessary to ensure to all importers in the Member States equal and uninterrupted

access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, in the light of these principles, the Community nature of the quota can be respected by allocating the tariff quota among the Member States; whereas statistics available for these specific products do not give a clear picture of the market situation; whereas, therefore, it is not possible to allocate the quota among the Member States solely on the basis of import trends for the eels in question over the past few years; whereas, however, according to each Member State's estimated needs, initial shares may be fixed at the quantities set out in Article 2;

Whereas, in order to take into account import trends for the products concerned, the quota amount should be divided into two instalments, the first instalment being allocated, and the second forming a reserve intended subsequently to cover the requirements of the Member States which have used up their initial shares; whereas, in order to ensure a certain degree of security for importers, the first instalment of the Community tariff quota should be fixed at a level which, under present circumstances, may be around 80 % of the quota amount;

Whereas the initial shares may be used up at different rates; whereas, in order to take this fact into account and to avoid any break in continuity, any Member State which has almost used up its total initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost entirely used up, and repeated as many times as the reserve allows; whereas the initial additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, which must be able to keep account of the extent to which the quota amount has been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable balance remains in one or other Member State, it is essential, to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others, that that Member State should return a significant proportion thereof to the reserve;

tration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the adminis-

1. From 1 July 1987 to 30 June 1988 the Common Customs Tariff duty on the following product shall be suspended at the level and within the limit of a Community tariff quota as shown below:

Order No	CCT heading No	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.2701	03.01	Fish, fresh (live or dead), chilled or frozen: A. Freshwater fish: ex II. Eels (<i>Anguilla</i> spp.), intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within heading No 16.04 of the Common Customs Tariff ⁽¹⁾	5 250	0

⁽¹⁾ Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

2. Within these limits the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions laid down in this respect in the Act of Accession of 1985.

returned to the reserve where Article 5 has been applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

Article 2

1. A first instalment of 4 200 tonnes of this Community tariff quota shall be allocated among certain Member States. Member States' shares, which, subject to Article 5, shall be valid from 1 July 1987 to 30 June 1988, shall consist of the following amounts:

	(tonnes)
Benelux	1 560
Denmark	749
Germany	1 660
France	59
United Kingdom	172

2. The second instalment of 1 050 tonnes shall constitute the reserve.

2. If, after its initial share has been exhausted, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, by notifying the Commission, draw a third share equal to 5 % of its initial share, rounded up as necessary to the next whole number, to the extent that the reserve so permits.

3. If an importer notifies the imminent import of the production in question in a Member State not participating in the initial allocation and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

3. If, after its second share has been exhausted, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in the manner provided in paragraph 2, draw a fourth share equal to the third.

This procedure shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw lesser shares than those specified therein if there are grounds for believing that those specified may not be used in full. They shall inform the Commission of their reasons for applying this paragraph.

Article 3

1. If 90 % or more of a Member State's initial share as fixed in Article 2 (1), or of that share minus any portion

Article 4

Additional shares drawn pursuant to Article 2 (3) or 3 shall be valid until 30 June 1988.

Article 5

Member States shall return to the reserve, not later than 1 May 1988, the unused portions of their initial shares which, on 15 April 1988, are in excess of 20 % of the initial amounts. They may return a greater portion if there are grounds for believing that such portion may not be used in full.

Member States shall notify the Commission, not later than 1 May 1988, of the total quantities of the products in question imported, up to and including 15 April 1988, and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and, as soon as it has been notified, shall inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 May 1988, of the amount still in reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3

are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community quota.

2. Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. Member States shall charge imports of the products in question against their shares as and when the products are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged against that share in accordance with paragraph 3.

Article 8

At the Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 July 1987.

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

Done at Luxembourg, 9 June 1987.

For the Council
The President
H. DE CROO

COUNCIL REGULATION (EEC) No 1624/87

of 9 June 1987

increasing the volume of the Community tariff quota, opened for 1987, for ferro-chromium containing not less than 6 % by weight of carbon falling within subheading ex 73.02 E I of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas, by Regulation (EEC) No 476/87⁽¹⁾, the Council opened, for 1987, and allocated among the Member States, a duty-free Community tariff quota for ferro-chromium containing not less than 6 % by weight of carbon, falling within subheading ex 73.02 E I of the Common Customs Tariff, and the volume of which was provisionally fixed at 120 000 tonnes;

Whereas it can be estimated, from the economic data now available on consumption, production and imports benefiting from other preferential tariff arrangements, that immediate Community requirements of imports from third countries for products of this kind could, during the current year, reach levels higher than the volume laid down by Regulation (EEC) No 476/87; whereas, in order not to disturb the equilibrium of the market for this product and to ensure parallel development in sales of Community production and satisfactory security of supplies to the user industries, it is appropriate to provide for an increase in volume by a quantity corresponding to the needs of user industries until the end of the current year, that is to say, to 100 000 tonnes; whereas fixing the increase at this level does not however exclude a new adjustment in the autumn;

Whereas, it is appropriate to divide into two instalments the volume of the increase, the first instalment being allocated among certain Member States in proportion to their

foreseeable needs, and the second held as a Community reserve to cover possible additional requirements,

HAS ADOPTED THIS REGULATION:

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 476/87 for ferro-chromium containing not less than 6 % by weight of carbon, falling within subheading ex 73.02 E I of the Common Customs Tariff, shall be raised from 120 000 to 220 000 tonnes.

Article 2

1. A first instalment of the additional volume referred to in Article 1 and amounting to 90 100 tonnes shall be allocated among certain Member States as follows:

	(tonnes)
Benelux	3 357
Germany	31 446
Spain	9 783
France	20 961
Italy	15 372
Portugal	100
United Kingdom	9 081.

2. The second instalment, being 9 900 tonnes, shall constitute the reserve. The reserve provided for in Article 2 (3) of Regulation (EEC) No 476/87 shall thus be raised from 11 870 tonnes to 21 770 tonnes.

Article 3

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 Luxembourg, 9 June 1987.

For the Council

The President

H. DE CROO

⁽¹⁾ OJ No L 49, 18. 2. 1987, p. 1.

COUNCIL REGULATION (EEC) No 1625/87

of 9 June 1987

opening, allocating and providing for the administration of a Community tariff quota for certain magnesium grades falling within subheading ex 77.01 A of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas production in the Community of certain extra-pure grades of magnesium intended for use in the nuclear industry falling within subheading ex 77.01 A of the Common Customs Tariff is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend on imports from third countries; whereas the Community requirements for the product in question should be met immediately on the most favourable terms; whereas a nil-duty Community tariff quota should therefore be opened within the limits of an appropriate amount and for a period until 31 December 1987; whereas, in order not to jeopardize the balance of the market for this product, the volume of the Community tariff quota should be fixed at 220 tonnes;

Whereas it is necessary, in particular, to ensure to Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the quota is to

cover requirements which cannot be determined with sufficient accuracy, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be specified; whereas this method of management requires close cooperation between the Member States and the Commission, and the latter must in particular be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July to 31 December 1987, the Common Customs Tariff duty for the products mentioned below shall be suspended at the level and within the limit of a Community tariff quota indicated opposite them:

Order No	CCT heading No	Description	Quota volume (tonnes)	Quota duty (%)
09.2742	77.01	Unwrought magnesium; magnesium waste (excluding shavings of uniform size) and scrap: ex A. Unwrought — having a purity of not less than 99,95 % in the form of billets containing by weight not more than 0,015 % of iron, not more than 0,002 % of nickel, not more than 0,005 % of lead and not more than 0,006 % of manganese for use in the manufacture of raspings for the nuclear fuel industry	220	0

2. Within the limit of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions laid down by the 1985 Act of Accession.

3. Control of the use of the products for their specifically determined purpose shall be carried out pursuant to the relevant Community provisions.

Article 2

1. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

2. The shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have access to the quota so long as the residual balance of the quota volume allows this.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 4

When so requested by the Commission, Member States shall inform it of imports actually charged against the quota.

Article 5

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 July 1987.

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

Done at Luxembourg, 9 June 1987.

For the Council

The President

H. DE CROO

COMMISSION REGULATION (EEC) No 1626/87

of 11 June 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 10 June 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 12 June 1987.

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

Done at Brussels, 11 June 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 17, 20. 1. 1987, p. 1.

ANNEX

to the Commission Regulation of 11 June 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	19,24	201,92
10.01 B II	Durum wheat	55,79	255,15 ⁽¹⁾ ⁽²⁾
10.02	Rye	47,79	176,16 ⁽³⁾
10.03	Barley	46,08	196,09
10.04	Oats	103,68	155,87
10.05 B	Maize, other than hybrid maize for sowing	7,41	181,95 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	46,08	138,59
10.07 B	Millet	46,08	148,50 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	32,13	188,74 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed ; other cereals	46,08	56,86 ⁽⁵⁾
11.01 A	Wheat or meslin flour	42,63	298,38
11.01 B	Rye flour	82,60	262,61
11.02 A I a)	Durum wheat groats and meal	100,31	409,31
11.02 A I b)	Common wheat groats and meal	43,08	319,29

⁽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 Council 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 1627/87

of 11 June 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 10 June 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 12 June 1987.

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

Done at Brussels, 11 June 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 11 June 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 6	1st period 7	2nd period 8	3rd period 9
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 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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 1628/87

of 11 June 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 798/87⁽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 799/87⁽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⁽⁸⁾, 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⁽⁹⁾, as last amended by Regulation (EEC) No 800/87⁽¹⁰⁾, 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⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾ 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⁽¹³⁾ 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 application of the rules recalled above to the levy rates indicated by tenderers on 8 and 9 June 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 12 June 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 79, 21. 3. 1987, p. 11.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 79, 21. 3. 1987, p. 13.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ 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, 11 June 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)	60,00 ⁽¹⁾
15.07 A I b)	60,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	70,00 ⁽²⁾
15.07 A II b)	96,00 ⁽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) Tunisia : 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 ;
- (c) Turkey : 22,36 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 ;
- (d) Algeria and Morocco : 24,78 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.

⁽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	13,20
07.03 A II	13,20
15.17 B I a)	30,00
15.17 B I b)	48,00
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 1629/87

of 10 June 1987

concerning the stopping of fishing for cod by vessels flying the flag of Germany

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

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States ⁽¹⁾, as last amended by Regulation (EEC) No 4027/86 ⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 4035/86 of 22 December 1986 allocating certain catch quotas between Member States for vessels fishing in the Norwegian economic zone and the fishery zone around Jan Mayen ⁽³⁾ provides for cod quotas for 1987;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) by vessels flying the flag of Germany or registered in Germany have reached the quotas allocated for 1987; whereas Germany has prohibited fishing for this stock as

from 29 May 1987; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) by vessels flying the flag of Germany or registered in Germany are deemed to have exhausted the quota allocated to Germany for 1987.

Fishing for cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) by vessels flying the flag of Germany or registered in Germany is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 29 May 1987.

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

Done at Brussels, 10 June 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 376, 31. 12. 1986, p. 4.

⁽³⁾ OJ No L 376, 31. 12. 1986, p. 80.

COMMISSION REGULATION (EEC) No 1630/87
of 11 June 1987
fixing the export refunds on fruit and vegetables

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 Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it

necessary to vary the refund for a given product according to the destination of that product;

Whereas the refund applicable to exports of tomatoes to Sweden should be reduced during the period 1 July to 30 September pursuant to the undertakings entered into with that country under the 1980 agreement⁽⁵⁾;

Whereas tomatoes, sweet fresh oranges, fresh lemons, apples and peaches of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I hothouse grapes and open ground grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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 coefficient provided for in the last indent 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 these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 10 (1) (b) of Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁷⁾, last amended by Regulation (EEC) No 1180/87⁽⁸⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 23 (1) (c) of Regulation (EEC) No 2730/79 may be applied;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 45.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 194, 28. 7. 1980, p. 12.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁸⁾ OJ No L 113, 30. 4. 1987, p. 27.

Whereas, for Spain and Portugal, the Act of Accession introduce transitional measures by phases and stages respectively; whereas, in particular as regards the arrangements applicable to exports to Spain from the Community as constituted at 31 December 1985, Article 141 provides that, during the first phase, the Community is not in principle to grant export refunds; whereas, pursuant to Article 146, the Kingdom of Spain is to be authorized to maintain, during the first phase, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas Article 275 provides for a special procedure for the grant of refunds on exports to Portugal from the Community as constituted at 31 December 1985; whereas, pursuant to Article 283, the Portuguese Republic is to be authorized to maintain, during the first stage, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas, under those circumstances, refunds for such exports should not be provided for in this Regulation;

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

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. The provisions of Articles 10 (1) (b) and 23 (1) (c) of Regulation (EEC) No 2730/79 shall apply to exports of sweet oranges, lemons, walnuts in shell, shelled hazelnuts and apples as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 June 1987.

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

Done at Brussels, 11 June 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 11 June 1987 fixing the export refunds on fruit and vegetables

CCT heading No	Description	(ECU kg net) Refund ⁽²⁾
ex 07.01 M	Tomatoes ('Extra' Class, Class I and Class II)	4,50 ⁽³⁾
ex 08.02 A I	Sweet fresh oranges : For export of varieties Biondo comune and Sanguigno comune ('Extra' Class, Class I and Class II) to : — Countries or States with a planned economy in central or eastern Europe and Yugoslavia 8,00 — Other destinations 5,32 For export of variety Valencia late and Ovale calabrese ('Extra' Class, Class I and Class II) to : — Countries or States with a planned economy in central or eastern Europe and Yugoslavia 17,00 — Other destinations 12,00 For export of other varieties ('Extra' Class, Class I and Class II) to : — Countries or States with a planned economy in central or eastern Europe and Yugoslavia 14,50 — Other destinations 9,67	
ex 08.02 C	Fresh lemons ('Extra' Class, Class I and Class II) For export to : — Countries or States with a planned economy in central or eastern Europe and Yugoslavia 15,00 — Other destinations 10,00	
ex 08.04 A I	Table grapes : Fresh ('Extra' Class and Class I)	4,84
ex 08.05 A II	Shelled almonds, other than bitter almonds	9,67
ex 08.05 B	Unshelled walnuts	14,00
ex 08.05 G	Unshelled hazelnuts	7,50
ex 08.05 G	Shelled hazelnuts	14,51
ex 08.06 A II	Apples ('Extra' Class, Class I and Class II) other than cider apples : For export to : — Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Jibuti, the countries of the Arabian peninsula ⁽¹⁾ , Iran, Iraq and Jordan 12,00 — Countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central and eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland and Greenland 4,00	
ex 08.07 B	Peaches (excluding nectarines) in 'Extra' Class, Class I and Class II for export to all destinations excluding Switzerland and Austria	5,00

⁽¹⁾ For the purpose of this Regulation the 'countries of the Arabian peninsula' are considered to be the following, including the territories attached thereto: Saudi Arabia, Bahrain, Qatar, Kuwait, the Sultanate of Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qawain, Fujairah, Ras Al Khaimah), Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen).

⁽²⁾ The refunds fixed in this Regulation shall not apply to exports:

- to Spain and Portugal from the Community as constituted at 31 December 1985,
- to third countries from Spain and Portugal.

⁽³⁾ For exports to Sweden in the period 1 July to 30 September 1987, the refund is reduced to 0,81 ECU/100 kg.

COMMISSION REGULATION (EEC) No 1631/87

of 11 June 1987

introducing a countervailing charge on cherries originating in Spain except in 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 Commission Regulation (EEC) No 1538/87⁽³⁾ introduced a countervailing charge on cherries originating in Spain (except in the Canary Islands);

Whereas for cherries originating in Spain (except in the Canary Islands) 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

cherries originating in Spain (except in the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁴⁾, 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,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1538/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 12 June 1987.

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

Done at Brussels, 11 June 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 143, 3. 6. 1987, p. 28.⁽⁴⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1632/87

of 11 June 1987

introducing a countervailing charge on apricots originating in Tunisia

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 932/87 of 31 March 1987 fixing for the 1987 marketing year the reference prices for apricots⁽³⁾ fixed the reference price for products of class I for the period 1 to 10 June 1987 at 106,26 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 apricots originating in Tunisia 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 apricots;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 4,22 ECU per 100 kilograms net is applied to apricots (subheading 08.07 A of the Common Customs Tariff) originating in Tunisia.

Article 2

This Regulation shall enter into force on 13 June 1987.

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

Done at Brussels, 11 June 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 89, 1. 4. 1987, p. 41.

⁽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.

COMMISSION REGULATION (EEC) No 1633/87

of 11 June 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 1604/87 ⁽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 12 June 1987.

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

Done at Brussels, 11 June 1987.

For the Commission

Frans ANDRIESSEN

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 149, 10. 6. 1987, p. 9.

ANNEX

to the Commission Regulation of 11 June 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	52,82
	B. Raw sugar	44,25 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 1634/87

of 11 June 1987

fixing the amount of the subsidy on oil seeds

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 27 (4),

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 409/87⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the target price and the monthly increments in the target price for colza, rape and sunflower seed for the 1986/87 marketing year have been fixed in Regulations (EEC) No 1457/86⁽⁷⁾ and (EEC) No 1458/86⁽⁸⁾;

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 577/87⁽⁹⁾, as last amended by Regulation (EEC) No 1552/87⁽¹⁰⁾;

Whereas, in the absence of the target price for the 1987/88 marketing year for colza, rape seed and sunflower seed, the amount of the subsidy in the case of advance fixing for July, August, September, October and November 1987 for colza and rape seed and for August, September and October 1987 for sunflower seed has been obtainable only provisionally on the basis of the target price and the new standard quality for sunflower seed proposed by the Commission to the Council for the marketing year 1987/88; whereas this amount may, therefore, be applied only on a temporary basis and should be confirmed or replaced when the indicative price of the 1987/88 marketing year is known;

Whereas estimated production of colza, rape seed and sunflower seed for the 1987/88 marketing year has not

been fixed; whereas the amount, where appropriate, to be deducted from the subsidy in compliance with the system of maximum guaranteed quantities referred to in Article 27a of Regulation No 136/66/EEC could therefore be calculated only provisionally on the basis of the amounts in force for the 1986/87 marketing year; whereas the amounts of the subsidy should therefore only be applied on a temporary basis and should be confirmed or replaced once the effects of the system of maximum guaranteed quantities for colza, rape seed and sunflower seed are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3776/86 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽¹¹⁾ shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86⁽¹²⁾ and Article 12 of Council Regulation (EEC) No 476/86⁽¹³⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain and Portugal.
3. The amount of the subsidy in the case of advance fixing for July, August, September, October and November 1987 for colza and rape seed and for August, September and October 1987 for sunflower seed will, however, be confirmed or replaced as from 12 June 1987 to take into account the target price, and like measures, which is fixed for these products for the 1987/88 marketing year.
4. However, the amount of the subsidy in the case of advance fixing for July, August, September, October and November 1987 for colza and rape seed and for August, September and October 1987 for sunflower seed will be confirmed or replaced as from 12 June 1987 to take into account, where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza, rape seed and sunflower seed.

Article 2

This Regulation shall enter into force on 12 June 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 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 44, 13. 2. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 146, 31. 5. 1986, p. 25.

⁽⁷⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽⁸⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽⁹⁾ OJ No L 57, 27. 2. 1987, p. 38.

⁽¹⁰⁾ OJ No L 144, 4. 6. 1987, p. 22.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 51.

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

Done at Brussels, 11 June 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month (1)	3rd month (1)	4th month (1)	5th month (1)	6th month (1)
1. Gross aids (ECU):						
— Spain	0,610	0,100	0,100	0,100	0,100	0,100
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	35,944	29,571	29,415	29,259	29,104	28,948
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	86,71	71,59	71,24	70,98	70,62	70,57
— Netherlands (Fl)	97,70	80,67	80,26	79,96	79,55	79,46
— BLEU (Bfrs/Lfrs)	1 678,11	1 378,87	1 371,48	1 363,47	1 356,13	1 343,94
— France (FF)	245,49	199,47	198,01	196,33	195,12	194,59
— Denmark (Dkr)	302,68	247,90	246,52	245,14	243,77	240,61
— Ireland (£ Irl)	26,934	21,852	21,715	21,549	21,415	21,202
— United Kingdom (£)	20,343	16,172	16,050	15,929	15,808	15,562
— Italy (Lit)	53 389	43 425	43 036	42 905	42 645	42 135
— Greece (Dr)	3 384,78	2 553,33	2 498,44	2 456,71	2 429,30	2 334,84
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	88,94	14,58	14,58	14,58	14,58	14,58
— in another Member State (Pta)	4 205,03	3 365,30	3 313,43	3 276,25	3 250,80	3 171,92
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	5 034,81	4 028,39	3 966,03	3 926,54	3 897,99	3 825,14

(1) Subject to the amount to be deducted in accordance with the system of guaranteed maximum quantities and the Council Decision regarding prices and related measures for the 1987/88 marketing year.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month ⁽¹⁾	3rd month ⁽¹⁾	4th month ⁽¹⁾	5th month ⁽¹⁾	6th month ⁽¹⁾
1. Gross aids (ECU):						
— Spain	1,860	2,600	2,600	2,600	2,600	2,600
— Portugal	1,250	2,500	2,500	2,500	2,500	2,500
— Other Member States	37,194	32,071	31,915	31,759	31,604	31,448
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	89,70	77,56	77,21	76,95	76,59	76,54
— Netherlands (Fl)	101,07	87,39	86,98	86,68	86,28	86,19
— BLEU (Bfrs/Lfrs)	1 736,70	1 496,05	1 488,66	1 480,65	1 473,31	1 461,12
— France (FF)	254,37	217,22	215,76	214,09	212,88	212,34
— Denmark (Dkr)	313,36	269,26	267,88	266,50	265,13	261,97
— Ireland (£ Irl)	27,913	23,809	23,671	23,506	23,372	23,159
— United Kingdom (£)	21,127	17,740	17,618	17,497	17,376	17,130
— Italy (Lit)	55 313	47 273	46 884	46 753	46 493	45 983
— Greece (Dr)	3 530,63	2 845,02	2 790,12	2 748,40	2 720,99	2 626,53
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	271,19	379,07	379,07	379,07	379,07	379,07
— in another Member State (Pta)	4 387,28	3 729,80	3 677,93	3 640,75	3 615,29	3 536,41
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	189,77	379,54	379,54	379,54	379,54	379,54
— in another Member State (Esc)	5 224,58	4 407,92	4 345,57	4 306,08	4 277,52	4 204,67

⁽¹⁾ Subject to the amount to be deducted in accordance with the system of guaranteed maximum quantities and the Council Decision regarding prices and related measures for the 1987/88 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month ⁽¹⁾	4th month ⁽¹⁾	5th month ⁽¹⁾
1. Gross aids (ECU):					
— Spain	1,720	1,720	3,440	3,440	3,440
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	41,764	41,608	37,350	37,272	37,272
2. Final aids:					
(a) Seed harvested and processed in ⁽²⁾ :					
— Federal Republic of Germany (DM)	100,78	100,42	90,33	90,26	90,26
— Netherlands (Fl)	113,56	113,15	101,76	101,68	101,68
— BLEU (Bfrs/Lfrs)	1 949,62	1 942,24	1 742,33	1 737,92	1 737,92
— France (FF)	284,94	283,73	252,74	251,61	251,61
— Denmark (Dkr)	351,55	350,17	313,60	312,91	312,91
— Ireland (£ Irl)	31,259	31,124	27,731	27,628	27,628
— United Kingdom (£)	23,570	23,448	20,670	20,610	20,610
— Italy (Lit)	61 974	61 711	54 916	54 935	54 935
— Greece (Dr)	3 908,02	3 855,26	3 285,68	3 255,65	3 255,65
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	250,77	250,77	501,54	501,54	501,54
— in another Member State (Pta)	3 976,61	3 951,37	3 539,38	3 513,29	3 513,29
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 490,70	6 455,57	5 725,29	5 697,68	5 697,68
— in another Member State (Esc)	6 280,08	6 246,08	5 539,51	5 512,79	5 512,79
3. Compensatory aids:					
— in Spain (Pta)	3 926,71	3 897,84	3 485,85	3 459,76	3 458,05
— in Portugal (Esc)	6 249,26	6 213,02	5 506,44	5 479,72	5 478,67

⁽¹⁾ Subject to the amount to be deducted in accordance with the system of guaranteed maximum quantities and the Council Decision regarding prices and related measures for the 1987/88 marketing year.

⁽²⁾ For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0335380.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	2nd month	3rd month	4th month	5th month	6th month
DM	2,073970	2,068620	2,063350	2,058130	2,058130	2,042890
Fl	2,336570	2,333540	2,330490	2,327390	2,327390	2,318470
Bfrs/Lfrs	42,998400	42,999200	43,006000	43,018700	43,018700	43,070600
FF	6,934720	6,943330	6,953040	6,964520	6,964520	6,998590
Dkr	7,807750	7,824910	7,844270	7,862980	7,862980	7,924330
£ Irl	0,774842	0,777742	0,780507	0,783065	0,783065	0,789713
£	0,700150	0,701959	0,703524	0,704907	0,704907	0,708774
Lit	1 501,97	1 506,52	1 511,11	1 515,43	1 515,43	1 528,80
Dr	155,10800	157,11800	158,94000	160,76200	160,76200	165,59300
Esc	161,92700	163,12100	164,20600	165,88200	165,88200	169,12000
Pta	144,55400	145,48500	146,47500	147,31400	147,31400	150,09400

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 April 1986

amending Decisions 84/557/EEC, 84/562/EEC, 84/563/EEC and 85/11/EEC relating to laws of the region of Sicily concerning national aids in the agriculture sector regarded as incompatible with the common market

(Only the Italian text is authentic)

(87/302/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 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 22 thereof, and the corresponding provisions of the other Regulations on the common organization of the market in agriculture products,

Whereas :

I

In 1984 the Commission adopted the following :

- Commission Decision 84/557/EEC of 2 May 1984 concerning the State aids provided for by Law No 97 of the region of Sicily of 6 May 1981 on measures to encourage productive sectors of agriculture and various agricultural standards ⁽³⁾,
- Commission Decision 84/562/EEC of 2 May 1984 on State aids under Sicilian Regional Law No 87 of 5 August 1982 providing for measures in respect of agricultural loans and urgent assistance for certain sectors of agricultural production ⁽⁴⁾,

— Commission Decision 84/563/EEC of 30 May 1984 concerning the aids provided for in Law No 105 of 5 August 1982 of the region of Sicily amending the regional budget and the budget of the State Forests Office of the region of Sicily for 1982 ⁽⁵⁾,

— Commission Decision 85/11/EEC of 23 July 1984 concerning aids provided for under Law No 86 of the region of Sicily of 5 August 1982 on emergency measures in agriculture ⁽⁶⁾.

In those Decisions the Commission prohibited the grant of aid for investments in the processing and marketing of agricultural products which exceeded :

- (a) 75 % of eligible expenditure for projects in mountain and hill areas and less-favoured areas within the meaning of Council Directive 75/268/EEC ⁽⁷⁾, as last amended by Regulation (EEC) No 797/85 ⁽⁸⁾, and forming part of national or regional programmes approved by the Commission pursuant to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural products are processed and marketed ⁽⁹⁾, as last amended by Regulation (EEC) No 3827/85 ⁽¹⁰⁾; or
- (b) 50 % in other areas or for projects not forming part of such programmes.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 305, 23. 11. 1984, p. 40.

⁽⁴⁾ OJ No L 311, 29. 11. 1984, p. 29.

⁽⁵⁾ OJ No L 311, 29. 11. 1984, p. 33.

⁽⁶⁾ OJ No L 7, 9. 1. 1985, p. 24.

⁽⁷⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁸⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽¹⁰⁾ OJ No L 372, 31. 12. 1985, p. 1.

II

Regulation (EEC) No 355/77 provides for a single rate of 75 % for the entire Mezzogiorno and does not distinguish according to whether the areas are less favoured or not. Indeed such a distinction could be regarded as inappropriate since a large proportion of the products processed in the facilities are situated in areas with a developed infrastructure because if they were located elsewhere they would not be profitable.

The funds available from the EAGGF for implementing Regulation (EEC) No 355/77 are insufficient for financing all the projects presented. The result is that some projects are not eligible for Community financing for that reason alone and must be financed solely out of national or regional resources. It seems appropriate, however, that these projects should be subject to the same conditions as if they had qualified under Regulation (EEC) No 355/77.

In these circumstances it seemed advisable to align the rates of aids for investments to be applied to national or regional aids for processing and marketing and forming part of a national or regional programme approved by the Commission pursuant to Regulation (EEC) No 355/77 with the rates applied under that Regulation. This new Commission position was notified to the Member States by letter of 30 October 1985.

III

Commission Decisions 84/557/EEC, 84/562/EEC, 84/563/EEC and 85/11/EEC should accordingly be amended.

Moreover, the Italian authorities have adjusted the investment aid rates for processing and marketing provided for in Laws 97/1981, 86, 87 and 105/1982, Article 12 of Law 51 of 21 August 1984 and Articles 9, 11 and 12 of Law 7 of 5 January 1985,

HAS ADOPTED THIS DECISION:

Article 1

1. Article 1 (3) of Decision 84/557/EEC is hereby replaced by the following:

'3. The part of the aid arising from the application of Article 43 of Law No 97/81 which exceeds:

- (a) 75 % of eligible expenditure for projects forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77, or
- (b) 50 % of eligible expenditure for projects not forming part of such programmes

is incompatible with Article 92 of the EEC Treaty and may no longer be granted.'

2. Article 1 (2) of Decision 84/562/EEC is hereby replaced by the following:

'2. The part of the aid arising from the application of Articles 4, 5, 8 and 9 of the Law referred to in paragraph 1 which exceeds:

- (a) 75 % of eligible expenditure for projects forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77, or
- (b) 50 % of eligible expenditure for projects not forming part of such programmes

is incompatible with Article 92 of the EEC Treaty and may no longer be granted.'

3. Article 1 (1) of Decision 84/563/EEC is hereby replaced by the following:

'1. The part of the aid arising from the application of Articles 39 and 42 of Law No 105 of 5 August 1982 of the region of Sicily which exceeds:

- (a) 75 % of eligible expenditure for projects forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77, or
- (b) 50 % of eligible expenditure for projects not forming part of such programmes

is incompatible with Article 92 of the EEC Treaty and therefore may not be granted.'

4. Article 1 (2) of Decision 85/11/EEC is hereby replaced by the following:

'2. The part of the aid arising from the application of Articles 33 to 39 of the Law referred to in paragraph 1, in so far as they are intended to cover the cost of earlier investments, and from the application of Articles 18, 24 and 25 of the same Law, which exceeds:

- (a) 75 % of eligible expenditure for projects forming part of national or regional programmes approved by the Commission pursuant to Regulation (EEC) No 355/77, or
- (b) 50 % of eligible expenditure for projects not forming part of such programmes

is incompatible with Article 92 of the EEC Treaty and therefore may not be granted.'

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 9 April 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 14 January 1987

on an FIM (Industrial Modernization Fund) loan to a brewery

(Only the French text is authentic)

(87/303/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

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

Having given notice to the parties concerned to submit their comments in accordance with the above provision, and having regard to those comments,

Whereas :

I

On 30 April 1985 the French Government informed the Commission that in 1984 it had granted aid to a brewery.

The aid had been awarded in the form of an FIM (Industrial Modernization Fund) loan of FF 40 million towards an investment of FF 181 million which the recipient had undertaken in 1984 and 1985 with a view mainly to modernizing its brewhouse and installing outdoor tanks.

By Decision 85/378/EEC⁽¹⁾ the Commission had made clear to the French authorities that the granting of FIM loans constituted aid within the meaning of Article 92 (1) of the Treaty and made the granting of such loans subject to the obligation to notify to it in advance all significant awards and to inform it also of significant awards made before that Decision was adopted. It had added that the latter type of award constituted unlawful aid which might have to be recovered.

At that time such loans were granted at a rate of 9,25 % over a maximum period of 10 years, with a principal repayment holiday of up to two years. They were intended to support projects of an innovative nature including those for the installation of high-technology machinery and equipment and the development of office technology and biotechnology.

After scrutinizing the aid on the basis of an analysis of the market in the products concerned and the information furnished by the French authorities, the Commission decided, on 18 December 1985, to open the procedure provided for in Article 93 (2) of the Treaty in respect of the aid consisting of the FF 40 million FIM loan to the brewery on grounds of the effect the aid would have on trade between Member States and on competition between the recipient and its rivals in the Community.

As part of that procedure, the Commission gave the French Government, the other Member States and interested parties, other than Member States, notice to submit their comments.

On 22 May 1986 the French Government answered the Commission's letter of 29 January 1986 which had informed it of the opening of the Article 93 (2) procedure.

It stated that the FIM was concerned only with those investments undertaken by the brewery which were truly innovative. The purpose of the investments was to introduce innovative techniques into the brewery's production process. This was especially the case with the following :

- the brewery process, in which a fully automated brewhouse incorporating advanced technology was added on to an existing brewhouse : the two could be operated either simultaneously or separately by a single person ; a steam condenser made it possible to recover 54 % of the energy used in boiling,
- the high-speed bottling process featuring a new pallet unloader which removed bottles under vacuum and coordination of the various bottle conveyors according to the output of each of the machines on the line and the delivery rate of each of the conveyors, thereby ensuring optimum throughput overall.

The innovations involved in the brewery's investment programme were process innovations. The technological equity loan which was helping to finance them was therefore entirely consistent with the object of the FIM as notified to the Commission.

⁽¹⁾ OJ No L 216, 13. 8. 1985, p. 12.

Account also had to be taken of the prospective energy savings.

In short, the award of the FIM loan to the brewery would not distort competition between Member States but would, on the contrary, contribute to the development of economic activities in a manner in keeping with the European interest.

III

The FIM loan granted by the French Government comprises elements of aid within the meaning of Article 92 (1) of the Treaty because it relieves the recipient, through State resources, of part of the cost of the investment which it would normally have to bear.

Between 1975 and 1985 the annual consumption of beer per head either stagnated or fell in all Member States except Italy. In Germany and the United Kingdom, where some 65 % of the Community's beer is produced, consumption fell from 147,8 and 117,6 litres per head respectively in 1975 to 145,8 and 108,9 litres in 1985. Over the same period beer sales in the EEC (minus Greece), after having risen slightly in 1980 to 232 million hectolitres, fell back in 1985 to the 1975 level of 228 million hectolitres. In terms of volume, external trade between Member States (minus Greece) accounts for about 4 % of sales and, with seasonal variations, changed very little between 1975 and 1985.

In France, between 1975 and 1985, beer sales remained fairly static at around 21 to 23 million hectolitres, although in 1985 they fell to 19,3 million hectolitres. This market accounts for approximately 9 % of all sales in the Community (minus Greece). Annual consumption per head, which is considerably lower than the Community average (84 litres), was down to 38,2 litres in 1985 compared with 44,9 litres in 1975. France traditionally imports just over 10 % of its requirements from the other Member States. In volume terms, these imports have varied little during the past 10 years, at between 2 and 2,5 million hectolitres. French exports to other Member States declined over the same period and represent about 1,5 % of French production.

The brewery in receipt of the FIM loan is wholly owned by a French group whose beer production accounts for over 50 % of total French production and which participates in intra-Community trade in beer. The brewery itself holds about 20 % of the French market and in 1984 and 1985 it suffered a drop in sales revenue compared with 1983.

This seems to be due above all to the fact that the consumption of table beer is steadily declining in France and that such beer accounts for a large proportion of its sales.

IV

In view of the above considerations, the situation in the relevant market and the position occupied by the brewery in that market, the aid awarded by the French Government is likely to affect trade between Member States and distort competition within the meaning of Article 92 (1) of the Treaty by favouring the brewery and the production of French beer.

Where financial assistance from the State strengthens the position of certain firms compared with that of others competing with them in the Community, it must be deemed to affect those other firms.

Article 92 (1) provides that aid having the features set out therein is in principle incompatible with the common market. As far as the exceptions to this principle are concerned, those provided for in Article 92 (2) of the Treaty are inapplicable in this case owing to the nature and objectives of the aid.

Article 92 (3) of the Treaty provides that aid which may be considered compatible with the common market must be viewed in the context of the Community as a whole and not in that of a single Member State. In order to ensure the proper functioning of the common market and take into account the principles laid down in Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1) set out in paragraph 3 of that Article must be strictly construed in examining any aid scheme or any individual aid award.

In particular, they may be applied only where the Commission establishes that, without the aid, the free play of market forces would not by itself induce potential recipients to act in such a manner as to contribute to the attainment of one of the objectives sought.

To apply the exceptions to cases which do not contribute to the attainment of such an objective, or where the aid is not essential to that end, would be tantamount to granting undue advantages to the industries or firms of certain Member States, the financial position of which would be artificially bolstered, and might affect trade between Member States and distort competition without this being justified in any way by the common interest referred to in Article 92 (3).

In view of the above, the aid in question does not fall within any of the categories of exception provided for in Article 92 (3). As to the exceptions provided for in Article 92 (3) (a) and (c) concerning aid to promote or facilitate the development of certain areas, the standard of living is abnormally low in none of the areas where the investments are to be carried out and there is no serious under employment there within the meaning of the exception provided for in subparagraph (a).

As far as the exception in subparagraph (c) is concerned, the aid granted by the French Government is not likely to facilitate the development of certain economic areas within the meaning of that provision.

FIM loans are not as a rule granted to firms doing business in areas determined in advance.

They are not, therefore, designed to further the development of certain areas. In the present case, the French Government has in any case not put forward such a reason to justify the award of the FF 40 million loan to the brewery.

As to the exceptions provided for in Article 92 (3) (b), it is clear that the aid is intended neither to promote the execution of an important project of common European interest nor to remedy a serious disturbance in the French economy.

Lastly, as to the exception provided for in Article 92 (3) (c) in favour of aid to facilitate the development of certain economic activities, the FIM loan in question is chiefly aimed at modernizing and extending production plant.

In its reply to the Commission's letter of 29 January 1986, the French Government stated that the FIM loan recipient had in fact carried out investments in 1984 and 1985 totalling FF 690 million. Of that figure, the FIM had subsidized only investments of an innovative nature costing FF 181 million. The brewery had, moreover, totally automated two brewhouses enabling them to be operated by a single person, and the high-speed operation of the bottling plant helped achieve an optimum throughput.

Even if the Commission were to acknowledge that such investments are innovative, it would still have to point out that they form only a small part of the total investment of FF 181 million. The outdoor tanks element alone —

which the French Government does not claim to be innovative — accounts for more than FF 100 million, whereas the brewhouse investment represents only FF 34 million.

What is more, automated brewing processes have already been installed in rival breweries in other Member States without government support. The same applies to the bottling plant.

As part of a drive to modernize its plants, the brewery in question has closed three facilities with a capacity in excess of one million hectolitres. At the same time, the capacity of the main plant is being increased by one million hectolitres. It stands to reason that, when installing this new capacity, the brewery will not resort to outdated technology but will try to acquire machinery and equipment incorporating the latest technology. This technology is by no means so innovative that it justifies the granting of aid.

On the question of the energy savings achieved as a result of the abovementioned investments by the French brewery, it should be noted first of all that use of the most efficient technology and materials leads almost inevitably to reduced energy consumption. Secondly, from such data as are available on their operations, it is apparent that the brewery's competitors conduct research into energy savings on a regular basis and put the results of this research to good use when the opportunity arises, without the help of State aid.

To agree to the FF 40 million FIM loan being granted to the French brewery would be to inflict a disadvantage on its competitors which might take the form of an unjustified fall in their sales.

Consequently, aid for the modernization and extension of the plants concerned does not satisfy the requirements of development of the industry without affecting trade to an extent contrary to the common interest within the meaning of Article 92 (3) (c) of the Treaty.

In Decision 85/378/EEC, the Commission drew the attention of the French authorities to the fact that aid granted in the form of FIM loans prior to that Decision had to be considered illegal and that it might be recovered in significant cases. The FF 40 million FIM loan granted to a brewery must be considered a significant case having regard to the thresholds laid down in Article 2 of the said Decision. The French Government's intention of granting it to the recipient ought therefore to have been notified to the Commission in advance in accordance with Article 93 (3) of the Treaty. By not informing the Commission until 30 April 1985 of the actual grant of the

FIM loan, the French authorities have failed to fulfil their obligation to notify this significant case at the proposal stage and have thus infringed the procedural rules laid down in Article 93 (3). Moreover, the aid is incompatible with the common market for the reasons set out above,

HAS ADOPTED THIS DECISION:

Article 1

The FIM loan of FF 40 million, containing elements of aid within the meaning of Article 92 (1) of the EEC Treaty in view of the interest subsidy of 4,75 percentage points, granted to a brewery and notified to the Commission by letter dated 30 April 1985, was granted unlawfully in infringement of Article 93 (3) of the Treaty and is incompatible with the common market within the meaning of Article 92 of the Treaty.

Article 2

The aid in question must be recovered and the French Government shall inform the Commission within two months from the date of notification of this Decision of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 14 January 1987.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 12 May 1987

authorizing the Kingdom of Denmark to apply intra-Community surveillance to imports of certain textile products originating in South Korea which have been put into free circulation in the Community

(Only the Danish text is authentic)

(87/304/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision 80/47/EEC of 20 December 1979 on surveillance and protective measures which Member States may be authorized to take in respect of imports of certain products originating in third countries and put into free circulation in another Member State⁽¹⁾, and in particular Articles 1 and 2 thereof,

Whereas Decision 80/47/EEC requires Member States to have prior authorization from the Commission before introducing intra-Community surveillance of the imports of certain products originating in third countries and put into free circulation in another Member State;

Whereas the information given by the Danish authorities in support of this application has been subjected to close examination by the Commission, in accordance with the criteria laid down by Decision 80/47/EEC;

Whereas the Commission examined in particular whether the imports could be made subject to intra-Community surveillance measures under Article 2 of Decision 80/47/EEC, whether information was given as regards the economic difficulties alleged, whether during the reference years set out in Decision 80/47/EEC there had been deflection of trade, and whether intra-Community licence applications had been submitted;

Whereas this examination has shown that there is a risk that imports of the products mentioned below are worse-

ning or prolonging the existing economic difficulties; whereas, therefore, Denmark should be authorized to make these imports subject to intra-Community surveillance until 31 December 1988,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Denmark is authorized to introduce, until 31 December 1988 and in accordance with Decision 80/47/EEC, intra-Community surveillance of the textile products of categories 16 and 21, originating in South Korea.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 12 May 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 16, 22. 1. 1980, p. 14.

COMMISSION DECISION

of 26 May 1987

setting up an advisory committee on the opening-up of public procurement

(87/305/EEC)

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

Whereas a real and effective opening-up of public procurement throughout the Community constitutes a priority objective for the Community as regards the completion of the internal market by 1992;

Whereas the achievement of this objective implies that it is necessary for the Commission better to assess the economic, technical, legal and social realities of public procurement and for the interested parties to have a better grasp of the problems involved in applying the Community rules in this area;

Whereas close and continuous contact with the economic interests operating in the field of public procurement for supplies, works and services may contribute to this achievement;

Whereas the most appropriate method of organizing these contacts is to set up, under the auspices of the Commission, an advisory committee in which these interests are represented; whereas it is moreover appropriate to provide for the presence in this committee of particularly well-qualified persons capable of bringing their general knowledge of public procurement to bear at Community level,

HAS DECIDED AS FOLLOWS:

Article 1

An advisory committee on the opening-up of public procurement in the Community (hereinafter referred to as 'the committee') is hereby set up under the auspices of the Commission.

Article 2

The committee's task shall be to assist the Commission, either at the Commission's request or on its own initiative, in assessing the economic, technical, legal and social aspects of public procurement. The committee's task shall also be to enable the sectors concerned to appreciate more fully the problems involved in applying the Community rules in this area.

Article 3

The committee shall comprise 24 members at the most.

Article 4

The committee shall be composed of independent experts whose business and industrial experience and whose

competence regarding public procurement at Community level are widely recognized. The members of the committee shall be appointed by the Commission, after consulting the sectors of business and industry concerned.

Article 5

The term of office of members of the committee shall be two years. It shall be renewable. After the expiry of the two-year period, the members of the committee shall remain in office until they have been replaced or their term has been renewed.

A member's term of office shall end before the expiry of the two-year period upon his resignation or death. The Commission reserves the right to end a member's term of office at any time.

The member shall be replaced for the remainder of this term of office in accordance with the procedure provided for in Article 4.

The duties performed shall not be remunerated.

Article 6

The list of members shall be published by the Commission in the *Official Journal of the European Communities* for information purposes.

Article 7

The committee shall be chaired by a representative of the Commission.

Article 8

The committee may invite any person who is particularly qualified on an item entered on the agenda to participate in its work as an expert.

Experts shall take part in discussion only in respect of the question on which they were invited to attend.

Article 9

The committee may set up working parties.

Article 10

1. The Committee shall meet on the Commission's premises when convened by the Commission.

2. Representatives of the Commission departments concerned shall take part in the meetings of the committee and of the working parties.

3. The secretariat of the committee and the working parties shall be provided by the Commission departments.

Article 11

Without prejudice to the provisions of Article 214 of the Treaty, the members of the committee and, where appropriate, the experts invited under the procedure provided for in Article 8 shall be required not to disclose information they have acquired through the work of the committee or of the working parties, whenever the

Commission informs them that the opinion requested or the question put relates to a matter of a confidential nature.

In such cases, only the members of the committee and the representatives of the Commission departments shall attend the meetings.

Article 12

This Decision shall take effect on 26 May 1987.

For the Commission

COCKFIELD

Vice-President
