

Official Journal

of the European Communities

ISSN 0378-6978

L 185

Volume 30

4 July 1987

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 1930/87 of 19 January 1987 on the conclusion of Agreements in the form of an Exchange of Letters between the European Economic Community and, on the one hand, Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, St Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1986/87 delivery period 1
- Agreement in the form of an Exchange of Letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, St Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1986/87 delivery period 2
- Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of India on the guaranteed prices for cane sugar for the 1986/87 delivery period 9
- Commission Regulation (EEC) No 1931/87 of 3 July 1987 fixing the export refunds on cereal-based compound feedingstuffs 13
- ★ Commission Regulation (EEC) No 1932/87 of 3 July 1987 fixing the monetary coefficient applicable on imports of dried grapes 16
- Commission Regulation (EEC) No 1933/87 of 3 July 1987 fixing the import levies on rice and broken rice 17
- Commission Regulation (EEC) No 1934/87 of 3 July 1987 fixing the premiums to be added to the import levies on rice and broken rice 19

Price : £ 6,60/£Irl 7,10

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EEC) No 1935/87 of 3 July 1987 fixing the amount of aid for peas and field beans referred to in Article 3 (2) of Regulation (EEC) No 1431/82	21
* Commission Regulation (EEC) No 1936/87 of 3 July 1987 re-establishing the levying of customs duties on under garments, knitted or crocheted, products of category 13 (code 40.0130) and woven fabrics of synthetic fibres (discontinuous or waste), unbleached or bleached, products of category ex 3 (code 40.0033) originating in India to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3925/86 apply	23
* Commission Regulation (EEC) No 1937/87 of 3 July 1987 re-establishing the levying of customs duties on woven breeches, shorts and trousers, products of category 6 (code 40.0060) originating in Argentina to which the preferential tariff arrangements of Council Regulation (EEC) No 3925/86 apply	25
* Commission Regulation (EEC) No 1938/87 of 3 July 1987 re-establishing the levying of customs duties on handkerchiefs, products of category 19 (code 40.0190), women's or girls' suits and ensembles, products of category 29 (code 40.0290), track suits, products of category 73 (code 40.0730), and women's or girls' suits and ensembles, products of category 74 (code 40.0740) originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 3925/86 apply	27
* Commission Regulation (EEC) No 1939/87 of 3 July 1987 derogating from Regulation (EEC) No 1292/81 as regards the quality standards for leeks	29
* Commission Regulation (EEC) No 1940/87 of 3 July 1987 amending Regulation (EEC) No 2409/86 on the sale of intervention butter intended for incorporation in compound feedingstuffs	31
* Commission Regulation (EEC) No 1941/87 of 3 July 1987 derogating from Regulation (EEC) No 1726/70 as regards the time limits for concluding and registering cultivation contracts in respect of leaf tobacco	33
Commission Regulation (EEC) No 1942/87 of 3 July 1987 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty	34
* Commission Regulation (EEC) No 1943/87 of 3 July 1987 fixing, for the 1987/88 marketing year, the threshold prices for cereals and for certain classes of flour, groats and meal	37
Commission Regulation (EEC) No 1944/87 of 3 July 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal	38
Commission Regulation (EEC) No 1945/87 of 3 July 1987 fixing the premiums to be added to the import levies on cereals, flour and malt	41
Commission Regulation (EEC) No 1946/87 of 3 July 1987 fixing the import levies on frozen beef and veal	44
Commission Regulation (EEC) No 1947/87 of 3 July 1987 fixing the import levies on live cattle and on beef and veal other than frozen	48
Commission Regulation (EEC) No 1948/87 of 3 July 1987 fixing the export refunds on products processed from cereals and rice	52

Contents (continued)

Commission Regulation (EEC) No 1949/87 of 3 July 1987 laying down the level of the accession compensatory amounts for milk and milk products applicable for the 1897/88 milk year in trade with Spain	58
Commission Regulation (EEC) No 1950/87 of 3 July 1987 fixing production refunds in the cereals and rice sectors	63
Commission Regulation (EEC) No 1951/87 of 3 July 1987 introducing a countervailing charge on cherries originating in Hungary	64
Commission Regulation (EEC) No 1952/87 of 3 July 1987 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)	66
* Commission Regulation (EEC) No 1953/87 of 3 July 1987 amending Regulation (EEC) No 1678/85 as regards the agricultural conversion rates for the pigmeat sector in the United Kingdom	68
Commission Regulation (EEC) No 1954/87 of 3 July 1987 altering the specific agricultural conversion rates applicable in the rice sector	70

II *Acts whose publication is not obligatory*

Council

87/343/EEC :

- * Council Directive of 22 June 1987 amending, as regards credit insurance and suretyship insurance, First Directive 73/239/EEC on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance**

72

87/344/EEC :

- * Council Directive of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance**

77

87/345/EEC :

- * Council Directive of 22 June 1987 amending Directive 80/390/EEC coordinating the requirements for the drawing-up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock exchange listing**

81

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1930/87

of 19 January 1987

on the conclusion of Agreements in the form of an Exchange of Letters between the European Economic Community and, on the one hand, Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, St Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1986/87 delivery period

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas implementation of Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention ⁽¹⁾ and of the Agreement between the European Economic Community and the Republic of India on cane sugar ⁽²⁾ is carried out, in accordance with Article 1 (2) of each, within the framework of the management of the common organization of the sugar market;

Whereas it is appropriate to approve the Agreements in the form of an Exchange of Letters between the European Economic Community and, on the one hand, the States referred to in the aforementioned Protocol and, on the other, the Republic of India on the guaranteed prices for cane sugar for the 1986/87 delivery period,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreements in the form of an Exchange of Letters between the European Economic Community and, on the one hand, Barbados, Belize, the People's Republic of the

Congo, Fiji, the Cooperative Republic of Guyana, the Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, St Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1986/87 delivery period are hereby approved on behalf of the Community.

The text of the Agreements is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements in order to bind the Community.

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 Brussels, 19 January 1987.

For the Council

The President

P. DE KEERSMAEKER

⁽¹⁾ OJ No L 86, 31. 3. 1986, p. 164.

⁽²⁾ OJ No L 190, 22. 7. 1975, p. 35.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of the Ivory Coast, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, St Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1986/87 delivery period

Letter No 1

Brussels, 19 January 1987

Sirs,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention and of the Commission on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an Exchange of Letters between the ACP States concerned and the Community, the following.

For the period 1 July 1986 to 30 June 1987 the guaranteed prices referred to in Article 5 (4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of that Protocol, be :

- (a) for raw sugar : 44,92 ECU per 100 kilograms ;
- (b) for white sugar : 55,39 ECU per 100 kilograms.

These prices represent no increase over those applicable for the preceding delivery period and shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif free out European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

Although retroactivity is not provided for in respect of the 1986/87 prices, it is agreed that this year's decision does not prejudice the position of the ACP States in relation to retroactivity in any future negotiation in accordance with Article 4 (3) of Protocol 7 annexed to the Third ACP-EEC Convention.

It was noted that, in the view of the ACP States, the problem of ocean freight costs remained an outstanding and pressing matter which required immediate consideration and resolution.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the ACP States concerned and the Community.

Les ruego acepten, Señores, el testimonio de mi más alta consideración.

Modtag, ærede herrer, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, sehr geehrte Herren, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλώ δεχθείτε, Κύριοι, τη διαβεβαίωση της μεγίστης μου εκτιμήσεως.

Please, accept, Sirs, the assurance of my highest consideration.

Je vous prie d'agréer, Messieurs, l'assurance de ma plus haute considération.

Vogliate gradire, Signori, i sensi della mia più alta considerazione.

Ik verzoek U, Mijne Heren, de verzekering van mijn bijzondere hoogachting te willen aanvaarden.

Queiram aceitar, Excelentíssimos Senhores, a expressão da minha mais alta consideração.

En nombre del Consejo de las Comunidades Europeas

På vegne Rådet for De Europæiske Fællesskaber

Im Namen des Rates der Europäischen Gemeinschaften

Εξ ονόματος του Συμβουλίου των Ευρωπαϊκών Κοινοτήτων

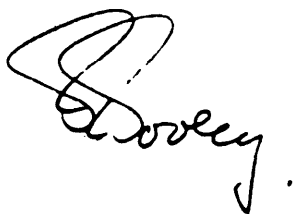
On behalf of the Council of the European Communities

Au nom du Conseil des Communautés européennes

A nome del Consiglio delle Comunità europee

Namens de Raad van de Europese Gemeenschappen

Em nome do Conselho das Comunidades Europeias



Letter No 2

Brussels, 19 January 1987

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention and of the Commission on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an Exchange of Letters between the ACP States concerned and the Community, the following.

For the period 1 July 1986 to 30 June 1987 the guaranteed prices referred to in Article 5 (4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of that Protocol, be :

- (a) for raw sugar : 44,92 ECU per 100 kilograms ;
- (b) for white sugar : 55,39 ECU per 100 kilograms.

These prices represent no increase over those applicable for the preceding delivery period and shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif free out European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

Although retroactivity is not provided for in respect of the 1986/87 prices, it is agreed that this year's decision does not prejudice the position of the ACP States in relation to retroactivity in any future negotiation in accordance with Article 4 (3) of Protocol 7 annexed to the Third ACP-EEC Convention.

It was noted that, in the view of the ACP States, the problem of ocean freight costs remained an outstanding and pressing matter which required immediate consideration and resolution.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the ACP States concerned and the Community.

I have the honour to confirm the Agreement of the Governments of the ACP States concerned with the foregoing.

Please, accept, Sir, the assurance of my highest consideration.

Le ruego acepte, Señor, el testimonio de mi más alta consideración.

Modtag, hr., forsikringen om min mest udmærkede højtelse.

Genehmigen Sie, sehr geehrter Herr, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλώ δεχθείτε, Κύριε, τη διαβεβαίωση της μεγίστης μου εκτιμήσεως.

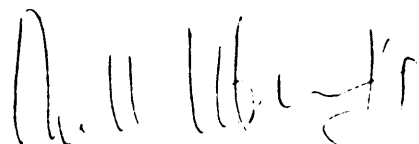
Veillez agréer, Monsieur, l'assurance de ma très haute considération.

Voglia gradire, Signore, i sensi della mia più alta considerazione.

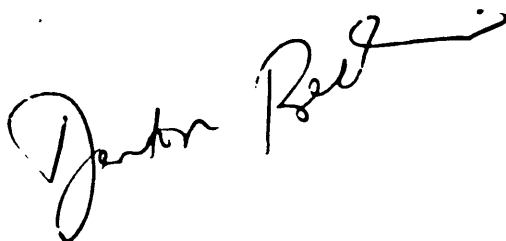
Gelieve, Mijnheer, de verzekering van mijn bijzondere hoogachting te aanvaarden.

Queira aceitar, Excelentíssimo Senhor, a expressão da minha mais alta consideração.

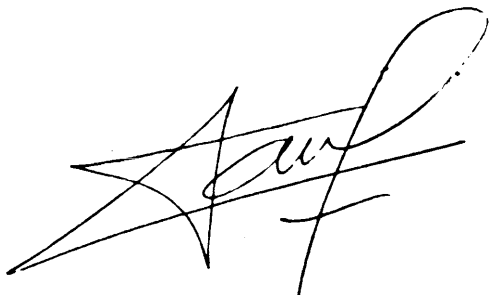
For the Government of Barbados



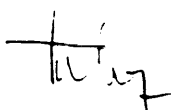
For the Government of Belize



Pour le gouvernement de la république populaire du Congo



Pour le gouvernement de la république de Côte-d'Ivoire



For the Government of Fiji

P. S. B. B. B.

For the Government of the Cooperative Republic of Guyana

W. B. B. B.

For the Government of Jamaica

Carmen J. J. J.

For the Government of the Republic of Kenya

J. M. J. J.

Pour le gouvernement de la république démocratique de Madagascar

R. R. R.

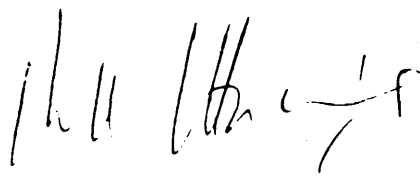
For the Government of the Republic of Malawi

L. L. L.

Pour le gouvernement de l'île Maurice



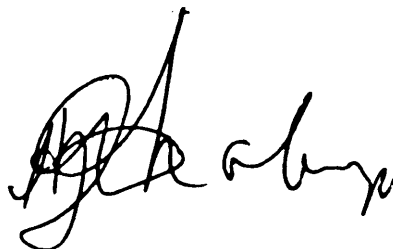
For the Government of Saint Christopher and Nevis



Namens de Regering van de Republiek Suriname



For the Government of the Kingdom of Swaziland



For the Government of the United Republic of Tanzania



For the Government of Trinidad and Tobago

W. H. Tohn

For the Government of the Republic of Uganda

felix

For the Government of the Republic of Zimbabwe

[Handwritten signature]

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the Republic of India on the guaranteed prices for cane sugar for the 1986/87 delivery period

Letter No 1

Brussels, 15 June 1987

Sir,

The representatives of the Republic of India and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the Agreement on cane sugar between the European Economic Community and the Republic of India, to submit to their competent authorities for approval, to be the subject of an Exchange of Letters between the Republic of India and the Community, the following.

For the period 1 July 1986 to 30 June 1987 the guaranteed prices referred to in Article 5 (4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 thereof, be :

- (a) for raw sugar : 44,92 ECU per 100 kilograms ;
- (b) for white sugar : 55,39 ECU per 100 kilograms.

These prices represent no increase over those applicable for the preceding delivery period and shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif free out European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

Although retroactivity is not provided for in respect of the 1986/87 prices, it is agreed that this year's decision does not prejudice the position of the Republic of India in relation to retroactivity in any future negotiation in accordance with Article 4 (3) of the Agreement.

It was noted that, in the view of the Republic of India, the problem of ocean freight costs remained an outstanding and pressing matter which required immediate consideration and resolution.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

Le ruego acepte, Señor, el testimonio de mi más alta consideración.

Modtag, hr., forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, sehr geehrter Herr, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλώ δεχθείτε, Κύριε, τη διαβεβαίωση της μεγίστης μου εκτιμήσεως.

Please, accept, Sir, the assurance of my highest consideration.

Veuillez agréer, Monsieur, l'assurance de ma très haute considération.

Voglia gradire, Signore, i sensi della mia più alta considerazione.

Gelieve, Mijnheer, de verzekering van mijn bijzondere hoogachting te aanvaarden.

Queira aceitar, Excelentíssimo Senhor, a expressão da minha mais alta consideração.

En nombre del Consejo de las Comunidades Europeas

På vegne Rådet for De Europæiske Fællesskaber

Im Namen des Rates der Europäischen Gemeinschaften

Εξ ονόματος του Συμβουλίου των Ευρωπαϊκών Κοινοτήτων

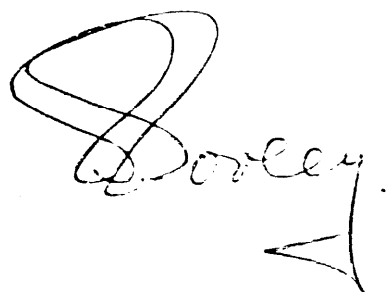
On behalf of the Council of the European Communities

Au nom du Conseil des Communautés européennes

A nome del Consiglio delle Comunità europee

Namens de Raad van de Europese Gemeenschappen

Em nome do Conselho das Comunidades Europeias

A handwritten signature in black ink, appearing to read 'J. Delors', with a stylized flourish at the end.

Letter No 2

Brussels, 15 June 1987

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'The representatives of the Republic of India and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the Agreement on cane sugar between the European Economic Community and the Republic of India, to submit to their competent authorities for approval, to be the subject of an Exchange of Letters between the Republic of India and the Community, the following.

For the period 1 July 1986 to 30 June 1987 the guaranteed prices referred to in Article 5 (4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 thereof, be :

- (a) for raw sugar : 44,92 ECU per 100 kilograms ;
- (b) for white sugar : 55,39 ECU per 100 kilograms.

These prices represent no increase over those applicable for the preceding delivery period and shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif free out European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

Although retroactivity is not provided for in respect of the 1986/87 prices, it is agreed that this year's decision does not prejudice the position of the Republic of India in relation to retroactivity in any future negotiation in accordance with Article 4 (3) of the Agreement.

It was noted that, in the view of the Republic of India, the problem of ocean freight costs remained an outstanding and pressing matter which required immediate consideration and resolution.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.'

I have the honour to confirm that my Government is in Agreement with the foregoing.

NP Jaw

COMMISSION REGULATION (EEC) No 1931/87

of 3 July 1987

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1900/87⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

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

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as amended by Regulation (EEC) No 944/87⁽⁵⁾, provides that, when

export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987,

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 368, 31. 12. 1985, p. 16.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situa-

tion and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 4 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 3 July 1987 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

CCT heading No	Special specification for refund	Nomenclature in simplified wording	Refund		
23.07 B I		Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 2743/75, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04 and subheadings 17.02 A and 21.07 F I):			
		Of a milk powder content of less than 50 % by weight and of a cereal products ⁽¹⁾ content by weight:			
	0510	— Exceeding 5 % but not exceeding 10 %	5,52 ⁽²⁾	7,54 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	1010	— Exceeding 10 % but not exceeding 20 %	11,05 ⁽²⁾	15,10 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	2010	— Exceeding 20 % but not exceeding 30 %	22,10 ⁽²⁾	30,18 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	3010	— Exceeding 30 % but not exceeding 40 %	33,15 ⁽²⁾	45,27 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	4010	— Exceeding 40 % but not exceeding 50 %	44,19 ⁽²⁾	60,36 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	5010	— Exceeding 50 % but not exceeding 60 %	55,24 ⁽²⁾	75,45 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	6010	— Exceeding 60 % but not exceeding 70 %	66,29 ⁽²⁾	90,54 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	7010	— Exceeding 70 %	72,32 ⁽²⁾	98,77 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾

⁽¹⁾ 'Cereal products' means the products falling within Chapter 10 (excluding subheading 10.07 C II) and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.

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

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

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

⁽⁴⁾ For export to other third countries.

COMMISSION REGULATION (EEC) No 1932/87

of 3 July 1987

fixing the monetary coefficient applicable on imports of dried grapes

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as amended by Regulation (EEC) No 1838/86 ⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Commission Regulation (EEC) No 2237/85 of 30 July 1985 laying down detailed rules for the application of the minimum import price system for dried grapes ⁽³⁾, and in particular Article 4 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 2237/85 provides that the Commission shall fix a monetary coefficient equal to the real monetary gap between the agricultural conversion rate for the currency of a Member State and the central rate, or, where applicable, the market rate when that gap is equal to or more than 2,5 percentage points;

Whereas Article 4 (2) of Regulation (EEC) No 2237/85 provides that the monetary coefficient shall be fixed before the commencement of the marketing year and, subsequently, on the first Monday of the months of November, January, March, May and July;

Whereas Commission Regulation (EEC) No 2382/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 1193/87 ⁽⁵⁾, fixes the minimum import price applicable to dried grapes during the marketing year 1986/87 as well as the counter-vailing charges to be imposed where that price is not observed; whereas the import prices as set out in Annex

II of that Regulation are calculated as specific percentages of the minimum import price; whereas as a result the monetary coefficient should apply both to the minimum import prices and the import prices,

HAS ADOPTED THIS REGULATION:

Article 1

After having converted the minimum import prices and the import prices as set out in Annexes I and II of amended Regulation (EEC) No 2382/86 into one of the following national currencies by applying the agricultural conversion rate, the resulting amount shall be multiplied by the following coefficient:

— for the German mark :	0,972
— for the Dutch guilder :	0,972
— for the Greek drachma :	1,312
— for the pound sterling :	1,214
— for the Portuguese escudo :	1,067
— for the Spanish peseta :	1,052
— for the French franc :	1,050
— for the Irish pound :	1,051
— for the Danish krone :	1,035
— for the Italian lire :	1,059

Article 2

This Regulation shall enter into force on 5 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 159, 14. 6. 1986, p. 1.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 24.

⁽⁴⁾ OJ No L 206, 30. 7. 1986, p. 18.

⁽⁵⁾ OJ No L 113, 30. 4. 1987, p. 52.

COMMISSION REGULATION (EEC) No 1933/87
of 3 July 1987
fixing the import levies on rice and broken rice

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1449/86 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within subheading ex 10.06 B I or II of the Common Customs Tariff ⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 881/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 1831/87 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 881/87 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 85, 28. 3. 1987, p. 5.

⁽⁵⁾ OJ No L 174, 1. 7. 1987, p. 6.

(*) This levy is applicable to Basmati rice covered by the arrangement provided for by Council Regulation (EEC) No 3877/86.

COMMISSION REGULATION (EEC) No 1934/87

of 3 July 1987

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1449/86 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2684/86 ⁽³⁾, as last amended by Regulation (EEC) No 1832/87 ⁽⁴⁾;

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 shown in the Annex hereto,

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 246, 30. 8. 1986, p. 8.

⁽⁴⁾ OJ No L 178, 1. 7. 1987, p. 8.

ANNEX

to the Commission Regulation of 3 July 1987 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 7	1st period 8	2nd period 9	3rd period 10
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 1935/87

of 3 July 1987

fixing the amount of aid for peas and field beans referred to in Article 3 (2) of Regulation (EEC) No 1431/82

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 3127/86 ⁽²⁾, and in particular Article 3 (6) (b) thereof,

Having regard to Council Regulation (EEC) No 2036/82 of 19 July 1982 adopting general rules concerning special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 1958/87 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community when the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas Council Regulation (EEC) No 1957/87 ⁽⁵⁾ fixed the guide price for peas and field beans for the 1986/87 marketing year;

Whereas, in accordance with Article 2a of Regulation (EEC) No 1431/82, the guide price is increased monthly as from the beginning of the third month of the marketing year; whereas Council Regulation (EEC) No 1959/87 ⁽⁶⁾ fixed the amount of these monthly increases;

Whereas pursuant to Articles 121 (3) and 307 (3) of the Act of Accession of Spain and Portugal the aid granted on products harvested and processed in either of these

Member States is to be reduced by the customs duties charged by the Member State on peas and field beans imported from third countries;

Whereas under Regulation (EEC) No 2036/82 the world market price for peas and field beans, as referred to in Article 3 (2) of Council Regulation (EEC) No 1431/82, is to be determined on the basis of offers made on the world market, disregarding those which cannot be considered representative of actual market trends; whereas in cases where no offer can be used for determining the world market price, this price is determined from prices recorded on the markets of the principal exporting countries; whereas in cases where no offer either on the world market or on those of the principal exporting countries can be used for determining the world market price this price is fixed at a level equal to the guide price for the products in question;

Whereas, under Commission Regulation (EEC) No 2049/82 ⁽⁷⁾ as last amended by Regulation (EEC) No 1238/87 ⁽⁸⁾, and under Regulation (EEC) No 2036/82 and Regulation (EEC) No 1464/86 the average world market price is to be established per 100 kilograms of products in bulk, delivered at Rotterdam, of sound quality; whereas, for the purpose of establishing this price, only the most favourable offers to deliveries closest in distance, excluding those relating to products being transported by ship, are used;

Whereas for offers and prices that do not comply with the conditions laid down above, the necessary adjustments must be made, and in particular those referred to in Article 5 of Regulation (EEC) No 2049/82;

Whereas in cases where aid is fixed in advance its amount is adjusted as specified in Article 6 (3) of Regulation (EEC) No 2036/82;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 292, 16. 10. 1986, p. 1.

⁽³⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 184, 3. 7. 1987.

⁽⁵⁾ OJ No L 184, 3. 7. 1987.

⁽⁶⁾ OJ No L 184, 3. 7. 1987.

⁽⁷⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽⁸⁾ OJ No L 117, 5. 5. 1987, p. 9.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor referred to in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as amended by Regulation (EEC) No 1636/87 ⁽²⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas the aid must be fixed at least once for each marketing year;

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

HAS ADOPTED THIS REGULATION :

Article 1

The world market price as specified in Article 2 of Regulation (EEC) No 2036/82 shall be 17 ECU/100 kg.

Article 2

1. The amount of the aid provided for in Article 3 (2) of Regulation (EEC) No 1431/82 is indicated in the Annex hereto.
2. The aid for peas and field beans identified from 1 October 1987 onwards shall be the amount referred to in paragraph 1 adjusted by the difference between the guide price applying in the month of September 1987 and that applying in the month of identification.

Article 3

This Regulation shall enter into force on 4 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 3 July 1987 fixing the amount of the aid for peas and field beans used for human consumption

Amounts applicable from 4 July 1987

	<i>(ECU/100 kg)</i>	
	Peas	Field beans
Products used :		
— in Spain	12,09	12,52
— in Portugal	12,14	12,14
— in another Member State	12,52	12,52

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1936/87

of 3 July 1987

re-establishing the levying of customs duties on under garments, knitted or crocheted, products of category 13 (code 40.0130) and woven fabrics of synthetic fibres (discontinuous or waste), unbleached or bleached, products of category ex 3 (code 40.0033) originating in India to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3925/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3925/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3925/86 provides that preferential tariff treatment shall be accorded, for each category of products subjected to individual ceilings not allocated among the Member States, within the limits of the quantities specified in column 7 of its Annexes I or II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of under garments, knitted or crocheted, products of category 13 and woven fabrics of synthetic fibres (discontinuous or waste), unbleached or bleached, products of category ex 3, the relevant ceilings amount to 99 000 pieces and 5 100 tonnes, respectively;

Whereas on 1 June 1987 imports of the products in question into the Community, originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling; whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 7 July 1987 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3925/86, shall be re-established in respect of the following products, imported into the Community and originating in India:

Code	Category	CCT heading No	NIMEXE code (1986)	Description
	(1)	(2)	(3)	(4)
40.0130	13	60.04 ex B	60.04-36, 48, 56, 66, 75, 85	Under garments, knitted or crocheted, not elastic or rubberized: Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted, of wool, cotton or synthetic or regenerated textile fibres
40.0033	ex 3	ex 56.07 A	56.07-04, 10, 20, 30, 39, 45	Woven fabrics of man-made fibres (discontinuous or waste): A. Of synthetic textile fibres: Woven fabrics of synthetic fibres (discontinuous or waste) other than narrow woven fabrics, pile fabrics (including terry fabrics) and chenille fabrics: — Unbleached or bleached

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 68.

Article 2

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

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

Done at Brussels, 3 July 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1937/87

of 3 July 1987

re-establishing the levying of customs duties on woven breeches, shorts and trousers, products of category 6 (code 40.0060) originating in Argentina to which the preferential tariff arrangements of Council Regulation (EEC) No 3925/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3925/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas, in respect of woven breeches, shorts and trousers, products of category 6, the relevant ceiling amounts to 40 400 pieces; whereas on 1 June 1987 imports of the products in question into the Community, originating in Argentina, a country covered by preferential tariff arrangements, reached and were charged against that ceiling; whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Argentina,

HAS ADOPTED THIS REGULATION:

Whereas Article 2 of Regulation (EEC) No 3925/86 provides that preferential tariff treatment shall be accorded, for each category of products subjected to individual ceilings not allocated among the Member States, within the limits of the quantities specified in column 7 of its Annexes I or II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Article 1

As from 7 July 1987 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3925/86, shall be re-established in respect of the following products, imported into the Community and originating in Argentina:

Code	Category	CCT heading No	NIMEXE code (1986)	Description
	(1)	(2)	(3)	(4)
40.0060	6	61.01 ex C 61.02 B II e) ex 6	61.01-62, 64, 66, 72, 74, 76 61.02-66, 68, 72	Men's and boys' outer garments: Women's, girls' and infants' outer garments: B. Other: Men's and boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girl's woven trousers and slacks, of wool, of cotton or of man-made fibres

Article 2

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

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 68.

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

Done at Brussels, 3 July 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1938/87

of 3 July 1987

re-establishing the levying of customs duties on handkerchiefs, products of category 19 (code 40.0190), women's or girls' suits and ensembles, products of category 29 (code 40.0290), track suits, products of category 73 (code 40.0730), and women's or girls' suits and ensembles, products of category 74 (code 40.0740) originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 3925/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3925/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3925/86 provides that preferential tariff treatment shall be accorded, for each category of products subjected to individual ceilings not allocated among the Member States, within the limits of the quantities specified in column 7 of its Annexes I or II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of

- handkerchiefs, products of category 19,
- women's or girls' suits and ensembles, products of category 29,

— track suits, products of category 73,

— women's or girls' suits and ensembles, products of category 74,

the relevant ceilings amount to 185 600, 16 000, 14 500 and 2 000 pieces, respectively;

Whereas on 1 June 1987 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling; whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 7 July 1987 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3925/86, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Code	Category	CCT heading No	NIMEXE code (1986)	Description
	(1)	(2)	(3)	(4)
40.0190	19	61.05 A, C	61.05-10, 99	Handkerchiefs other than knitted or crocheted
40.0290	29	61.02 ex B	61.02-42, 43, 44	Women's, girls' and infants' outer garments: B. Other: Women's or girls' suits and ensembles, other than knitted or crocheted, of wool, of cotton or man-made fibres, excluding ski suits

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 68.

Code	Category	CCT heading No	NIMEXE code (1986)	Description
	(1)	(2)	(3)	(4)
40.0730	73	60.05 ex A	60.05-16, 17, 19	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories : II. Other : Track suits, knitted or crocheted of wool, of cotton or of man-made fibres
40.0740	74	60.05 ex A	60.05-70, 71, 72, 73	Outer garments and other articles, knitted or crocheted, not elastic or rubberized : A. Outer garments and clothing accessories : II. Other : Women's or girls' knitted or crocheted suits and ensembles of wool, of cotton or man-made fibres, excluding ski suits

Article 2

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

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

Done at Brussels, 3 July 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1939/87

of 3 July 1987

derogating from Regulation (EEC) No 1292/81 as regards the quality standards for leeks

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the quality standards for leeks are laid down in Annex I to Commission Regulation (EEC) No 1292/81⁽³⁾;

Whereas experience has shown that production and harvesting methods make it impossible to observe in their entirety the standards laid down for colour and cleanness; whereas this should be taken into account in the quality standards;

Whereas a considerable volume of 'early' leeks is produced in some Member States; whereas 'early' leeks should be included in the quality standards;

Whereas, however, sufficient experience should be gained before the standards are permanently amended; whereas further temporary derogations from the quality standards for leeks should therefore be allowed without the quality of the product being thereby affected;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following derogations from Annex I to Regulation (EEC) No 1292/81 shall apply:

1. In Title II 'Provisions concerning quality' under B 'Classification':

(a) in (i) 'Class I':

— the following is added after the first paragraph:

'Slight traces of soil within the shaft are permitted';

— the final paragraph is replaced by the following:

'At least one-third of the total length or half the sheathed part must be white to greenish white.

However, in early leeks⁽¹⁾ the white to greenish white part must represent at least one-quarter of the total length or one-third of the sheathed part.

⁽¹⁾ Direct-drilled, non-transplanted leeks, harvested from late winter to early summer.'

(b) in (ii) 'Class II':

— the following is added after the first paragraph:

'Traces of soil within the shaft are permitted';

— the last paragraph is replaced by the following:

'In all leeks, the white to greenish white part must represent at least one-quarter of the total length or one-third of the sheathed part.'

(c) in (iii) 'Class III', footnote⁽¹⁾ becomes⁽²⁾ and the last indent is replaced by the following:

— 'slight traces of external soil'.

2. In Title III 'Provisions concerning sizing' under (i), the second paragraph is replaced by the following:

'The minimum diameter is fixed at 8 mm for early leeks and 10 mm for other leeks.'

3. In Title VI 'Provisions concerning marking' under B 'Nature of produce', the sentence shall be supplemented by the following:

'... or "Early leeks" in all relevant cases'.

Article 2

This Regulation shall enter into force on 1 September 1987.

It shall apply until 31 August 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 129, 15. 5. 1981, p. 38.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1940/87

of 3 July 1987

amending Regulation (EEC) No 2409/86 on the sale of intervention butter
intended for incorporation in compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽¹⁾, as last amended by Regulation (EEC) No 3790/85 ⁽²⁾, and in particular Article 7a thereof,

Whereas Article 1 of Commission Regulation (EEC) No 2409/86 ⁽³⁾, as last amended by Regulation (EEC) No 1165/87 ⁽⁴⁾, fixes the date by which butter sold by the intervention agency must have been taken into storage; whereas, in order to allow sales of butter to continue for the purposes of denaturing, the date of entry into storage of butter of a fat content less than 82 % should be brought forward;

Whereas, in accordance with that Regulation and where the butter awarded is not intended for denaturing, checks are conducted as far as the manufacture of compound feedingstuffs; whereas processing securities are consequently released at the end of that final stage; whereas, where the butterfat content of the compound feedingstuffs may be deduced from the composition of the premixture, under the rules the requirement to check the feedingstuffs by taking samples is waived; whereas, where the composition of such a premixture is approved by the Member State of manufacture, the checking procedures may be further relaxed and processing securities released at the premixture stage; whereas, moreover, experience gained shows that the incorporation of tracers into concentrated butter or the premixture provides an adequate guarantee for the partial release of the processing security at that stage;

Whereas experience shows that, as regards compound feedingstuffs, the undertaking should be allowed to define the batch under its own manufacturing programme, in view of the fact that the said feedingstuffs are not homogeneous;

Whereas the rules provide for the possibility of incorporating tracers during processing of the butter into premixtures or into concentrated butter; whereas the definition of permitted tracers may be adjusted depending on the market;

Whereas, under Article 15a of Regulation (EEC) No 2409/86, the time limit for denaturing the butter is 60 days; whereas that period is too short having regard to the handling facilities on dispatch from certain intervention agencies; whereas the said time limit should therefore be extended;

Whereas, for the sake of clarity, it should be specified in the framework of the denaturing process of the butter awarded that inspections are to be carried out and securities released at the stage of the product obtained subsequent to denaturing;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2409/86 is hereby amended as follows:

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

'Butter bought in under Article 6 (1) of Regulation (EEC) No 804/68 and taken into storage before 1 July 1984 or butter of a fat content less than 82 % taken into storage before 1 January 1985 shall be sold under the conditions provided for in this Regulation.'

2. In Articles 4 and 5, the words 'as defined in Article 2 (b) of Directive 79/373/EEC' are deleted.
3. In Article 6 (2) (b), the words '1,1 kg' are replaced by '0,9 kg' and the figure '325' is replaced by '320'.
4. The first subparagraph of Article 9 (1) is replaced by the following:

'For the purposes of this Regulation, the following shall be considered as compound feedingstuffs:

- complete feedingstuffs as defined in Article 2 (d) of Directive 79/373/EEC;
- complementary feedingstuffs as defined in Article 2 (e) of Directive 79/373/EEC and premixtures the composition of which is typical of feedingstuffs and approved by the competent authority of the Member State of production'.

⁽¹⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 5.

⁽³⁾ OJ No L 208, 31. 7. 1986, p. 29.

⁽⁴⁾ OJ No L 112, 29. 4. 1987, p. 29.

5. Article 10 is replaced by the following:

'Article 10

The provisions of Article 9(2) shall not apply to compound feedingstuffs delivered by tanker or container under the conditions laid down in Article 11 to:

- an undertaking responsible for processing them into complete feedingstuffs as referred to in the first indent of Article 9(1), or,
- a holding or a fattening concern which uses such compound feedingstuffs.

6. The last subparagraph of Article 13(3) is replaced by the following:

'For the purposes of this Article and of Article 14(2), "batch" shall mean a quantity of compound feedingstuffs of the same composition identified under the manufacturing programme of the manufacturing plant.'

7. In the last subparagraph of Article 14(1), the words 'this Article' are replaced by 'this paragraph'.

8. The following point 4 is added to Article 14:

'4. In the case referred to in the second indent of the first subparagraph of Article 9(1), the inspections referred to in point 2(a) shall also be deemed to have been carried out if the successful tenderer submits a statement from the undertaking as referred to in the first indent of Article 10 which shall be renewable by tacit agreement and apply to all sales, to the effect that the latter confirms:

- its obligations as set out in the sales contract referred to Article 5;
- that it is aware of the national penalties to which it is liable if it transpires, during the inspections referred to point 2(b) or any other

inspection which the public authorities might undertake, that the obligations which it has entered into have not been met'.

9. The introductory lines of Article 15a(1) are replaced by the following:

'Tenderers, as defined in Article 3, may take part in the tendering procedure without fulfilling the conditions laid down in Article 4, Titles II and III and in Article 14 if they undertake in writing to denature, within the Community, the butter purchased for the purpose of incorporation in compound feedingstuffs by incorporating it within 90 days following the closing date for the submission of tenders in response to the individual invitation to tender as referred to in Article 17.'

10. In Article 15a(4) and the second subparagraph of Article 21(2), the words 'finished fatty product' and 'finished product' respectively are replaced by 'product obtained'.

11. The following sentence is added to the first subparagraph of Article 21(2):

'Up to one third of the processing security may, however, be released where the products referred to in Article 6(2) have been added to the concentrated butter or to the premixture'.

12. In the second subparagraph of Article 26(1), the words 'period of 60 days' are replaced by 'period of 90 days'.

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 8 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1941/87

of 3 July 1987

derogating from Regulation (EEC) No 1726/70 as regards the time limits for concluding and registering cultivation contracts in respect of leaf tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1576/86 ⁽²⁾, and in particular the first subparagraph of Article 3 (3) thereof,

Whereas Article 2b of Commission Regulation (EEC) No 1726/70 of 25 August 1970 on the procedure for granting the premium for leaf tobacco ⁽³⁾, as last amended by Regulation (EEC) No 1791/86 ⁽⁴⁾, provides that cultivation declarations and contracts must be concluded before 1 May and registered before 1 July of the year in which they take effect;

Whereas, owing to adverse weather conditions which have delayed the preparations of seed beds, some of the particulars which must appear in the cultivation contracts cannot be known until after the deadline for the conclusion of the said contracts; whereas this is one of the cases, specified in the second subparagraph of Article 2b (3) of Regulation (EEC) No 1726/70, where the Commission is authorized to take appropriate measures, and may accordingly defer the said deadline and, therefore, the deadline for registering the cultivation declarations and contracts;

Whereas in Spain the agency responsible for registering cultivation contracts and declarations has just been set up; whereas later deadlines should be fixed for conclu-

ding and registering cultivation contracts and declarations in respect of tobacco grown in that country in the light of the fact that that agency has yet to become operational;

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the first subparagraph of Article 2b (3) and the first indent of Article 2b (6) (a) of Regulation (EEC) No 1726/70, cultivation declarations and contracts in respect of leaf tobacco taking effect in 1987 may be concluded up to 30 June 1987 and registered up to 31 July 1987.

However, in the case of Spain, these time limits shall be deferred to 31 August 1987 and 30 September 1987 respectively.

Article 2

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

It shall apply with effect from 1 May 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 1.

⁽³⁾ OJ No L 191, 27. 8. 1970, p. 1.

⁽⁴⁾ OJ No L 156, 11. 6. 1986, p. 16.

COMMISSION REGULATION (EEC) No 1942/87

of 3 July 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 1900/87⁽²⁾, and in particular the first sentence of the
fourth subparagraph of Article 16 (2) thereof,

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 194, 17. 7. 1986, p. 1.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 20.

⁽⁹⁾ OJ No L 94, 9. 4. 1986, p. 6.

HAS ADOPTED THIS REGULATION :

Article 1

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

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

Article 2

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

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 3 July 1987 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)		
CCT heading No	Description	Rate of refund
10.01 B I	Common wheat, and meslin (mixed wheat and rye):	
	— For the manufacture of starch	10,804 ⁽¹⁾
	— Other than for the manufacture of starch	10,804
10.01 B II	Durum wheat	13,684
10.02	Rye	9,778
10.03	Barley	10,976
10.04	Oats	9,211
10.05 B	Maize, other than hybrid maize for sowing:	
	— For the manufacture of starch	14,092 ⁽¹⁾
	— Other than for the manufacture of starch	14,092
10.06 B I b) 1	Round grain husked rice	44,918
10.06 B I b) 2	Long grain husked rice	47,235
10.06 B II b) 1	Round grain wholly milled rice	57,959
10.06 B II b) 2	Long grain wholly milled rice	68,457
10.06 B III	Broken rice:	
	— For the manufacture of starch	20,561 ⁽¹⁾
	— Other than for the manufacture of starch	20,561
10.07 C II	Grain sorghum	7,011
11.01 A	Wheat or meslin flour	12,712
11.01 B	Rye flour	18,780
11.02 A I a)	Durum wheat groats and meal	21,210
11.02 A I b)	Common wheat groats and meal	12,712

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

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

COMMISSION REGULATION (EEC) No 1943/87

of 3 July 1987

fixing, for the 1987/88 marketing year, the threshold prices for cereals and for certain classes of flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1900/87⁽²⁾, and in particular Article 5 (5) and (6) thereof,

Whereas Article 5 (1) of Regulation (EEC) No 2727/75 provides that the threshold price for the principal cereals must be fixed in such a way that the selling price for imported products on the Duisburg market is the same as the target price; whereas this is achieved by deducting from the target price the most advantageous transport costs between Rotterdam and Duisburg, transshipment charges at Rotterdam and a trading margin; whereas the target prices have been fixed for the 1987/88 marketing year by Council Regulation (EEC) No 1901/87⁽³⁾;

Whereas the threshold prices for other cereals for which no target price is fixed must, in accordance with Article 5 (2) of Regulation (EEC) No 2727/75, be so determined that the target price for the principal cereals in competition with these products may be reached on the Duisburg market;

Whereas, pursuant to Article 5 (5) of the abovementioned Regulation, the threshold prices for wheat flour, meslin flour and rye flour and for wheat groats and meal must be fixed according to the rules and for the standard qualities laid down in Articles 6, 7 and 9 of Council Regulation (EEC) No 2734/75⁽⁴⁾; whereas the calculations made in accordance with those rules give the prices shown below;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the last subparagraph of Article 5 (1) of Regulation (EEC) No 2727/75, the threshold prices for the 1987/88 marketing year for the products listed in Article 1 (a), (b) and (c) of the said Regulation shall be fixed as follows:

	(ECU/tonne)
Common wheat and meslin:	251,39
Rye:	229,09
Barley:	229,09
Maize:	229,09
Durum wheat:	352,99
Oats:	219,93
Buckwheat:	229,09
Sorghum:	229,09
Millet:	229,09
Canary seed:	229,09
Wheat and meslin flour:	378,70
Rye flour:	349,73
Common wheat groats and meal:	409,00
Durum wheat groats and meal:	547,97

Article 2

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

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 182, 3. 7. 1987.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 34.

COMMISSION REGULATION (EEC) No 1944/87

of 3 July 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 1900/87 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 1676/85 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 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 13 (1) of Regulation (EEC) No 2727/75 provides that a levy must be charged on imports of the products listed in Article 1 (a), (b) and (c) of that Regulation; whereas the levy is equal for each product to the threshold price less the cif price;

Whereas, the threshold prices for cereals and for wheat and rye flour, and wheat groats and meal, were fixed for the 1987/88 marketing year by Regulations (EEC) No 2734/75 ⁽⁵⁾, (EEC) No 1901/87 ⁽⁶⁾, (EEC) No 1903/87 ⁽⁷⁾ and (EEC) No 1943/87 ⁽⁸⁾;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Regulation No 156/67/EEC ⁽⁹⁾, as last amended by Regulation (EEC) No 31/76 ⁽¹⁰⁾, and in particular the most favourable purchasing opportunities on the world market among those which are most representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal disturbances on the Community market; whereas the quality of

the goods offered must also be taken into account, whether this quality corresponds to the standard quality fixed in Regulations (EEC) No 2731/75 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1028/84 ⁽¹²⁾, and (EEC) No 2734/75, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Regulation No 158/67/EEC ⁽¹³⁾, as last amended by Regulation (EEC) No 3135/84 ⁽¹⁴⁾, and in Regulation No 159/67/EEC ⁽¹⁵⁾;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas Council Regulation (EEC) No 486/85 ⁽¹⁶⁾, last amended by Regulation (EEC) No 73/87 ⁽¹⁷⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

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 Council 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 2 July 1987;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 34.

⁽⁶⁾ OJ No L 182, 3. 7. 1987.

⁽⁷⁾ OJ No L 182, 3. 7. 1987.

⁽⁸⁾ See page 37 of this Official Journal.

⁽⁹⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹⁰⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽¹²⁾ OJ No L 107, 19. 4. 1984, p. 17.

⁽¹³⁾ OJ No 128, 27. 6. 1967, p. 2536/67.

⁽¹⁴⁾ OJ No L 293, 10. 11. 1984, p. 11.

⁽¹⁵⁾ OJ No 128, 27. 6. 1967, p. 2542/67.

⁽¹⁶⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽¹⁷⁾ OJ No L 11, 13. 1. 1987, p. 23.

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽¹⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Regulation No 156/67/EEC and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as

set out in the Annex thereto; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by 0,73 ECU or more,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the 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 4 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

ANNEX

to the Commission Regulation of 3 July 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	177,89
10.01 B II	Durum wheat	28,00	230,41 ⁽¹⁾ ⁽²⁾
10.02	Rye	23,74	151,06 ⁽³⁾
10.03	Barley	22,03	173,69
10.04	Oats	70,15	128,24
10.05 B	Maize, other than hybrid maize for sowing	2,38	177,56 ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾
10.07 A	Buckwheat	22,03	113,81
10.07 B	Millet	22,03	123,75 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	27,10	184,69 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	22,03	30,11 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	262,05
11.01 B	Rye flour	42,22	224,49
11.02 A I a)	Durum wheat groats and meal	104,75	370,13
11.02 A I b)	Common wheat groats and meal	104,97	283,02

⁽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 1945/87

of 3 July 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 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 1900/87⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 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 last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the scale of premiums to be added to the import levies fixed in advance for cereals must include a premium for the current month and a premium for each of the three following months; whereas the amount of each premium must be the same throughout the Community;

Whereas Council Regulation (EEC) No 2745/75 of 29 October 1975⁽⁵⁾ laid down rules for the advance fixing of levies on cereals;

Whereas, under the terms of that Regulation, where the cif price for a cereal determined on the day on which the scale of premiums is fixed is higher than the cif forward delivery price for that cereal, the scale of the premium should as a general rule be equal to the difference between these two prices; whereas the cif price is that determined in accordance with Article 13 of Regulation (EEC) No 2727/75 on the day on which the scale of premiums is fixed; whereas the cif forward delivery price is also determined in accordance with Article 13 of Regulation (EEC) No 2727/75 but on the basis of offers at North Sea ports; whereas this price must be the cif price for shipment during the month in which the import licence is issued in the case of imports to be effected during that month; whereas, in the case of imports to be effected during the month following the month in which the import licence is issued, this price must be the cif price for shipment during that month; whereas, in the case of imports to be effected during the last two months

for which the import licence is valid, this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place;

Whereas this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place in the case of imports to be effected during the last two months for which the import licence is valid;

Whereas the premium shall be 0 ECU if the cif price determined on the day on which the premiums are fixed is equal to the cif forward delivery price or exceeds that price by not more than 0,151 ECU per tonne;

Whereas the premium may, however, be fixed at a higher level in exceptional circumstances and within certain specific limits;

Whereas Article 3 of Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No 1740/78⁽⁷⁾, provides for the addition of a premium to the levy fixed in advance for products falling within tariff heading No 11.07; whereas this premium is, per 100 kilograms of processed product, equal to the premium applicable on the day of application for an import licence to the quantity of basic product taken as a basis for the calculation of the variable component of the levy;

Whereas, pursuant to Commission Regulation (EEC) No 971/73 of 9 April 1973 on the advance fixing of the levy on wheat and meslin flour⁽⁸⁾, a premium is added to the levy fixed in advance for the products falling under subheading 11.01 A referred to in Article 1 (c) of Regulation (EEC) No 2727/75; whereas this premium is, per tonne of processed product, equal to the premium applicable on the date of application for an import licence for the basic product, account being taken of the quantity of the basic cereal required for the production of one tonne of flour;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 29.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 76.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 95, 11. 4. 1973, p. 10.

- 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 Article 2b (2) of Council Regulation (EEC) No 1676/85⁽¹⁾, as amended by Regulation (EEC) No 1636/87⁽²⁾,
- 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 27 June 1986;

Whereas it follows from applying all these provisions that the premiums should be as set out in the Annex hereto; whereas the amount of the premiums should be altered only if application of the abovementioned provisions entails a change of more than 0,151 ECU,

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.

Les 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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 3 July 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	1st period	2nd period	3rd period
		7	8	9	10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	4,77
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	1st period	2nd period	3rd period	4th period
		7	8	9	10	11
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 1946/87

of 3 July 1987

fixing the import levies on frozen beef and veal

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 467/87⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under subheading 02.01 A II b) 1, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3114/83⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1.69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at 6,65 ECU;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher

than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 6 July 1987 have been fixed by Council Regulation (EEC) No 1891/87⁽⁵⁾;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under subheadings 02.01 A II b) 2 to 4 is equal to the basic levy fixed for the product falling within subheading 02.01 A II b) 1, multiplied by a standard coefficient

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 303, 5. 11. 1983, p. 16.

⁽⁵⁾ OJ No L 182, 3. 7. 1987.

fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the relevant coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage ; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86 ⁽¹⁾, as last amended by Regulation (EEC) No 467/87 ⁽²⁾ ; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽³⁾, as last amended by Regulation (EEC) No 1616/87 ⁽⁴⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several

times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 486/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1306/87 ⁽⁶⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 150, 11. 6. 1987, p. 22.

⁽⁵⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁶⁾ OJ No L 124, 13. 5. 1987, p. 5.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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 Council Regulation (EEC) No 1676/85 ⁽¹⁾, as amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- 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 rela-

tion to the Community currencies referred to in the previous indent and the aforesaid coefficient,

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 3 July 1987 fixing the import levies on frozen beef and veal ⁽¹⁾

CCT heading No	(ECU/100 kg)
	Levy — Net weight —
02.01 A II b) 1	198,627
02.01 A II b) 2	158,901 (a)
02.01 A II b) 3	248,284
02.01 A II b) 4 aa)	297,940
02.01 A II b) 4 bb) 11	248,284 (a)
02.01 A II b) 4 bb) 22 (b)	248,284 (a)
02.01 A II b) 4 bb) 33	341,637 (a)

(¹) In accordance with Regulation (EEC) No 486/85, 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.

(a) Where products are imported under the conditions set out in Article 14 of Council Regulation (EEC) No 805/68 and in provisions adopted for its application, the levy is totally or partially suspended in accordance with those provisions.

(b) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

COMMISSION REGULATION (EEC) No 1947/87

of 3 July 1987

fixing the import levies on live cattle and on beef and veal other than frozen

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 467/87⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under subheadings 02.01 A II a) 1 to 3, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 311/83⁽⁴⁾;

Whereas the guide prices for adult bovine animals to be applied from 6 July 1987 were fixed by Council Regulation (EEC) No 1891/87⁽⁵⁾;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 303, 5. 11. 1983, p. 16.

⁽⁵⁾ OJ No L 182, 3. 7. 1987.

Whereas if the free-at-frontier offer price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77 of 18 March 1977⁽¹⁾, as amended by Regulation (EEC) No 925/77⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least 1,21 ECU per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the appropriate coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount

of the premium granted to producers under Regulation (EEC) No 1347/86⁽³⁾, as last amended by Regulation (EEC) No 467/87⁽⁴⁾; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽⁵⁾, as last amended by Regulation (EEC) No 1616/87⁽⁶⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 109, 30. 4. 1977, p. 1.

⁽³⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽⁴⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽⁵⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁶⁾ OJ No L 150, 11. 6. 1987, p. 22.

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, of Council Regulation (EEC) No 287/82 of 3 February 1982 establishing the arrangements applicable to imports of products originating in Yugoslavia to take account of the accession of the Hellenic Republic to the Community⁽²⁾, and of Council Regulation (EEC) No 3349/81 of 24 November 1981 providing for a reduction in the levy applicable to imports into the Community of certain beef and veal products originating in and coming from Yugoslavia⁽³⁾;

Whereas Council Regulation (EEC) No 486/85⁽⁴⁾, last amended by Regulation (EEC) No 1306/87⁽⁵⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where

the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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 coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽²⁾ OJ No L 30, 6. 2. 1982, p. 1.

⁽³⁾ OJ No L 339, 26. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁵⁾ OJ No L 124, 13. 5. 1987, p. 5.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 3 July 1987 fixing the import levies on live cattle and on beef and veal other than frozen ⁽¹⁾

(ECU/100 kg)

CCT heading No	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
01.02 A II (a)	— Live weight —		
	50,310	42,490	114,707
	— Net weight —		
02.01 A II a) 1	95,589	80,731	217,943
02.01 A II a) 2	76,471	64,584	174,354
02.01 A II a) 3	114,707	96,877	261,532
02.01 A II a) 4 aa)	—	121,097	326,914
02.01 A II a) 4 bb)	—	138,518	373,944
02.06 C I a) 1	—	121,097	326,914
02.06 C I a) 2	—	138,518	373,944
16.02 B III b) 1 aa)	—	138,518	373,944

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, 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.

⁽²⁾ This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1725/80 (OJ No L 170, 3. 7. 1980, p. 4).

(a) The levy which is to be applied to young male bovine animals, intended for fattening, of a live weight of 300 kg or less, imported under the conditions set out in Article 13 of Council Regulation (EEC) No 805/68, and in the provisions adopted for its application, is totally or partially suspended in accordance with those provisions.

COMMISSION REGULATION (EEC) No 1948/87

of 3 July 1987

fixing the export refunds on products processed from cereals and rice

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 1900/87⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1588/86⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas Commission Regulation (EEC) No 2806/71⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽²⁾, as amended by Regulation (EEC) No 1636/87⁽³⁾,
- 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 rela-

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 4 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 3 July 1987 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund
11.01 C (I)	Barley flour, of an ash content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	148,14
11.01 C (II)	Barley flour not included under No 11.01 C (I)	100,74
11.01 D (I)	Oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1,8 % by weight, of a moisture content not exceeding 11 % and of which the peroxylase is virtually inactivated	165,80
11.01 D (II)	Oat flour not included under No 11.01 D (I)	—
11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight (7)	197,29
11.01 E (II)	Maize flour, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight (7)	169,10
11.01 E (III)	Maize flour not included under No 11.01 E (I) and (II) (7)	—
11.01 F	Rice flour	—
11.02 A III (a)	Barley groats and meal, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	153,08
11.02 A III (b)	Barley groats and meal not included under No 11.02 A III (a)	—
11.02 A IV (a)	Oat groats and meal, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxylase is virtually inactivated	165,80
11.02 A IV (b)	Oat groats and meal not included under No 11.02 A IV (a)	—
11.02 A V (a)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight (1) (8)	253,66
11.02 A V (b)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight (1) (8)	197,29
11.02 A V (c)	Maize groats and meal, of a fat content, referred to dry matter, exceeding 1,3 % by weight but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight (1) (8)	169,10
11.02 A VI	Rice groats and meal	—
11.02 B I a) 1 (aa)	Hulled (shelled or husked) barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight (2)	148,14
11.02 B I a) 1 (bb)	Hulled (shelled or husked) barley not included under No 11.02 B I a) 1 (aa) (2)	—
11.02 B I a) 2 (aa)	Clipped oats	—

Number in nomenclature used for refunds	Nomenclature in simplified wording	(ECU/tonne) Refund
11.02 B I a) 2 bb) (11)	Hulled (shelled or husked) oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of tegument content not exceeding 0,5 % of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ⁽²⁾	147,38
11.02 B I a) 2 bb) (22)	Hulled (shelled or husked) oats, not included under No 11.02 B I a) 2 bb) (11) ⁽²⁾	—
11.02 B I b) 1 (aa)	Hulled and sliced or kibbled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ('Grütze' or 'Grutten') ⁽²⁾	148,14
11.02 B I b) 1 (bb)	Hulled and sliced or kibbled barley, not included under No 11.02 B I b) 1 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B I b) 2 (aa)	Hulled and sliced or kibbled oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') ⁽²⁾	156,59
11.02 B I b) 2 (bb)	Hulled and sliced or kibbled oats not included under No 11.02 B I b) 2 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B II a) (1)	Hulled (shelled or husked) wheat, not sliced or kibbled ⁽²⁾	—
11.02 B II c) (1)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ('Gruetze' or 'Grutten') ⁽²⁾ ⁽⁶⁾	211,38
11.02 B II c) (2)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ('Gruetze' or 'Grutten') ⁽²⁾ ⁽⁶⁾	162,06
11.02 C III (a)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 1st category ⁽³⁾	197,52
11.02 C III (b)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 2nd category ⁽³⁾	158,02
11.02 C IV	Pearled oats ⁽³⁾	—
11.02 D I	Wheat not otherwise worked than kibbled	100,00
11.02 D II	Rye not otherwise worked than kibbled	95,00
11.02 E I b) 1 (aa)	Flaked barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	148,14
11.02 E I b) 1 (bb)	Flaked barley not included under 11.02 E I b) 1 (aa)	—
11.02 E I b) 2 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	184,22
11.02 E I b) 2 (bb)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content exceeding 0,1 % but not exceeding 1,5 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	147,38
11.02 E I b) 2 (cc)	Flaked oats not included under Nos 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	—
11.02 E II a	Flaked wheat	110,20
ex 11.02 E II c) (1)	Flaked maize, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,7 % by weight	225,47

(ECU/tonne)

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund
ex 11.02 E II c) (2)	Flaked maize, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	183,20
ex 11.02 E II c) (3)	Flaked maize, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.02 E II d) 1	Flaked rice	—
11.02 F III	Barley pellets	—
11.02 F IV	Oat pellets	—
11.02 F V	Maize pellets	—
11.02 G I	Wheat germ, whole, rolled, flaked or ground	27,01
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	35,23
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	192,31
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	175,79
11.08 A I	Maize starch (*)	209,47
11.08 A II	Rice starch (*)	294,29
11.08 A III	Wheat starch (*)	188,08
11.08 A IV	Potato starch (*)	209,47
11.08 A V	Starches other than maize, rice, wheat, or potato starch (*)	—
11.09 A	Dried wheat gluten, of a protein content, referred to dry matter, of 82 % or more by weight ($N \times 6,25$)	252,04
17.02 B II a)	Glucose and malto-dextrine, other than glucose containing, in the dry state, 99 % or more by weight of the pure product, in the form of white crystalline powder, whether or not agglomerated (*)	273,62
17.02 B II b)	Malto-dextrine and malto-dextrine syrup; glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated (*)	209,47
17.02 F II a)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, in the form of powder, whether or not agglomerated	286,71
17.02 F II b)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, other than in the form of powder	199,00
21.07 F II	Flavoured or coloured glucose syrup, and malto-dextrine syrup	209,47
23.02 A I a)	Brans sharps and other residues derived from the sifting, milling or working of maize or rice of a starch content not exceeding 35 % by weight	27,82
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % by weight, and not having undergone a denaturing process, or of a starch content exceeding 45 % by weight and having undergone denaturing process	27,82
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of a starch content not exceeding 28 % by weight and of which the percentage which passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or of which the sifted product has an ash content, calculated on dry matter, not exceeding 1,5 % by weight	27,82
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not included under No 23.02 A II a)	27,82
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, of 63 % or more by weight ($N \times 6,25$)	104,74

-
- (¹) The export refund is paid in respect of maize, groats and meal :
- of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
 - of which a percentage not exceeding 5 % passes through a sieve with an aperture of 150 microns.
- (²) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (³) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (⁴) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I enjoys the same export refund as the product falling within subheading 17.02 B II.
- (⁵) The export refund is granted on products falling within this subheading which have a starch content of not less than 85 % by weight.
- (⁶) The export refund is granted on products falling within this subheading which have a starch content of not less than 78 % by weight.
- (⁷) The analytical method to be used for the determination of the fatty matter content is that printed in Annex I (method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
- (⁸) The procedure to be followed for the determination of the fatty matter content is as follows :
- the sample has to be crushed so that 90 % or more can pass through a sieve with an aperture of 500 microns and 100 % can pass through a sieve with an aperture of 1 000 microns,
 - the analytical method to be used afterwards is that which is printed in Annex I (Method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
-

COMMISSION REGULATION (EEC) No 1949/87

of 3 July 1987

laying down the level of the accession compensatory amounts for milk and milk products applicable for the 1987/88 milk year in trade with Spain

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

Having regard to Council Regulation (EEC) No 466/86 of 25 February 1986 determining the general rules for the system of accession compensatory amounts for milk and milk products on account of the accession of Spain⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1378/86⁽²⁾ fixed the level of the accession compensatory amounts for milk and milk products applicable as from 7 May 1986 in trade with Spain;

Whereas, pursuant to Article 98 (1) of the Act of Accession of Spain and Portugal, the difference between the prices applicable in Spain on 1 March 1986 and the corresponding prices calculated according to the rules provided for in the common organization of the market on the basis of the guaranteed price for milk applicable in Spain throughout the representative period is to be progressively reduced so that it is equal to half the initial difference on the fourth move towards alignment and totally eliminated on the seventh such move; whereas the accession compensatory amounts applicable from the start of the milk year 1987/88 should be determined;

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

HAS ADOPTED THIS REGULATION:

Article 1

The accession compensatory amounts applicable during the 1987/88 milk year in trade between the Community as constituted at 31 December 1985 and Spain, and in trade between Spain and third countries for the milk and milk products listed in the Annex hereto shall be as shown in this Annex.

Article 2

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

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 23.

⁽²⁾ OJ No L 120, 8. 5. 1986, p. 37.

ANNEX

Accession compensatory amounts applicable in trade with Spain

(Amounts to be charged on imports and granted on exports by Spain unless otherwise indicated)

CCT heading No	Description	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 04.01	Milk and cream, fresh, not concentrated or sweetened (excluding goats' and sheep's milk and cream): A. Of a fat content, by weight, not exceeding 6 % : I. Yoghurt, kephir, curdled milk, whey, buttermilk and other fermented or acidified milk : — Whey — — Other, of a fat content, by weight : — not exceeding 0,6 % 1,51 — exceeding 0,6 % (1) II. Other (1) B. Other (1)	
04.02	Milk and cream, preserved, concentrated or sweetened : A. Not containing added sugar : I. Whey — II. Milk and cream, in powder or granules and of a fat content by weight : — not exceeding 1,5 %, intended for human consumption (2) 57,92 — exceeding 1,5 % but not exceeding 29 % 52,20 — exceeding 29 % but not exceeding 45 % 48,50 — exceeding 45 % 39,76 III. Milk and cream, other than in powder or granules and of a fat content, by weight : — not exceeding 11 % 20,37 — exceeding 11 % (2) B. Containing added sugar : I. Milk and cream, in powder or granules : a) Special milk for infants, in hermetically sealed containers of a net capacity of 500 g or less and of a fat content, by weight, exceeding 10 % but not exceeding 27 % 0,5220 per kg (*) b) Other, of a fat content by weight : — not exceeding 1,5 %, intended for human consumption (2) 0,5792 per kg (*) — exceeding 1,5 % but not exceeding 29 % 0,5220 per kg (*) — exceeding 29 % but not exceeding 45 % 0,4850 per kg (*) — exceeding 45 % 0,3976 per kg (*) II. Milk and cream, other than in powder or in granules, and of a fat content, by weight : — not exceeding 9,5 % 15,45 (2) — exceeding 9,5 % (2)	

CCT heading No	Description	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
04.03	Butter :	
	Of a fat content, by weight :	
	— of less than 80 %	0,3707 (7)
	— of 80 % or more but less than 82 %	29,66
	— exceeding 82 % but not exceeding 84 %	30,40
	— exceeding 84 %	0,3707 (7)
04.04	Cheese and curd :	
	A. Emmentaler, Gruyère, Sbrinz, Berkäse, Appenzell, Vacherin fribourgeois, Vacherin Mont d'Or and Tête de moine, not grated or powdered	35,13
	B. Glaris herb cheese (known as Schabziger), made from skimmed milk and mixed with finely-ground herbs	22,00
	ex C. Blue-veined cheese, not grated or powdered :	
	— Roquefort	—
	— Other (excluding cheeses made exclusively from sheep's or goats' milk)	17,37
	D. Processed cheese, not grated or powdered :	
	— In the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glaris herb cheese (known as Schabziger), put up for retail sale, of a fat content not exceeding 56 % by weight in the dry matter	35,13
	— Other	63,59
	E. Other :	
	I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, by weight, in the non-fat solids :	
	ex a) Not exceeding 47 % :	
	— Parmigiano Reggiano, Pecorino Romano, Pecorino Sardo and Grana Padano	—
	— Other (excluding cheeses manufactured exclusively from sheep's or goats' milk)	46,00
	b) Exceeding 47 % but not exceeding 72 % :	
	1. Cheddar	63,59
	ex 2. Other (excluding cheeses manufactured exclusively from sheep's or goats' milk)	40,85
	c) Exceeding 72 % (excluding cheeses manufactured exclusively from sheep's or goats' milk)	35,00
	II. Other :	
	a) Grated or powdered	46,00
	b) Other (excluding cheeses manufactured exclusively from sheep's or goats' milk)	38,00
17.02	A. Lactose and lactose syrup (°) :	
	II. Other (than those containing, in the dry state, 99 % or more by weight of the pure product)	12,15

CCT heading No	Description	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
21.07	F. Flavoured or coloured sugar syrups : I. Lactose syrup	12,15
23.07	Molasses or sweetened forage ; other preparations of a kind used in animal feeding : ex B. Other, containing starch, glucose, glucose syrup, malto- dextrine and/or maltodextrine syrup, falling within subheadings 17.02 B and 21.07 F II and milk products : I. Containing starch, glucose, glucose syrup, malto- dextrine or maltodextrine syrup : a) Containing no starch or containing 10 % or less by weight of starch : 3. Containing not less than 50 % but less than 75 % by weight of milk products — 4. Containing not less than 75 % by weight of milk products — b) Containing more than 10 % but not more than 30 % by weight of starch : 3. Containing not less than 50 % by weight of milk products — (*) c) Containing more than 30 % by weight of starch : 3. Containing not less than 50 % by weight of milk products — (*) II. Containing no starch, glucose, glucose syrup, malto- dextrine, or maltodextrine syrup, but containing milk products —	

Notes

- (¹) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms net of the product multiplied by 0,0429 ECU,
 - an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kilograms net of the product multiplied by 0,015108 ECU.
- (²) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Regulation (EEC) No 1725/79 or Regulation (EEC) No 3714/84 or those imported into Spain under the arrangements laid down in Regulation (EEC) No 1624/76.
- (³) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms of the product multiplied by 0,0429 ECU,
 - an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kilograms net of the product multiplied by 0,166188 ECU.
- (⁴) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of :
- the amount per kilograms indicated multiplied by the weight of milk and cream contained in 100 kilograms of finished product,
 - an additional amount for each percentage point of sucrose content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁵) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of :
- the amount indicated,
 - an additional amount for each percentage point of sucrose content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁶) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :
- an amount corresponding to the quantity of milk fat expressed as a percentage, contained in 100 kilograms net of the product, multiplied by 0,0429 ECU, and
 - an amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kilograms net of the product multiplied by 0,166188 ECU,
 - an additional amount for each percentage point of sucrose content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁷) The compensatory amount for 100 kilograms net of these products shall be equal to the amount indicated multiplied by the weight of the fat contained in 100 kilograms of finished product.
- (⁸) The compensatory amount for 100 kilograms net weight of these products shall be equal :
- in the case of products falling within subheading 23.07 B I b) 3, to the accession compensatory amount for 100 kilograms of maize multiplied by the coefficient 0,16,
 - in the case of products falling within subheading 23.07 B I c) 3, to the accession compensatory amount for 100 kilograms of maize multiplied by the coefficient 0,50.
- (⁹) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within subheading 17.02 A I shall be the same as for those falling within subheading 17.02 A II. These amounts are to be granted on exports to Spain by the exporting Member State or charged on imports from Spain by the importing Member State.

N.B.: In the case of goats' and sheep's milk and cream and of cheese manufactured exclusively from these products :

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
- the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the cheese in question was manufactured exclusively from sheep's or goats' milk.

COMMISSION REGULATION (EEC) No 1950/87
of 3 July 1987
fixing production refunds in the cereals and rice sectors

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 1900/87 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽³⁾, and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors ⁽⁴⁾, as last amended by Regulation (EEC) No 1806/87 ⁽⁵⁾, provides that the production refund shall be fixed on a quarterly basis using the difference between the intervention price for maize applicable in the first month of the period in question and the cif price used for calculation of the maize import levy, multiplied by a coefficient of 1,6; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

Whereas it is necessary, during the transitional period established by Title II of Regulation (EEC) No 1009/86,

to fix separate production refunds for maize and potato starch, wheat starch and rice starch; whereas Article 10 of Regulation (EEC) No 2169/86 provides that the refund payable in the absence of proof of origin of the starch shall be that fixed for wheat starch, where applicable adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable in the cereals and rice sectors in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with amended Regulation (EEC) No 2169/86 shall be as follows:

	<i>ECU/tonne</i>
(i) for maize starch and products derived from maize starch:	159,84
(ii) for rice starch and products derived from rice starch:	156,64
(iii) for wheat starch and products derived from wheat starch:	153,44
(iv) for potato starch and products derived from potato starch:	159,84

Article 2

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

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁵⁾ OJ No L 170, 30. 6. 1987, p. 19.

COMMISSION REGULATION (EEC) No 1951/87

of 3 July 1987

introducing a countervailing charge on cherries originating in Hungary

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 930/87 of 31 March 1987 fixing for the 1987 marketing year the reference prices for cherries⁽³⁾ fixed the reference price for products of class I at 112,92 ECU per 100 kilograms net for the month of July 1987;

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

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

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

Whereas, for cherries originating in Hungary 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 cherries;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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 2,42 ECU per 100 kilograms net is applied to cherries (subheading 08.07 C of the Common Customs Tariff) originating in Hungary

Article 2

This Regulation shall enter into force on 7 July 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 87, 1. 4. 1987, p. 37.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1952/87

of 3 July 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 1426/87 of 25 May 1987 fixing for the 1987/88 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the months of July and August 1987 at 59,98 ECU per 100 kilograms net;

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾, as amended by Regulation (EEC) No 1636/87⁽⁷⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁸⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 3,78 ECU per 100 kilograms net is applied to fresh lemons (subheading 08.02 C of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 7 July 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1953/87

of 3 July 1987

amending Regulation (EEC) No 1678/85 as regards the agricultural conversion rates for the pigmeat sector in the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 6a of Regulation (EEC) No 1677/85 lays down that the agricultural conversion rates of a Member State should, in accordance with the procedure provided for in Article 12 of that Regulation, be adjusted so as to avoid the creation of new monetary compensatory amounts ;

Whereas the trend in the market rate of the pound sterling would normally lead to an increase in the compensatory amounts applicable to the United Kingdom in the pigmeat sector with effect from 1 July 1987 in the light of the change in the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85 ⁽³⁾, in the version as amended by Regulation (EEC) No 1890/87 ⁽⁴⁾ ; whereas, in order to avoid this consequence, the agricultural conversion rate should be adjusted so as to avoid the creation of such new monetary compensatory amounts ;

Whereas the new agri-monetary arrangements take effect on 1 July 1987 ; whereas the delay in the Council's decision should not be allowed to get in the way of the management of the market concerned ; whereas, therefore, this measure should have retroactive effect as from 1 July 1987 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

In Annex XI of Regulation (EEC) No 1678/85, as last amended by Regulation (EEC) No 1890/87, the line relating to pigmeat is hereby replaced by the following :

Products	Agricultural conversion rates			
	1 ECU = ... £	Applicable until	1 ECU = ... £	Applicable for
Pigmeat	0,656636	30 June 1987	0,664702	1 July 1987

Article 2

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

It shall apply with effect from 1 July 1987.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 182, 3. 7. 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1954/87

of 3 July 1987

altering the specific agricultural conversion rates applicable in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as amended by Regulation (EEC) No 1636/87⁽²⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1889/87⁽⁴⁾, and in particular Article 9 (2) thereof,

Whereas by Commission Regulation (EEC) No 3294/86⁽⁵⁾, as last amended by Regulation (EEC) No 1714/87⁽⁶⁾, specific agricultural conversion rates to be applied in the rice sector were established; whereas those conversion rates must be altered pursuant to Articles 2 and 3 of Commission Regulation (EEC) No 3153/85⁽⁷⁾;

Whereas Regulation (EEC) No 3153/85, as amended by Regulation (EEC) No 1635/87⁽⁸⁾, lays detailed rules for the calculation of monetary compensatory amounts; whereas the spot market rates for the Greek drachma, the Spanish peseta, the Italian lire and the pound sterling recorded in accordance with Regulation (EEC) No 3153/85 during the period 24 to 30 June 1987, require the specific agricultural conversion rates applicable for Greece, Spain, Italy and the United Kingdom to be altered pursuant to Article 9 (2) of Regulation (EEC) No 1677/85,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 3294/86 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 1987.

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

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 304, 30. 10. 1986, p. 25.

⁽⁶⁾ OJ No L 160, 20. 6. 1987, p. 21.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ OJ No L 154, 15. 6. 1987, p. 1.

*ANNEX***Specific agricultural conversion rate for rice**

(Regulation (EEC) No 3294/86)

1 ECU	= Bfs	47,7950
	= DM	2,31728
	= Dkr	8,83910
	= Dr	174,309
	= Pta	160,376
	= FF	7,77184
	= £ Irl	0,864997
	= Lit	1 681,43
	= Fl	2,61097
	= £	0,788131

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 22 June 1987

amending, as regards credit insurance and suretyship insurance, First Directive 73/239/EEC on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance

(87/343/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 (2) thereof,

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

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

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

Whereas First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance ⁽⁴⁾, as amended by Directive 76/580/EEC ⁽⁵⁾, eliminated a number of divergencies in the laws of the Member States in order to facilitate the taking-up and pursuit of that business;

Whereas, however, Article 2 (2) (d) of the said Directive states that it does not apply, 'pending further coordination, which shall be implemented within four years of notification of this Directive', to 'export credit insurance

operations for the account of or with the support of the State'; whereas, since the protection of insured persons normally provided by the Directive is provided by the State itself where export credit insurance operations are carried out for the account of or with the guarantee of the State, such operations should continue to be excluded from the scope of the said Directive pending further coordination;

Whereas Article 7 (2) (c) of the said Directive states that 'pending further coordination, which must be implemented within four years of notification of this Directive, the Federal Republic of Germany may maintain the provision prohibiting the simultaneous undertaking in its territory of health insurance, credit and suretyship insurance or insurance in respect of recourse against third parties and legal defence, either with one another or with other classes'; whereas it follows from this that there are barriers to the establishment of agencies and branches; whereas the present Directive is intended to remedy this situation;

Whereas the interests of insured persons are sufficiently safeguarded, as regards suretyship insurance, by the said Directive; whereas the prohibition in the Federal Republic of Germany on the simultaneous undertaking of suretyship insurance and other classes should be lifted;

Whereas insurance undertakings whose credit insurance business amounts to more than a small proportion of their total business require an equalization reserve which does not form part of the solvency margin; whereas that reserve should be calculated according to the methods laid down in this Directive, which are recognized as equivalent;

⁽¹⁾ OJ No C 245, 29. 9. 1979, p. 7 and

OJ No C 5, 7. 1. 1983, p. 2.

⁽²⁾ OJ No C 291, 10. 11. 1980, p. 70.

⁽³⁾ OJ No C 146, 16. 6. 1980, p. 6.

⁽⁴⁾ OJ No L 228, 16. 8. 1973, p. 3.

⁽⁵⁾ OJ No L 189, 13. 7. 1976, p. 13.

Whereas in view of the cyclical nature of claims in credit insurance, the latter should, for the purposes of calculating the average burden of claims within the meaning of Article 16 (2) of Directive 73/239/EEC, be treated on the same basis as insurance against storm, hail and frost risks ;

Whereas the nature of the risk in credit insurance is such that undertakings which transact such business ought to form a higher guarantee fund than is at present provided for in the said Directive ;

Whereas a sufficient period of time should be granted to undertakings which are required to meet that obligation ;

Whereas it is unnecessary to impose this obligation on undertakings whose operations in this class of insurance do not exceed a certain volume ;

Whereas, in view of the provisions of this Directive in respect of credit insurance, the maintenance by the Federal Republic of Germany of the prohibition of the simultaneous undertaking of credit insurance and other classes is no longer justified, and such prohibition should therefore be removed,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Council Directive 73/239/EEC is hereby amended as follows :

1. Article 2 (2) (d) shall be replaced by the following :

'(d) pending further coordination, export credit insurance operations for the account of or guaranteed by the State, or where the State is the insurer.'

2. In the second subparagraph of Article 7 (2) (c), the words 'credit and suretyship insurance' shall be deleted.

3. The following Article shall be inserted :

Article 15a

1. Each Member State shall require undertakings established on its territory and underwriting risks included under class 14 in point A of the Annex (hereinafter referred to as "credit insurance") to set up an equalization reserve for the purpose of offsetting any technical deficit or above-average claims ratio arising in that class for a financial year.

2. The equalization reserve must be calculated, under the rules laid down by each Member State, in accordance with one of the four methods set out in point D of the Annex which shall be regarded as being equivalent.

3. Up to the amount calculated in accordance with the methods set out in point D of the Annex, the equalization reserve shall be disregarded for purposes of calculating the solvency margin.

4. Member States may exempt establishments from the obligation to set up an equalization reserve for credit insurance business where the premiums or contributions receivable in respect of credit insurance are less than 4 % of the total premiums or contributions receivable by them and less than 2 500 000 ECU.'

4. In Article 16 (2), the second sentence shall be replaced by the following text :

'In the case, however, of undertakings which essentially underwrite only one or more of the risks of credit, storm, hail or frost, the last seven financial years shall be taken as the reference period for the average burden of claims.'

5. The first indent of Article 17 (2) (a) shall be replaced by the following indents :

— 1 400 000 ECU in the case where all or some of the risks included in the class listed in point A of the Annex under No 14 are covered. This provision shall apply to every undertaking for which the annual amount of premiums or contributions due in this class for each of the last three financial years exceeded 2 500 000 ECU or 4 % of the total amount of premiums or contributions receivable by the undertaking concerned ;

— 400 000 ECU in the case where all or some of the risks included in one of the classes listed in point A of the Annex under Nos 10, 11, 12, 13 and 15 and, insofar as the first indent does not apply, No 14.'

6. The following subparagraph shall be added to Article 17 (2) :

'(d) Where an undertaking carrying on credit insurance is required to increase the fund referred to in subparagraph (a), first indent, to 1 400 000 ECU, the Member State concerned shall allow such undertaking :

- a period of three years in which to bring the fund up to 1 000 000 ECU,
- a period of five years to bring the fund up to 1 200 000 ECU,
- a period of seven years to bring the fund up to 1 400 000 ECU.

These periods shall run from the date from which the conditions referred to in the first indent of subparagraph (a) are fulfilled.'

7. The following shall be inserted in Article 19 :

'1a. In respect of credit insurance, the undertaking shall make available to the supervisory authority accounts showing both the technical results and the technical reserves relating to that business.'

8. Point D in the Annex to this Directive shall be added to the Annex.

Article 2

Member States shall take the measures necessary to comply with this Directive by 1 January 1990. They shall forthwith inform the Commission thereof.

They shall apply these measures from 1 July 1990 at the latest.

Article 3

Following notification ⁽¹⁾ of this Directive, Member States shall communicate to the Commission the texts of the

main provisions of national legislation which they adopt in the field governed by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 22 June 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ This Directive was notified to the Member States on 25 June 1987.

ANNEX

D. Methods of calculating the equalization reserve for the credit insurance class*Method No 1*

1. In respect of the risks included in the class of insurance in point A No 14 (hereinafter referred to as 'credit insurance'), the undertaking shall set up an equalization reserve to which shall be charged any technical deficit arising in that class for a financial year.
2. Such reserve shall in each financial year receive 75 % of any technical surplus arising on credit insurance business, subject to a limit of 12 % of the net premiums or contributions until the reserve has reached 150 % of the highest annual amount of net premiums or contributions received during the previous five financial years.

Method No 2

1. In respect of the risks included in the class of insurance listed in point A No 14 (hereinafter referred to as 'credit insurance') the undertaking shall set up an equalization reserve to which shall be charged any technical deficit arising in that class for a financial year.
2. The minimum amount of the equalization reserve shall be 134 % of the average of the premiums or contributions received annually during the previous five financial years after subtraction of the cessations and addition of the reinsurance acceptances.
3. Such reserve shall in each of the successive financial years receive 75 % of any technical surplus arising in that class until the reserve is at least equal to the minimum calculated in accordance with paragraph 2.
4. Member States may lay down special rules for the calculation of the amount of the reserve and/or the amount of the annual levy in excess of the minimum amounts laid down in this Directive.

Method No 3

1. An equalization reserve shall be formed for class 14 in point A (hereinafter referred to as 'credit insurance') for the purpose of offsetting any above-average claims ratio for a financial year in that class of insurance.

2. The equalization reserve shall be calculated on the basis of the method set out below.

All calculations shall relate to income and expenditure for the insurer's own account.

An amount in respect of any claims shortfall for each financial year shall be placed to the equalization reserve until it has reached, or is restored to, the required amount.

There shall be deemed to be a claims shortfall if the claims ratio for a financial year is lower than the average claims ratio for the reference period. The amount in respect of the claims shortfall shall be arrived at by multiplying the difference between the two ratios by the earned premiums for the financial year.

The required amount shall be equal to six times the standard deviation of the claims ratios in the reference period from the average claims ratio, multiplied by the earned premiums for the financial year.

Where claims for any financial year are in excess, an amount in respect thereof shall be taken from the equalization reserve. Claims shall be deemed to be in excess if the claims ratio for the financial year is higher than the average claims ratio. The amount in respect of the excess claims shall be arrived at by multiplying the difference between the two ratios by the earned premiums for the financial year.

Irrespective of claims experience, 3,5 % of the required amount of the equalization reserve shall be first placed to that reserve each financial year until its required amount has been reached or restored.

The length of the reference period shall be not less than 15 years and not more than 30 years. No equalization reserve need be formed if no underwriting loss has been noted during the reference period.

The required amount of the equalization reserve and the amount to be taken from it may be reduced if the average claims ratio for the reference period in conjunction with the expenses ratio show that the premiums include a safety margin.

Method No 4

1. An equalization reserve shall be formed for class 14 in point A (hereinafter referred to as 'credit insurance') for the purpose of offsetting any above-average claims ratio for a financial year in that class of insurance.

2. The equalization reserve shall be calculated on the basis of the method set out below.

All calculations shall relate to income and expenditure for the insurer's own account.

An amount in respect of any claims shortfall for each financial year shall be placed to the equalization reserve until it has reached the maximum required amount.

There shall be deemed to be a claims shortfall if the claims ratio for a financial year is lower than the average claims ratio for the reference period. The amount in respect of the claims shortfall shall be arrived at by multiplying the difference between the two ratios by the earned premiums for the financial year.

The maximum required amount shall be equal to six times the standard deviation of the claims ratio in the reference period from the average claims ratio, multiplied by the earned premiums for the financial year.

Where claims for any financial year are in excess, an amount in respect thereof shall be taken from the equalization reserve until it has reached the minimum required amount. Claims shall be deemed to be in excess if the claims ratio for the financial year is higher than the average claims ratio. The amount in respect of the excess claims shall be arrived at by multiplying the difference between the two ratios by the earned premiums for the financial year.

The minimum required amount shall be equal to three times the standard deviation of the claims ratio in the reference from the average claims ratio multiplied by the earned premiums for the financial year.

The length of the reference period shall be not less than 15 years and not more than 30 years. No equalization reserve need be formed if no underwriting loss has been noted during the reference period.

Both required amounts of the equalization reserve and the amount to be placed to it or the amount to be taken from it may be reduced if the average claims ratio for the reference period in conjunction with the expenses ratio show that the premiums include a safety margin and that safety margin is more than one-and-a-half times the standard deviation of the claims ratio in the reference period. In such a case the amounts in question shall be multiplied by the quotient or one-and-a-half times the standard deviation and the safety margin.

COUNCIL DIRECTIVE**of 22 June 1987****on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance**

(87/344/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 (2) thereof,

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

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

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

Whereas Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance ⁽⁴⁾, as last amended by Directive 87/343/EEC ⁽⁵⁾, eliminated, in order to facilitate the taking-up and pursuit of such activities, certain differences existing between national laws;

Whereas, however, Article 7 (2) (c) of Directive 73/239/EEC provides that 'pending further coordination, which must be implemented within four years of notification of this Directive, the Federal Republic of Germany may maintain the provision prohibiting the simultaneous undertaking in its territory of health insurance, credit and suretyship insurance or insurance in respect of recourse against third parties and legal defence, either with one another or with other classes';

Whereas the present Directive provides for the coordination of legal expenses insurance as envisaged in Article 7 (2) (c) of Directive 73/239/EEC;

Whereas, in order to protect insured persons, steps should be taken to preclude, as far as possible, any conflict of interests between a person with legal expenses cover and his insurer arising out of the fact that the latter is covering him in respect of any other class of insurance referred to in the Annex to Directive 73/239/EEC or is covering another person and, should such a conflict arise, to enable it to be resolved;

Whereas legal expenses insurance in respect of disputes or risks arising out of, or in connection with, the use of sea-going vessels should, in view of its specific nature, be excluded from the scope of this Directive;

Whereas the activity of an insurer who provides services or bears the cost of defending the insured person in connection with a civil liability contract should also be excluded from the scope of this Directive if that activity is at the same time pursued in the insurer's own interest under such cover;

Whereas Member States should be given the option of excluding from the scope of this Directive the activity of legal expenses insurance undertaken by an assistance insurer where this activity is carried out in a Member State other than the one in which the insured person normally resides and where it forms part of a contract covering solely the assistance provided for persons who fall into difficulties while travelling, while away from home or while away from their permanent residence;

Whereas the system of compulsory specialization at present applied by one Member State, namely the Federal Republic of Germany, precludes the majority of conflicts; whereas, however, it does not appear necessary, in order to obtain this result, to extend that system to the entire Community, which would require the splitting-up of composite undertakings;

Whereas the desired result can also be achieved by requiring undertakings to provide for a separate contract or a separate section of a single policy for legal expenses insurance and by obliging them either to have separate management for legal expenses insurance, or to entrust the management of claims in respect of legal expenses insurance to an undertaking having separate legal personality, or to afford the person having legal expenses cover the right to choose his lawyer from the moment that he has the right to claim from his insurer;

Whereas, whichever solution is adopted, the interest of persons having legal expenses cover shall be protected by equivalent safeguards;

Whereas the interest of persons having legal expenses cover means that the insured person must be able to choose a lawyer or other person appropriately qualified according to national law in any inquiry or proceedings and whenever a conflict of interests arises;

⁽¹⁾ OJ No C 198, 7. 8. 1979, p. 2.

⁽²⁾ OJ No C 260, 12. 10. 1981, p. 78.

⁽³⁾ OJ No C 348, 31. 12. 1980, p. 22.

⁽⁴⁾ OJ No L 228, 16. 8. 1973, p. 3.

⁽⁵⁾ See page 72 of this Official Journal.

Whereas Member States should be given the option of exempting undertakings from the obligation to give the insured person this free choice of lawyer if the legal expenses insurance is limited to cases arising from the use of road vehicles on their territory and if other restrictive conditions are met;

Whereas, if a conflict arises between insurer and insured, it is important that it be settled in the fairest and speediest manner possible; whereas it is therefore appropriate that provision be made in legal expenses insurance policies for an arbitration procedure or a procedure offering comparable guarantees;

Whereas the second paragraph of point C of the Annex to Directive 73/239/EEC provides that the risks included in classes 14 and 15 in point A may not be regarded as risks ancillary to other classes; whereas an insurance undertaking should not be able to cover legal expenses as a risk ancillary to another risk without having obtained an authorization in respect of the legal expenses risk; whereas, however, Member States should be given the option of regarding class 17 as a risk ancillary to class 18 in specific cases; whereas, therefore, point C of the said Annex should be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to coordinate the provisions laid down by law, regulation or administrative action concerning legal expenses insurance as referred to in paragraph 17 of point A of the Annex to Council Directive 73/239/EEC in order to facilitate the effective exercise of freedom of establishment and preclude as far as possible any conflict of interest arising in particular out of the fact that the insurer is covering another person or is covering a person in respect of both legal expenses and any other class in that Annex and, should such a conflict arise, to enable it to be resolved.

Article 2

1. This Directive shall apply to legal expenses insurance. Such consists in undertaking, against the payment of a premium, to bear the costs of legal proceedings and to provide other services directly linked to insurance cover, in particular with a view to:

- securing compensation for the loss, damage or injury suffered by the insured person, by settlement out of court or through civil or criminal proceedings,
- defending or representing the insured person in civil, criminal, administrative or other proceedings or in respect of any claim made against him.

2. This Directive shall not, however, apply to:

- legal expenses insurance where such insurance concerns disputes or risks arising out of, or in connection with, the use of sea-going vessels,
- the activity pursued by the insurer providing civil liability cover for the purpose of defending or representing the insured person in any inquiry or proceedings if that activity is at the same time pursued in the insurer's own interest under such cover,
- where a Member State so chooses, the activity of legal expenses insurance undertaken by an assistance insurer where this activity is carried out in a Member State other than the one in which the insured person normally resides, where it forms part of a contract covering solely the assistance provided for persons who fall into difficulties while travelling, while away from home or while away from their permanent residence. In this event the contract must clearly state that the cover in question is limited to the circumstances referred to in the foregoing sentence and is ancillary to the assistance.

Article 3

1. Legal expenses cover shall be the subject of a contract separate from that drawn up for the other classes of insurance or shall be dealt with in a separate section of a single policy in which the nature of the legal expenses cover and, should the Member State so request, the amount of the relevant premium are specified.

2. Each Member State shall take the necessary measures to ensure that the undertakings established within its territory adopt, in accordance with the option imposed by the Member State, or at their own choice, if the Member State so agrees, at least one of the following solutions, which are alternatives:

- (a) the undertaking shall ensure that no member of the staff who is concerned with the management of legal expenses claims or with legal advice in respect thereof carries on at the same time a similar activity
 - if the undertaking is a composite one, for another class transacted by it,
 - irrespective of whether the undertaking is a composite or a specialized one, in another having financial, commercial or administrative links with the first undertaking and carrying on one or more of the other classes of insurance set out in Directive 73/239/EEC;
- (b) the undertaking shall entrust the management of claims in respect of legal expenses insurance to an undertaking having separate legal personality. That undertaking shall be mentioned in the separate contract or separate section referred to in paragraph 1. If the undertaking having separate legal personality has links with an undertaking which carries on one or more of the other classes of insurance referred to in point A of the Annex to Directive 73/239/EEC,

members of the staff of the undertaking who are concerned with the processing of claims or with legal advice connected with such processing may not pursue the same or a similar activity in the other undertaking at the same time. In addition, Member States may impose the same requirements on the members of the management body;

- (c) the undertaking shall, in the contract, afford the insured person the right to entrust the defence of his interests, from the moment that he has the right to claim from his insurer under the policy, to a lawyer of his choice or, to the extent that national law so permits, any other appropriately qualified person.

3. Whichever solution is adopted, the interest of persons having legal expenses cover shall be regarded as safeguarded in an equivalent manner under this Directive.

Article 4

1. Any contract of legal expenses insurance shall expressly recognize that:

- (a) where recourse is had to a lawyer or other person appropriately qualified according to national law in order to defend, represent or serve the interests of the insured person in any inquiry or proceedings, that insured person shall be free to choose such lawyer or other person;
- (b) the insured person shall be free to choose a lawyer or, if he so prefers and to the extent that national law so permits, any other appropriately qualified person, to serve his interests whenever a conflict of interests arises.

2. Lawyer means any person entitled to pursue his professional activities under one of the denominations laid down in Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services⁽¹⁾.

Article 5

1. Each Member State may provide exemption from the application of Article 4 (1) for legal expenses insurance if all the following conditions are fulfilled:

- (a) the insurance is limited to cases arising from the use of road vehicles in the territory of the Member State concerned;
- (b) the insurance is connected to a contract to provide assistance in the event of accident or breakdown involving a road vehicle;
- (c) neither the legal expenses insurer nor the assistance insurer carries out any class of liability insurance;
- (d) measures are taken so that the legal counsel and representation of each of the parties to a dispute is effected by completely independent lawyers when

these parties are insured for legal expenses by the same insurer.

2. The exemption granted by a Member State to an undertaking pursuant to paragraph 1 shall not affect the application of Article 3 (2).

Article 6

Member States shall adopt all appropriate measures to ensure that, without prejudice to any right of appeal to a judicial body which might be provided for by national law, an arbitration or other procedure offering comparable guarantees of objectivity is provided for whereby, in the event of a difference of opinion between a legal expenses insurer and his insured, a decision can be taken on the attitude to be adopted in order to settle the dispute.

The insurance contract must mention the right of the insured person to have recourse to such a procedure.

Article 7

Whenever a conflict of interests arises or there is disagreement over the settlement of the dispute, the legal expenses insurer or, where appropriate, the claims settlement office shall inform the person insured of

- the right referred to in Article 4,
- the possibility of having recourse to the procedure referred to in Article 6.

Article 8

Member States shall abolish all provisions which prohibit an insurer from carrying out within their territory legal expenses insurance and other classes of insurance at the same time.

Article 9

The second subparagraph of point C of the Annex to Directive 73/239/EEC shall be replaced by the following text:

'However, the risks included in classes 14, 15 and 17 in point A may not be regarded as risks ancillary to other classes.

Nonetheless, the risk included in class 17 (legal expenses insurance) may be regarded as an ancillary risk of class 18 where the conditions laid down in the first subparagraph are fulfilled, where the main risk relates solely to the assistance provided for persons who fall into difficulties while travelling, while away from home or while away from their permanent residence.

Legal expenses insurance may also be regarded as an ancillary risk under the conditions set out in the first subparagraph where it concerns disputes or risks arising out of, or in connection with, the use of sea-going vessels.'

⁽¹⁾ OJ No L 78, 26. 3. 1977, p. 17.

Article 10

Member States shall take the measures necessary to comply with this Directive by 1 January 1990. They shall forthwith inform the Commission thereof.

They shall apply these measures from 1 July 1990 at the latest.

Article 11

Following notification ⁽¹⁾ of this Directive, Member States shall communicate to the Commission the texts of the

main provisions of national law which they adopt in the field governed by this Directive.

Article 12

This Directive is addressed to the Member States.

Done at Luxembourg, 22 June 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ This Directive was notified to the Member States on 25 June 1987.

COUNCIL DIRECTIVE

of 22 June 1987

amending Directive 80/390/EEC coordinating the requirements for the drawing-up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock exchange listing

(87/345/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas, on 17 November 1986, the Council adopted Directive 86/566/EEC amending the First Directive of 11 May 1960 for the implementation of Article 67 of the Treaty⁽³⁾; whereas, as a consequence, the number of cross-border applications for admission to listing is likely to increase;

Whereas Article 24 of Directive 80/390/EEC⁽⁴⁾, as amended by Directive 82/148/EEC⁽⁵⁾, provides that, where securities are to be admitted to official listing on stock exchanges in two or more Member States, the competent authorities of such Member States are to cooperate and endeavour to agree a single text for the listing particulars for use in all the Member States concerned;

Whereas that provision does not result in the full mutual recognition of listing particulars and it is therefore appropriate to amend Directive 80/390/EEC so as to achieve that recognition;

Whereas mutual recognition represents an important step forward in the creation of the Community's internal market;

Whereas, in this connection, it is necessary to specify which authorities are competent to check and approve listing particulars in the event of simultaneous applications for admission to official listing in two or more Member States;

Whereas mutual recognition can be effective only in so far as Directive 80/390/EEC and the Directives to which it refers have been incorporated in the national legislation of the Member State the competent authorities of which approve the listing particulars;

Whereas the mutual recognition of listing particulars does not in itself confer a right to admission;

Whereas it is advisable to provide for the extension, by means of agreements to be concluded by the Community with non-member countries, of the recognition of listing particulars from those countries on a reciprocal basis;

Whereas provision should be made for a transitional period for the Kingdom of Spain and the Portuguese Republic to take account of the periods accorded to those Member States under Article 2 (2) of Directive 86/566/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Section IV of Directive 80/390/EEC is replaced by the following Sections and Sections V and VI shall become Sections VIII and IX, respectively:

'SECTION IV**Determination of the competent authority***Article 24*

Where, for the same securities, applications for admission to official listing on stock exchanges situated or operating in two or more Member States, including the Member State in which the issuer's registered office is situated, are made simultaneously or within a short interval, listing particulars shall be drawn up in accordance with the rules laid down in this Directive in the Member State in which the issuer has its registered office and approved by the competent authorities of that State; if the issuer's registered office is not situated in one of those Member States, the issuer must choose one of those States under the legislation of which the listing particulars will be drawn up and approved.

SECTION V**Mutual recognition***Article 24a*

1. Once approved in accordance with Article 24, listing particulars must, subject to any translation, be recognized by the other Member States in which

⁽¹⁾ OJ No C 125, 11. 5. 1987, p. 173.

⁽²⁾ OJ No C 150, 9. 6. 1987, p. 18.

⁽³⁾ OJ No L 332, 26. 11. 1986, p. 22.

⁽⁴⁾ OJ No L 100, 17. 4. 1980, p. 1.

⁽⁵⁾ OJ No L 62, 5. 3. 1982, p. 22.

admission to official listing has been applied for, without its being necessary to obtain the approval of the competent authorities of those States and without their being able to require that additional information be included in the listing particulars. The competent authorities may, however, require that listing particulars include information specific to the market of the country of admission concerning in particular the income tax system, the financial organizations retained to act as paying agents for the issuer in that country, and the way in which notices to investors are published.

2. Listing particulars approved by the competent authorities within the meaning of Article 24 must be recognized in another Member State in which application for admission to official listing is made, even if partial exemption or partial derogation has been granted pursuant to this Directive, provided that:

- (a) the partial exemption or partial derogation in question is of a type that is recognized in the rules of the other Member State concerned, and
- (b) the conditions that justify the partial exemption or partial derogation also exist in the other Member State concerned and that there are no other conditions concerning such exemption or derogation which might lead the competent authority in that Member State to refuse them.

Even if the conditions laid down in (a) and (b) are not fulfilled, the Member State concerned may allow its competent authorities to recognize the listing particulars approved by the competent authorities within the meaning of Article 24.

3. When approving listing particulars, the competent authorities within the meaning of Article 24 shall provide the competent authorities of the other Member States in which application for official listing is made with a certificate of approval. If partial exemption or partial derogation has been granted pursuant to this Directive, the certificate shall state that fact and the reasons for it.

4. When application for admission to official listing is made, the issuer shall communicate to the competent authorities in each of the other Member States in which it is applying for admission the draft listing particulars which it intends to use in that State.

5. Member States may restrict the application of this Article to listing particulars of issuers having their registered office in a Member State.

Article 24b

1. Where the securities for which applications for admission to official listing on stock exchanges situated in two or more Member States have been made simultaneously or within a short interval have been the subject of a prospectus drawn up and approved in accordance with this Directive, at the time of the

public offer, by the competent authorities within the meaning of Article 24 in the three months preceding the application for admission in that State, that prospectus must, subject to any translation, be recognized as listing particulars in the other Member States in which application for admission to official listing is made, without its being necessary to obtain the approval of the competent authorities of those Member States and without their being able to require that additional information be included in the listing particulars. The competent authorities may, however, require that listing particulars include information specific to the market of the country of admission concerning, in particular, the income tax system, the financial organizations retained to act as paying agents for the issuer in the country of admission and the ways in which notices to investors are published.

2. Article 24a (2), (3), (4) and (5) shall apply in the eventuality referred to in paragraph 1 of this Article.

3. Article 23 shall apply to all changes occurring between the time when the content of the prospectus referred to in paragraph 1 of this Article is adopted and the time when stock exchange dealings begin.

SECTION VI

Cooperation

Article 24c

1. The competent authorities shall cooperate wherever necessary for the purpose of carrying out their duties and shall exchange any information required for that purpose.

2. Where an application for admission to official listing concerning securities giving a right to participate in company capital, either immediately or at the end of the maturity period, is made in one or more Member States other than that in which the registered office of the issuer of the shares to which those securities give entitlement is situated, while that issuer's shares have already been admitted to official listing in that Member State, the competent authorities of the Member State of admission may act only after having consulted the competent authorities of the Member State in which the registered office of the issuer of the shares in question is situated.

3. Where an application for admission to official listing is made for securities which have been listed in another Member State less than six months previously, the competent authorities to whom application is made shall contact the competent authorities which have already admitted the securities to official listing and shall, as far as possible, exempt the issuer of those securities from the preparation of new listing particulars, subject to any need for updating, translation or the issue of supplements in accordance with the individual requirements of the Member State concerned.

Article 25

1. Member States shall provide that all persons employed or formerly employed by the competent authorities shall be bound by professional secrecy. This means that any confidential information received in the course of their duties may not be divulged to any person or authority except by virtue of provisions laid down by law.

2. Paragraph 1 shall not, however, preclude the competent authorities of the various Member States from exchanging information as provided for in this Directive. Information thus exchanged shall be covered by the obligation of professional secrecy to which the persons employed or formerly employed by the competent authorities receiving the information are subject.

3. Without prejudice to cases covered by criminal law, the competent authorities receiving information pursuant to Article 24c (1) may use it only for the performance of their duties or in the context of administrative appeals or legal proceedings relating to such performance.

SECTION VII

Negotiations with non-member countries*Article 25a*

The Community may, by means of agreements concluded with one or more non-member countries

pursuant to the Treaty, recognize listing particulars drawn up and checked, in accordance with the rules of the non-member country or countries, as meeting the requirements of this Directive, subject to reciprocity, provided that the rules concerned give investors protection equivalent to that afforded by this Directive, even if those rules differ from the provisions of this Directive.'

Article 2

1. Member States shall take the measures necessary for them to comply with this Directive by 1 January 1990. They shall forthwith inform the Commission thereof. However, for the Kingdom of Spain the date 1 January 1990 shall be replaced by 1 January 1991 and for the Portuguese Republic by 1 January 1992.

2. Member States shall communicate to the Commission the texts of the main laws, regulations and administrative provisions which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 22 June 1987.

For the Council

The President

L. TINDEMANS