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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 2253/87
of 23 July 1987**

**terminating the review proceeding and repealing the anti-dumping measures
concerning imports of urea and ammonium nitrate in liquid solution origina-
ting in the United States of America**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 14 and 15 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee set up by the abovementioned Regulation,

Whereas :

A. Procedure

- (1) In February 1986 the Commission received a request for a review of the anti-dumping measures, and in particular those provided for by Regulation (EEC) No 349/81⁽²⁾, concerning imports of urea and ammonium nitrate in liquid solution (hereafter referred to as UAN) originating in the United States of America.
- (2) The request for a review, lodged by the Common Market Committee of the Nitrogenous and Phosphatic Fertilizers Industry (CMC-Engrais) on behalf of manufacturers accounting for almost all of Community production of the product in question, contained evidence of renewed dumping and of injury caused thereby which was considered sufficient to justify review of the abovementioned measures.

The Commission accordingly announced, by a notice in *Official Journal of the European Communities*,⁽³⁾ the initiation of a review of anti-dumping measures concerning imports into the

Community of UAN falling within Common Customs Tariff subheading ex 31.02 C and corresponding to NIMEXE code 31.02-90, originating in the United States of America.

- (3) The Commission officially advised the producers/exporters and importers known to be concerned and the complainant and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (4) No submissions were made on behalf of Community buyers of the product in question.
- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of establishing the facts and carried out inspections at the premises of the following :

Producers/exporters

- Agrico Chemical Company, Tulsa Oklahoma,
- Arcadian Corporation, Parsippany, New Jersey,
- CF Industries Inc., Long Grove, Illinois,
- Kaichem International Inc., Savannah, Georgia,
- Nitron International Corporation, Greenwich, Connecticut.

Importer

- Kaichem International BV Breda, Netherlands.

- (6) The investigation of dumping covered the period from 1 July 1985 to 30 June 1986.

B. Dumping

(a) Export price

- (7) As a general rule, export prices were determined on the basis of the prices actually paid for the products sold for export to the Community.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 39, 12. 2. 1981, p. 4.

⁽³⁾ OJ No C 219, 30. 8. 1986, p. 2.

- (8) In the case of exports to subsidiaries established in the Community, export prices were reconstructed on the basis of the price at which the imported product was first resold to an independent buyer, suitably adjusted to take account of all costs incurred between importation and resale, including customs duties and a 2 % profit margin. This profit margin was considered reasonable in the light of the profit margins of independent importers of the product in question.

(b) *Normal value*

- (9) For each of the producers/exporters concerned the normal value was established on the basis of the weighted average of comparable domestic selling prices actually paid or payable to these producers/exporters in the ordinary course of trade for like products intended for domestic consumption.

(c) *Comparison*

- (10) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability, such as discounts and quantity rebates, commissions, credit terms, transport and insurance, handling, packing and related costs, salesmen's salaries, physical characteristics. Due allowance for such differences was made where claims in these areas could be satisfactorily substantiated.
- (11) All comparisons were made at the same level of trade — at the ex-producer/exporter level.

(d) *Dumping margin*

- (12) A comparison between the normal value and export prices showed that the exports in question were not being dumped, except for exports by Kaichem International, for which the weighted average margin amounts to less than 1 %, that is to say an insignificant level which does not justify the adoption of protective measures.

C. Injury

- (13) In view of the above findings concerning dumping, the Commission found that continuing the investigation into alleged injury concerning the imports in question was not justified, given that anti-dumping measures can be imposed only if an investigation proves, during the period covered by the investigation, the existence of more than minimal dumping and that, in the interest of the Community, measures should be taken.

D. Termination of review proceeding and repeal of anti-dumping measures

- (14) In these circumstances, therefore, the review proceeding should be terminated without the imposition of further protective measures and the anti-dumping measures currently in force concerning imports of the product originating in the United States of America should be repealed.
- (15) No objections to this course were raised in the Advisory Committee.
- (16) The complainant was informed of the considerations and main facts on the basis of which the Commission intended to terminate the proceeding

HAS ADOPTED THIS REGULATION:

Sole Article

1. The review procedure of the anti-dumping measures concerning imports of UAN falling within subheading 31.02 C of the Common Customs Tariff and corresponding to NIMEXE code 31.02-90, originating in the United States of America, is hereby terminated.
2. The anti-dumping measures currently in force concerning imports of the product referred to in paragraph 1 are hereby repealed with effect from 1 July 1985. National customs authorities shall take the necessary measures entailed by this repeal.

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

Done at Brussels, 23 July 1987.

For the Council

The President

K. E. TYGESEN

COUNCIL REGULATION (EEC) No 2254/87

of 23 July 1987

amending Regulation (EEC) No 866/84 laying down special measures concerning the exclusion of milk products from inward processing arrangements and from certain usual forms of handling

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 773/87 ⁽²⁾, and in particular Articles 12 (2) and 18 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 866/84 ⁽³⁾, as last amended by Regulation (EEC) No 4062/86 ⁽⁴⁾, excluded milk products from inward processing arrangements for a five-year period expiring at the end of the 1988/89 marketing year ;

Whereas access to inward processing arrangements for whey intended for the manufacture of certain compensatory products was, however, maintained until the end of the 1986/87 marketing year to enable the necessary adap-

tations to take place ; whereas the period provided for has proved to be too short ; whereas this period should therefore be extended up to 31 March 1988,

HAS ADOPTED THIS REGULATION :

Article 1

In Article 1 (1) of Regulation (EEC) No 866/84, 'up to the end of the 1986/87 marketing year' is hereby replaced by 'up to 31 March 1988'.

*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, 23 July 1987.

*For the Council**The President*

K.E. TYGESEN

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.⁽³⁾ OJ No L 90, 1. 4. 1984, p. 27.⁽⁴⁾ OJ No L 371, 31. 12. 1986, p. 6.

COMMISSION REGULATION (EEC) No 2255/87

of 29 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 (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last 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 import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1944/87 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 28 July 1987;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1944/87 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 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, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

ANNEX

to the Commission Regulation of 29 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	—	181,25
10.01 B II	Durum wheat	31,88	236,81 ⁽¹⁾ ⁽²⁾
10.02	Rye	26,16	154,87 ⁽⁶⁾
10.03	Barley	24,47	171,42
10.04	Oats	80,78	125,98
10.05 B	Maize, other than hybrid maize for sowing	5,29	179,29 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	24,47	112,43
10.07 B	Millet	24,47	105,41 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,71	182,71 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	24,47	26,93 ⁽⁵⁾
11.01 A	Wheat or meslin flour	10,54	266,75
11.01 B	Rye flour	49,63	229,82
11.02 A I a)	Durum wheat groats and meal	62,41	380,05
11.02 A I b)	Common wheat groats and meal	11,39	288,09

⁽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 2256/87

of 29 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 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 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last 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 premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1945/87 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 28 July 1987;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt originating in Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 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, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 29 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 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	3,97
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	0,32
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 7	1st period 8	2nd period 9	3rd period 10	4th period 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 2257/87

of 27 July 1987

on the classification of goods in subheading 27.07 B of the Common Customs
Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2055/84⁽²⁾, and in particular Article 2 (3),

Whereas the two subdivisions of subheading 27.07 B of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68⁽³⁾, as last amended by Regulation (EEC) No 2184/87⁽⁴⁾, are worded as follows:

I. for use as power or heating fuels

II. for other purposes (a)

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities';

Whereas products classified in the first of these subheadings are subject to a customs duty whereas those in the second are exempt from duty;

Whereas to remove any possible doubt about the interpretation of these two subdivisions and thereby ensure uniform application of the Common Customs Tariff Nomenclature it is necessary, in the absence of Community provisions, to clarify in which of the two subdivisions of subheading 27.07 B are to be classified goods intended to be submitted to a process from which products capable of being used as power or heating fuels are obtained;

Whereas this clarification should be established strictly from the structure and content of chapter 27 and in particular the rules contained in Additional Notes 5 and 6 of that chapter concerning respectively the 'specific process' and 'chemical transformation';

Whereas, therefore, it is appropriate to classify in subheading 27.07 B II the aforementioned products of subheading 27.07 B when they are intended to be submitted

either to a treatment of the kind listed in Additional Note 5 to Chapter 27 or a different kind of treatment resulting in products capable of being used as power or heating fuels if the latter are intended to be subjected to further industrial treatment;

Whereas the measures in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

1. Products of subheading 27.07 B of the Common Customs Tariff, destined to be submitted to a process from which products capable of being used as power or heating fuels are obtained, are classified in subheading 27.07 B II if this process is of the kind listed in Additional Note 5 to Chapter 27 of the Common Customs Tariff.

2. Products of subheading 27.07 B are also classified in subheading 27.07 B II where they are to be submitted to a treatment of a different kind to that indicated in the preceding paragraph and from which products capable of being used as power or heating fuels are obtained if the latter are to be subjected to further industrial treatment.

If the abovementioned derived products are used as power or heating fuels, the products of subheading 27.07 B used are classified proportionally in subheading 27.07 B I.

The calculation of the Customs Duty applicable to the aforementioned derived products shall be made according to the kind and value of the products used and on the net weight of the product obtained.

Article 2

The Regulation shall enter into force on the 21st day following that of its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 191, 19. 7. 1984, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 203, 24. 7. 1987, p. 16.

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

Done at Brussels, 27 July 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 2258/87

of 28 July 1987

amending Regulation (EEC) No 1570/77 on price increases and reductions applicable to intervention in cereals

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 7 (7) thereof,

Whereas the intervention arrangements in cereals sector have been altered as from the 1987/88 marketing year; whereas, henceforth, when intervention is opened in the Community, buying-in is to be carried out in accordance with Article 7 (4) of Regulation (EEC) No 2727/75 on the basis of a price equal to 94 % of the intervention price for the cereals in question; whereas it should be specified that the price increases and/or reductions apply to the actual buying-in price without the monthly increases and not to the intervention price;

Whereas Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat⁽³⁾, as last amended by Regulation (EEC) No 2094/87⁽⁴⁾ lays down more stringent criteria for the standard quality of durum wheat; whereas this should be taken into consideration, in particular as regards the scale of price increases to be applied in respect of the moisture content; whereas fixing the moisture content for the standard quality at 13 % makes it necessary to draw up a scale of price reductions;

Whereas, as regards durum wheat, it is no longer appropriate at present to apply price increases and reductions relating to specific weight;

Whereas, in light of the foregoing, Commission Regulation (EEC) No 1570/77⁽⁵⁾, as last amended by Regulation (EEC) No 2135/86⁽⁶⁾, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1570/77 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

When a cereal differing from the standard quality for which the intervention price is fixed is bought in by the intervention agencies, the intervention buying-in price referred to in Article 7 (4) of Regulation (EEC) No 2727/75 shall be increased or reduced in accordance with this Regulation.'

2. Article 2 is replaced by the following:

'Article 2

The price increases or reductions by which the intervention buying-in price referred to in Article 1 is increased or decreased shall be calculated by applying the percentages provided for in Articles 3, 4, 4a and 6 to the said price without the monthly increases.'

3. Article 3 is replaced by the following:

'Article 3

1. Where the moisture content of the cereals offered for intervention is less than the moisture content of the standard quality, the price increases to be applied shall be those listed in Table I of Annex I.

Where the moisture content of durum wheat offered for intervention is higher than the moisture content of the standard quality, the price reductions to be applied shall be those listed in Table II of Annex I.

2. Where the specific weight of common wheat, rye and barley offered for intervention differs from the specific weight of the standard quality, the price reductions to be applied shall be those listed in Table III of Annex I.

3. Where the application of paragraphs 1 and 2 leads to the simultaneous application of two price increases or two reductions, only the greater price increase or reduction shall apply.'

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽⁴⁾ OJ No L 196, 17. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 187, 9. 7. 1986, p. 26.

4. Article 4 is amended as follows:

— in paragraph 2, the words 'exceeds 1,5 % for durum wheat' are replaced by 'exceeds 2 % for durum wheat';

— paragraph 5 is replaced by the following:

'5. Where the percentage of piebald grains in durum wheat exceeds 20 %, a reduction of 0,2 %

shall be applied for each excess of 1 % or fraction of 1 %.'

5. Annex I is replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 28 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

ANNEX I

TABLE I

Price increases calculated as a percentage of the prices referred to in Article 2 of this Regulation, for cereals the moisture content of which differs from the moisture content of the standard quality

Moisture content	Cereals other than durum wheat	Durum wheat
13,4	0,1	—
13,3	0,2	—
13,2	0,3	—
13,1	0,4	—
13,0	0,5	—
12,9	0,6	—
12,8	0,7	—
12,7	0,8	—
12,6	0,9	—
12,5	1,0	—
12,4	1,1	0,1
12,3	1,2	0,2
12,2	1,3	0,3
12,1	1,4	0,4
12,0	1,5	0,5
11,9	1,6	0,6
11,8	1,7	0,7
11,7	1,8	0,8
11,6	1,9	0,9
11,5	2,0	1,0
11,4	2,1	1,1
11,3	2,2	1,2
11,2	2,3	1,3
11,1	2,4	1,4
11,0	2,5	1,5
10,9	2,6	1,6
10,8	2,7	1,7
10,7	2,8	1,8
10,6	2,9	1,9
10,5	3,0	2,0
10,4	3,1	2,1
10,3	3,2	2,2
10,2	3,3	2,3
10,1	3,4	2,4
10,0	3,5	2,5
9,9	—	2,6
9,8	—	2,7
9,7	—	2,8
9,6	—	2,9
9,5	—	3,0
9,4	—	3,1
9,3	—	3,2
9,2	—	3,3
9,1	—	3,4
9,0	—	3,5

TABLE II

Price reductions calculated as a percentage of the prices referred to in Article 2 of this Regulation, for durum wheat the moisture content of which differs from the moisture content of the standard quality

Moisture content	Percentage
13,6	0,1
13,7	0,2
13,8	0,3
13,9	0,4
14,0	0,5
14,1	0,6
14,2	0,7
14,3	0,8
14,4	0,9
14,5	1,0

TABLE III

Price increases calculated as a percentage of the prices referred to in Article 2 of this Regulation, for cereals the specific weight of which differs from the moisture content of the standard quality

Common wheat

Kilogrammes per hectolitre	%
<i>Price reductions</i>	
less than 76—75	0,5
less than 75—74	1,0
less than 74—73	1,5
less than 73—72	2,0

Rye

Kilogrammes per hectolitre	%
<i>Price reductions</i>	
less than 70—69	0,5
less than 69—68	1,0

Barley

Kilogrammes per hectolitre	%
<i>Price reductions</i>	
less than 64—63 ⁽¹⁾	1,0

⁽¹⁾ Where the provisions of Article 112 of the Act of Accession of Spain and Portugal apply, the following price reduction shall apply to barley harvested in Spain:

(a) for the period from 1 March 1986 to the end of the 1986/87 marketing year:

- less than 63 kg/hl — 62 kg/hl: 2 %;
- less than 62 kg/hl — 61 kg/hl: 3 %;
- less than 61 kg/hl — 60 kg/hl: 4 %;

(b) for the 1987/88 marketing year:

- less than 63 kg/hl — 62 kg/hl: 2 %;
- less than 62 kg/hl — 61 kg/hl: 3 %;

(c) for the 1988/89 marketing year:

- less than 63 kg/hl — 62 kg/hl: 2 %.

TABLE IV

Price reductions referred to in Article 4a (2) of this Regulation

Protein content (N × 5,7)	Price reduction as a percentage
Less than 11,5 — 11,0	1,0
Less than 11,0 — 10,5	2,0
Less than 10,5 — 10,0	3,0
Less than 10,0 — 9,5	4,0
Less than 9,5	5,0'

COMMISSION REGULATION (EEC) No 2259/87

of 29 July 1987

re-establishing the levying of customs duties on lactic acid falling within subheading 29.16 A I, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 3924/86 suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of lactic acid, falling within subheading 29.16 A I, originating in China, the individual ceiling was fixed at 270 000 ECU; whereas, on 10 July 1987, imports of these products into the Community originating in China reached the ceiling in question after

being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 2 August 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in:

CCT heading No	Description
29.16 A I (NIMEXE code 29.16-11)	Lactic acid and its salts and esters

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, 29 July 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 2260/87

of 29 July 1987

re-establishing the levying of customs duties on artificial flowers, foliage or fruit and parts thereof falling within heading 67.02 of the Common Customs Tariff originating in Hong Kong to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3924/86 duties on the products listed in Annex II originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 14;

Whereas, as provided for in Article 14 where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 5 % of the total importations into the Community, originating from third countries in 1984;

Whereas, in the case of artificial flowers, foliage or fruit and parts thereof falling within heading 67.02 of the Common Customs Tariff, the reference base is fixed at

4 587 000; whereas, on 15 July 1987, imports of these products into the Community originating in Hong Kong reached the reference base in question after being charged there against; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against Hong Kong,

HAS ADOPTED THIS REGULATION:

Article 1

As from 2 August 1987, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in Hong Kong:

CCT heading No	Description
67.02 (NIMEXE code 67.02-11, 19, 20)	Artificial flowers, foliage or fruit and parts thereof; articles of artificial flowers, foliage or fruit

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, 29 July 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 2261/87

of 29 July 1987

amending Regulation (EEC) No 771/74 laying down detailed rules for granting aid for flax and hemp

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽¹⁾, as last amended by Regulation (EEC) No 1963/87 ⁽²⁾, and in particular Article 4 (5) thereof,Whereas Commission Regulation (EEC) No 771/74 ⁽³⁾, as last amended by Regulation (EEC) No 2426/86 ⁽⁴⁾, lays down in Article 4 (1) that every grower of fibre flax or hemp shall, by a date fixed by the Member State concerned and in any case not later than 30 June for flax and 15 July for hemp, submit a declaration of the areas sown by him; whereas, in order to ensure equal treatment among the recipients of the aid a time limit should be set which is applicable in all Member States;

Whereas Annex A to Regulation (EEC) No 771/74 contains a list of varieties of flax grown mainly for fibre in order to distinguish these varieties from those grown mainly for seed; whereas one variety which is not grown mainly for fibre has in error been included in that list; whereas the said Annex should be amended in consequence;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 771/74 is hereby amended as follows:

1. Article 4 (1) is amended to read as follows:

'1. Every grower of fibre flax or hemp shall each year, except in case of *force majeure*, not later than 30 June for flax and 15 July for hemp, submit a declaration of the areas sown by him.'

2. With effect from 1 August 1987, the variety 'Linda' is deleted from the list set out in Annex A.

*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, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.⁽²⁾ OJ No L 184, 3. 7. 1987, p. 12.⁽³⁾ OJ No L 92, 3. 4. 1974, p. 13.⁽⁴⁾ OJ No L 210, 1. 8. 1986, p. 35.

COMMISSION REGULATION (EEC) No 2262/87

of 29 July 1987

laying down rules applying to the export of intervention butter for social use in developing countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 773/87 ⁽²⁾, and in particular Article 6 ⁽⁷⁾ thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1890/87 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas Article 6 of Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market on butter and cream ⁽⁵⁾, as last amended by Regulation (EEC) No 1897/87 ⁽⁶⁾, provides that when butter is put on sale for export special conditions may be laid down in order to take account of the requirements pertaining to the sale and to guarantee that the butter will not be diverted from its destination;

Whereas certain developing countries have asked to obtain as an exceptional measure for social use limited quantities of old butter in intervention storage; whereas the International Dairy Arrangement stipulates that this type of transaction should be carried out in accordance with the 'FAO principles of surplus disposal and consultative obligations'; whereas special conditions should therefore be laid down permitting this butter to be made available to the countries in question;

Whereas in view of its destination the butter should be made available at a reduced price;

Whereas operators may purchase the butter anywhere in the Community; whereas the monetary compensatory amounts should therefore be brought into line with the level of the selling prices of the intervention butter;

Whereas in order to ensure that the butter is not diverted from its destination its movement should be controlled

from removal from store to arrival at destination in the country concerned;

Whereas it should for the sake of clarity be recalled that the control arrangements specified in Commission Regulation (EEC) No 1687/76 ⁽⁷⁾, as last amended by Regulation (EEC) No 2230/87 ⁽⁸⁾, will apply; whereas moreover it is necessary to lay down additional requirements in view of the particular nature of the operation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Butter bought in under Article 6 (1) of Regulation (EEC) No 804/68 shall be made available under the terms of this Regulation. The butter in question shall on the day of removal be

- if its fat content by weight is not less than 80 % but less than 82 %, at least 18 months old,
- if its fat content is not less than 82 % but less than 85 %, at least 24 months old.

2. The quantity of butter to be made available, the countries to which it must be exported and the time limits for delivery are specified in the Annex hereto.

Article 2

1. The butter shall be made available at a price of 9 ECU per 100 kg weight ex cold store.

2. Intervention agencies in Member States where butter as specified in Article 1 is available shall keep up date and notify to interested parties at their request a list of the cold stores where the butter is held and the corresponding quantities.

3. The intervention agency shall take the necessary action to permit interested parties at their own expense to examine samples of the butter made available for removal.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 23. 3. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 35.

⁽⁷⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁸⁾ OJ No L 206, 28. 7. 1987, p. 9.

Article 3

1. Interested parties shall submit at least five working days before conclusion of the disposal contract an application for reservation of the butter to the intervention agency in the Member State or States in which it is available indicating

- (a) their name and address;
- (b) the total quantity desired;
- (c) the intended destination of the butter;
- (d) the cold stores in which the butter is located;
- (e) the quantities applied for in other Member States.

2. Reservation applications shall not be acceptable unless

- (a) for a minimum quantity of 1 000 tonnes in one or more Member States;
- (b) evidence is provided that the interested party has lodged security as specified in Article 4;
- (c) evidence is provided that the interested party has been designated as an intermediary by the Government of the country of destination.

Article 4

1. For the purposes of this Regulation maintenance of the reservation application, the lodging of the security referred to in Article 6 (2) and payment of the price referred to in Article 2 (1) shall be principal requirements the execution of which is ensured by the lodging of a security of 10 ECU per tonne. Should the obligations listed above not be met the security shall be forfeit in proportion to the quantities in respect of which these obligations were not complied with.

2. The security shall be lodged in the Member State where the application is made. The security shall be converted into national currency using the representative rate valid on the day the application is made.

Article 5

1. Member States shall immediately notify the Commission of quantities of butter, and country of destination, for which reservation applications are made under this Regulation.

2. The Commission may refuse conclusion of the disposal contract should the total quantity applied for for the country of destination exceed the quantity indicated in the Annex. It shall inform the Member State(s) in question of its refusal.

Article 6

1. No export refund shall be applicable on butter made available under this Regulation. The monetary compensatory amounts applicable shall be those set pursuant to

Council Regulation (EEC) No 1677/85⁽¹⁾, multiplied by the coefficient 0,0287.

2. Before removal of the butter operators shall, as provided for in Article 13 (1) of Regulation (EEC) No 1687/76, lodge with the intervention agency for each quantity that they remove security to ensure that the principal requirements relating to the removal of the butter are executed within two months of the date of the disposal contract and that the butter arrives in the country of destination.

The security shall be 315 ECU per 100 kg.

3. Before removal of the butter the operator shall pay the intervention agency, for each quantity that he intends to withdraw, the price stated in Article 2 (1). If payment is not made within the time limit indicated in paragraph 2, the sale shall, without prejudice to forfeiture of the security indicated in Article 4, be annulled for the corresponding quantities.

4. Conversion into national currency of the price to be paid and of the amount of the security shall be at the representative rate applicable on the day of conclusion of the disposal contract for the butter.

5. The security specified in Article 4 shall be released immediately in respect of quantities for which the security referred to in Article 6 (2) has been lodged and payment of the price for which was made within the time limit laid down or for which conclusion of a contract was refused under Article 5 (2).

6. The intervention agency shall issue a removal voucher showing:

- the quantity of butter for which security has been lodged, and
- the cold store where it is being kept.

Article 7

1. Butter to be exported shall be delivered by the intervention agency in packages carrying at least one of the following statements in clearly visible and legible characters:

- Mantequilla destinada a la exportación con arreglo al Reglamento (CEE) n° 2262/87
- Smør bestemt til udførsel i henhold til forordning (EØF) nr. 2262/87
- Butter zur Ausfuhr — Verordnung (EWG) Nr. 2262/87
- Βούτυρο που προορίζεται για εξαγωγή στα πλαίσια του κανονισμού (ΕΟΚ) αριθ. 2262/87
- Butter for export pursuant to Regulation (EEC) No 2262/87
- Beurre destiné à être exporté au titre du règlement (CEE) n° 2262/87
- Burro destinato ad essere esportato nel quadro del regolamento (CEE) n. 2262/87

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

- Boter voor uitvoer in het kader van Verordening (EEG) nr. 2262/87
- Menteiga destinada à exportação em conformidade com o Regulamento (CEE) n° 2262/87.

2. The butter referred to in paragraph 1 may not be exported except in its original packaging.

3. Acceptance by the customs authorities of the export declaration for butter as referred to in this Article must take place in the Member State where the butter was removed from storage.

Article 8

The application for the export licence shall carry in section C 2 the words 'Export for social use (Regulation (EEC) No 2262/87)'.

Article 9

Delivery to the country of destination must be made within the time limit specified in the Annex.

Article 10

When export declarations for butter exported under this Regulation are submitted for acceptance to the customs authorities, the export licence referred to in Article 8 must be presented.

Article 11

1. Except in cases of *force majeure* the security specified in Article 6 (2) shall be forfeit in proportion to the quantities for which the evidence mentioned in Article 13 (4) of Regulation (EEC) No 1687/76 has not been provided within 12 months from the date of acceptance of the export declaration. If however evidence is provided within 18 months following expiry of this time limit 85 % of the security shall be repaid.

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

Done at Brussels, 29 July 1987.

In addition, release of the security specified in Article 6 (2) shall be conditional on submission of a certificate issued by the competent authority listed in the Annex of the country of destination showing, on the one hand, that the customs formalities relating to the import of the butter have been completed and guaranteeing, on the other hand, the social use of the butter in that country.

2. The provisions of Regulation (EEC) No 1687/76 shall apply from the date of removal onwards except where this Regulation provides otherwise.

The special entries to be made in sections 104 and 106 of the control copy shall be those shown at point 35 of Part I of the Annex to Regulation (EEC) No 1687/76.

Article 12

The following point and footnote thereto are added to Part I, 'Products to be exported in the same state as that in which they were when removed from intervention stocks', of the Annex to Regulation (EEC) No 1687/76:

'35. Commission Regulation (EEC) No 2262/87 of 29 July 1987 laying down rules applying to the export of intervention butter for social use in developing countries⁽³⁵⁾.'

⁽³⁵⁾ OJ No L 208, 30. 7. 1987, p. 18.'

Article 13

Expenditure arising from this Regulation shall be financed as provided for in the second, third and fourth subparagraphs of Article 4 (1) of Council Regulation (EEC) No 1883/78⁽¹⁾.

Article 14

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

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.

ANNEX

I. Countries of destination, quantities (net weight) and time limit for delivery:

Algeria : 6 000 tonnes, before 1 October 1987

Egypt : 6 000 tonnes, before 1 October 1987.

II. Competent authorities within the meaning of the second subparagraph of Article 11 (1):

for Algeria, the 'Direction Générale des Douanes' on the one hand and ENAPAL on the other;

for Egypt, the 'Direction Générale des Douanes' on the one hand and ESTRAM on the other.

COMMISSION REGULATION (EEC) No 2263/87

of 29 July 1987

fixing the amount of the reduction applicable under the special arrangements
for maize imports into Spain

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

Having regard to Council Regulation (EEC) No 1799/87
of 25 June 1987 on special arrangements for imports of
maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, and
in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2059/87 of
13 July 1987 setting implementing rules for the special
arrangements for maize and sorghum imports into Spain
during the period 1987 to 1990 ⁽²⁾ laid down the frame-
work of detailed rules to ensure that the purposes of the
said Regulation are respected;

Whereas the amount of the reduction in the import levy
on maize imported into Spain should be fixed at a level
enabling, on the one hand, the import of the quantities
provided for under the Agreement between the European
Economic Community and the United States of
America ⁽³⁾ and, on the other hand, to avoid any distur-
bance of the Spanish cereals market;

Whereas the October 1987 threshold price for maize is
13,02 ECU per tonne lower than that of September 1987;
whereas there should therefore be different levy reduc-
tions depending on the date of import;

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 import levy reduction on maize provided for in
Article 3 of Regulation (EEC) No 1799/87 shall be:

- 40 ECU per tonne for imports carried out before 1
October 1987,
- 27 ECU per tonne for imports carried out as from 1
October 1987.

Article 2

Regulation (EEC) No 2060/87 ⁽⁴⁾ is hereby repealed.

Article 3

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

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 193, 14. 7. 1987, p. 6.

⁽³⁾ OJ No L 98, 10. 4. 1987, p. 1.

⁽⁴⁾ OJ No L 193, 14. 7. 1987, p. 8.

COMMISSION REGULATION (EEC) No 2264/87

of 29 July 1987

fixing the maximum export refunds on olive oil for the seventh partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3942/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1915/87⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3942/86⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3942/86 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the seventh partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3942/86 are hereby fixed at the following levels, on the basis of the tenders submitted by 23 July 1987:

1. Quality 15.07 A I a) in containers of a capacity not exceeding 5 litres: 45,96 ECU/100 kilograms.
2. Quality 15.07 A I a) in containers of a capacity exceeding 5 litres: 90,65 ECU/100 kilograms.
3. Quality 15.07 A II a) in containers of a capacity not exceeding 5 litres: 46,50 ECU/100 kilograms.
4. Quality 15.07 A II a) in containers of a capacity exceeding 5 litres: 94,85 ECU/100 kilograms.
5. Quality 15.07 A II b) in containers of a capacity not exceeding 5 litres: 12,00 ECU/100 kilograms.
6. Quality 15.07 A II b) in containers of a capacity exceeding 5 litres: 52,60 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 1 August 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 365, 24. 12. 1986, p. 30.

COMMISSION REGULATION (EEC) No 2265/87
of 29 July 1987
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1915/87⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulations (EEC) No 1650/86 and (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last 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;

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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 Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 July 1987 fixing the export refunds on olive oil

CCT heading No	Description	(ECU/100 kg) Refund
15.07 A I (a)	Fixed vegetable oils, fluid or solid, crude, refined or purified:	
	Olive oil:	
	Untreated:	
	(a) Virgin olive oil:	
	In immediate packings of a net capacity of 5 litres or less, for destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 ⁽¹⁾ , as well as on export to third countries	44,00
II	Other:	
(a)	Obtained by processing oils falling within subheading 15.07 A I a) or 15.07 A I b), whether or not blended with virgin olive oil:	
	In immediate packings of a net capacity of 5 litres or less, for destinations mentioned in Article 5 of Regulation (EEC) No 2730/79, as well as on export to third countries	43,87
(b)	Other:	
	Obtained by processing oils falling within subheading 15.07 A I c), whether or not blended with virgin olive oil:	
	In immediate packings of a net capacity of 5 litres or less, for destinations mentioned in Article 5 of Regulation (EEC) No 2730/79, as well as on export to third countries	10,50

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

COMMISSION REGULATION (EEC) No 2266/87

of 29 July 1987

fixing the import levies 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 Article 14 (4) 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 1907/87⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than 3,02 ECU per tonne from the average of the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing; whereas Commission Regulation (EEC) No 1921/75⁽⁹⁾, as amended by Regulation (EEC) No 2415/75⁽¹⁰⁾, laid down certain transitional measures in respect of starches;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Council Regulation (EEC) No 2742/75⁽¹¹⁾, as last amended by Regulation (EEC) No 3794/85⁽¹²⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 51.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 195, 26. 7. 1975, p. 25.

⁽¹⁰⁾ OJ No L 247, 23. 9. 1975, p. 22.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹²⁾ OJ No L 367, 31. 12. 1985, p. 20.

gements arrangements applicable to 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 ⁽¹⁾, as amended by Regulation (EEC) No 1306/87 ⁽²⁾;

Whereas, in respect of products falling within subheading 07.06 A of the Common Customs Tariff, Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff coming from third countries and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾ lays down the terms on which the import levy may be charged at 6 % *ad valorem* and provides for the Common Customs Tariff to be amended accordingly;

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 ⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁵⁾,
- 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, 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,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged 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, shall be as set out in the Annex hereto.

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 August 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 124, 13. 5. 1987, p. 5.

⁽³⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 July 1987 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	26,37	175,02 ⁽¹⁾	173,21 ⁽¹⁾ ⁽²⁾
07.06 A II	29,39	178,04 ⁽¹⁾	173,21 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	53,51	321,08	315,04
11.01 D ⁽²⁾	154,27	238,74	232,70
11.01 E I ⁽²⁾	15,35	327,72	321,68
11.01 E II ⁽²⁾	8,29	185,30	182,28
11.01 F ⁽²⁾	96,19	220,34	217,32
11.01 G ⁽²⁾	33,22	190,48	187,46
11.02 A II ⁽²⁾	56,55	285,58	279,54
11.02 A III ⁽²⁾	53,51	321,08	315,04
11.02 A IV ⁽²⁾	154,27	238,74	232,70
11.02 A V a) 1 ⁽²⁾	15,35	309,72	303,68
11.02 A V a) 2 ⁽²⁾	15,35	327,72	321,68
11.02 A V b) ⁽²⁾	8,29	185,30	182,28
11.02 A VI ⁽²⁾	96,19	220,34	217,32
11.02 A VII ⁽²⁾	33,22	190,48	187,46
11.02 B I a) 1 ⁽²⁾	45,21	283,05	280,03
11.02 B I a) 2 aa)	87,02	134,89	131,87
11.02 B I a) 2 bb) ⁽²⁾	151,25	235,72	232,70
11.02 B I b) 1 ⁽²⁾	45,21	283,05	280,03
11.02 B I b) 2 ⁽²⁾	151,25	235,72	232,70
11.02 B II a) ⁽²⁾	3,02	244,49	241,47
11.02 B II b) ⁽²⁾	40,34	209,57	206,55
11.02 B II c) ⁽²⁾	11,29	288,96	285,94
11.02 B II d) ⁽²⁾	50,40	297,07	294,05
11.02 C I ⁽²⁾	3,02	293,52	290,50
11.02 C II ⁽²⁾	47,92	251,50	248,48
11.02 C III ⁽²⁾	71,97	443,59	437,55
11.02 C IV ⁽²⁾	134,78	209,87	206,85
11.02 C V ⁽²⁾	11,29	288,96	285,94
11.02 C VI ⁽²⁾	50,40	297,07	294,05
11.02 D I ⁽²⁾	3,02	188,21	185,19
11.02 D II ⁽²⁾	31,64	161,43	158,41
11.02 D III ⁽²⁾	29,92	181,54	178,52
11.02 D IV ⁽²⁾	87,02	134,89	131,87
11.02 D V ⁽²⁾	8,29	185,30	182,28
11.02 D VI ⁽²⁾	33,22	190,48	187,46
11.02 E I a) 1 ⁽²⁾	29,92	181,54	178,52
11.02 E I a) 2 ⁽²⁾	87,02	134,89	131,87
11.02 E I b) 1 ⁽²⁾	58,78	356,08	350,04
11.02 E I b) 2 ⁽²⁾	170,74	264,60	258,56
11.02 E II a) ⁽²⁾	6,04	332,85	326,81
11.02 E II b) ⁽²⁾	56,55	285,58	279,54
11.02 E II c) ⁽²⁾	15,35	327,72	321,68
11.02 E II d) 1 ⁽²⁾	164,26	375,08	369,04
11.02 E II d) 2 ⁽²⁾	59,34	336,84	330,80
11.02 F I ⁽²⁾	6,04	332,85	326,81
11.02 F II ⁽²⁾	56,55	285,58	279,54
11.02 F III ⁽²⁾	53,51	321,08	315,04
11.02 F IV ⁽²⁾	154,27	238,74	232,70

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
11.02 F V (?)	15,35	327,72	321,68
11.02 F VI (?)	96,19	220,34	217,32
11.02 F VII (?)	33,22	190,48	187,46
11.02 G I	6,04	142,21	136,17
11.02 G II	9,92	140,07	134,03
11.04 C I	29,39	178,04	171,39 (?)
11.04 C II a)	28,87	292,17	267,99 (?)
11.04 C II b)	28,87	308,27	284,09 (?)
11.07 A I a)	10,88	334,06	323,18
11.07 A I b)	10,88	252,35	241,47
11.07 A II a)	57,82	322,42 (*)	311,54
11.07 A II b)	45,95	243,66	232,78
11.07 B	51,75	282,16 (*)	271,28
11.08 A I	28,87	292,17	271,62
11.08 A II	164,44	324,22	293,39
11.08 A III	20,55	389,18	368,63
11.08 A IV	28,87	292,17	271,62
11.08 A V	28,87	292,17	135,81 (?)
11.09	181,34	851,58	670,24
17.02 B II a) (?)	107,58	451,01	354,29
17.02 B II b) (?)	74,81	338,11	271,62
17.02 F II a)	108,09	467,88	371,16
17.02 F II b)	74,40	324,62	258,13
21.07 F II	74,81	338,11	271,62
23.02 A I a)	10,42	80,94	74,94
23.02 A I b)	15,46	166,59	160,59
23.02 A II a)	10,42	80,94	74,94
23.02 A II b)	15,46	166,59	160,59
23.03 A I	191,68	518,76	337,42

(1) This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

(2) For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

(3) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

(4) In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

(5) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading ex 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading ex 11.08 A V.

COMMISSION REGULATION (EEC) No 2267/87**of 29 July 1987****fixing the import levies on 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 Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regula-

tion (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to 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⁽⁵⁾, as amended by Regulation (EEC) No 1306/87⁽⁶⁾;

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 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁷⁾, as last amended by Regulation (EEC) No 1907/87⁽⁸⁾, 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⁽⁹⁾, 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 Commission Regulation 156/67/EEC⁽¹⁰⁾, as last amended by Regulation (EEC) No 31/76⁽¹¹⁾, 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, 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⁽¹²⁾, as last amended by Regulation (EEC) No 1636/87⁽¹³⁾,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 61, 26. 2. 1986, p. 4.

⁽⁶⁾ OJ No L 124, 13. 5. 1987, p. 5.

⁽⁷⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 51.

⁽⁹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽¹⁰⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹¹⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Whereas, 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,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 August 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 July 1987 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CCT heading No	Nomenclature in simplified wording	Levies		
		Portugal (°)	Third countries (other than ACP and OCT) (°)	ACP and OCT (°)
	Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 968/68, 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) containing starch, glucose or glucose syrup :			
	Containing no starch or containing 10 % or less by weight of starch :			
23.07 B I a) 1	— Containing no milk products or containing less than 10 % by weight of such products	10,88	39,47	28,59
23.07 B I a) 2	— Containing 10 % or more but less than 50 % by weight of milk products	10,88	820,72	809,84
	Containing more than 10 % but not more than 30 % by weight of starch :			
23.07 B I b) 1	— Containing no milk products or containing less than 10 % by weight of such products	10,88	100,24	89,36
23.07 B I b) 2	— Containing 10 % or more but less than 50 % by weight of milk products	10,88	881,49	870,61
	Containing more than 30 % by weight of starch :			
23.07 B I c) 1	— Containing no milk products or containing less than 10 % by weight of such products	10,88	189,59	178,71
23.07 B I c) 2	— Containing 10 % or more but less than 50 % by weight of milk products	10,88	970,84	959,96

COMMISSION REGULATION (EEC) No 2268/87
of 29 July 1987

**amending Regulation (EEC) No 2196/87 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 1926/87⁽²⁾, and in particular the
first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2196/87⁽³⁾,
introduced a countervailing charge on fresh lemons origi-
nating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72
laid down the conditions under which a charge intro-
duced in application of Article 25 of that Regulation is
amended; whereas if those conditions are taken into
consideration the countervailing charge on the import of
fresh lemons originating in Spain (except the Canary
Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Acces-
sion of Spain and Portugal⁽⁴⁾, the arrangements applicable

to trade between, on the one hand, a new Member State
and, on the other, the Community as constituted at 31
December 1985 must be those which were applicable
before accession;

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;

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

In Article 1 of Regulation (EEC) No 2196/87, '2,89 ECU'
is hereby replaced by '9,03 ECU'.

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 July 1987

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 24.

⁽³⁾ OJ No L 203, 24. 7. 1987, p. 35.

⁽⁴⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 2269/87

of 29 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 1926/87⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2129/87⁽³⁾
introduced a countervailing charge on cherries originating
in Hungary;

Whereas for cherries originating in Hungary there were
no prices for six consecutive working days; whereas the

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2129/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 24.

⁽³⁾ OJ No L 197, 18. 7. 1987, p. 29.

COMMISSION REGULATION (EEC) No 2270/87
of 29 July 1987
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 2252/87 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the infor-

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.
⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.
⁽⁴⁾ OJ No L 207, 29. 7. 1987, p. 30.

ANNEX

to the Commission Regulation of 29 July 1987 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	53,31
	B. Raw sugar	45,59 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 2271/87**of 29 July 1987****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2170/87 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2170/87 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2170/87 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 202, 23. 7. 1987, p. 52.

ANNEX

to the Commission Regulation of 29 July 1987 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	45,42	
	(b) Other	45,64	
	(II) Flavoured or coloured sugar		0,4542
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	41,78 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4542
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	41,19 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 2272/87

of 29 July 1987

fixing the maximum export refund for white sugar for the 13th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1092/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1092/87 of 15 April 1987 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1092/87, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 13th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 13th partial invitation to tender for white sugar issued under Regulation (EEC) No 1092/87 is hereby fixed at 47,723 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 30 July 1987.

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

Done at Brussels, 29 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 106, 22. 4. 1987, p. 9.

Information concerning the date of entry into force of the Agreement between the European Economic Community and the Government of the Republic of the Gambia on fishing off the Gambia ⁽¹⁾

The European Economic Community and the Government of the Republic of the Gambia notified each other, on 16 June 1987 and 1 July 1987, respectively, of the completion of the procedures necessary for the entry into force of the Agreement.

The Agreement consequently entered into force, pursuant to Article 17 thereof, on 1 July 1987.

⁽¹⁾ OJ No L 146, 6. 6. 1987, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 July 1987

requiring Italy to rescind the measures taken to protect itself against the introduction of harmful organisms associated with fresh cultivated mushrooms

(Only the Italian text is authentic)

(87/393/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 87/298/EEC⁽²⁾, and in particular Article 15 (2) thereof,

Whereas, when a Member State considers that there is an imminent danger of the introduction or spread in its territory of harmful organisms, it may temporarily take any additional measures necessary to protect itself against the danger, provided that it immediately informs the other Member States and the Commission of the measures taken and indicates the reasons for them (Article 15 (1) of Directive 77/93/EEC);

Whereas Italy adopted on 22 May 1987 measures prohibiting the introduction into Italy of fresh cultivated mushrooms from 1 June 1987 to 31 December 1987 ('Decreto 22 maggio 1987: Divieto di impotazione di funghi coltivati freschi'⁽³⁾);

Whereas Italy only informed the other Member States and the Commission of the measures and indicated the reasons for them at the meeting of the Standing Committee on Plant Health on 22 June 1987;

Whereas that notification was not an immediate notification within the meaning of Article 15 (1), second sentence, of Directive 77/93/EEC;

Whereas, during the meeting of the Standing Committee on Plant Health on 22 June 1987, Italy gave the following essential reasons for the measures:

- its plant health service discovered nematodes, which could not be clearly identified, in a consignment of fresh cultivated mushrooms coming from the Netherlands,
- scientific knowledge indicates that there are in western and central Europe nematodes considered to be dangerous, namely *Ditylenchus myceliophagus* and *Aphelenchoides composticola*, known since 1958 and 1957 respectively,
- the uncertainty as to the risk of introducing those harmful organisms through consignments of fresh cultivated mushrooms led Italy to take preventive measures until suitable Community measures can be adopted in this respect;

Whereas the elements identified in that reasoning are not such as to constitute an imminent danger within the meaning of Article 15 (1) of Directive 77/93/EEC; whereas thus no urgent reason appears to justify a measure as drastic as a generalized import ban;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 151, 11. 6. 1987, p. 1.

⁽³⁾ *Gazzetta Ufficiale della Repubblica Italiana* n. 124, 30. 5. 1987, p. 9.

Whereas Italy should therefore rescind immediately the measures prohibiting imports of fresh cultivated mushrooms;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Italy shall rescind the 'Decreto 22 maggio 1987: Divieto di importazione di funghi coltivati freschi', prohibiting the import of fresh cultivated mushrooms from 1 June 1987 to 31 December 1987.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 1 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 3 July 1987

determining the amount of VAT own resources payable by the Federal Republic of Germany for 1985 in respect of transactions covered by the 20th Council Directive 85/361/EEC on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax : derogations in connection with the special aids granted to certain farmers to compensate for the dismantlement of monetary compensatory amounts applying to certain agricultural products

(Only the German text is authentic)

(87/394/EEC)

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

Having regard to the 20th Council Directive 85/361/EEC of 16 July 1985 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax : derogations in connection with the special aids granted to certain farmers to compensate for the dismantlement of monetary compensatory amounts applying to certain agricultural products ⁽¹⁾, and in particular Article 5 thereof,

Whereas the Directive authorizes the Federal Republic of Germany to use value added tax to grant a special aid to farmers provided that own resources accruing from VAT are not affected,

Whereas, for the 1985 financial year, the net VAT revenue to be taken into account under Article 6 of Council Regulation (EEC, Euratom, ECSC) No 2892/77 of 19 December 1977 implementing, in respect of own resources accruing from value added tax, the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources ⁽²⁾, as last amended by Regulation (ECSC, EEC, Euratom) No 3735/85 ⁽³⁾ should be increased by DM 2 598 million ;

Whereas, the average weighted rate referred to in the said Article is 12,4897 % for 1985 but may be changed again ;

Whereas the VAT own resources rate for 1985 is 1 % ;

Whereas the Advisory Committee on Own Resources has been consulted,

HAS ADOPTED THIS DECISION :

Article 1

VAT own resources payable by the Federal Republic of Germany for 1985, according to Article 5 of Directive 85/361/EEC, amount to DM 208 million.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 July 1987.

For the Commission

Henning CHRISTOPHERSEN

Vice-President

⁽¹⁾ OJ No L 192, 24. 7. 1985, p. 18.

⁽²⁾ OJ No L 336, 27. 12. 1977, p. 8.

⁽³⁾ OJ No L 356, 31. 12. 1985, p. 1.

COMMISSION DECISION

of 3 July 1987

amending Commission Decision 87/131/EEC authorizing a method for grading
pig carcasses in the Netherlands

(Only the Dutch text is authentic)

(87/395/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 2759/75
of 29 October 1975 on the common organization of the
market in pigmeat⁽¹⁾, as last amended by Regulation
(EEC) No 1475/86⁽²⁾, and in particular Article 4(6)
thereof,Having regard to Council Regulation (EEC) No 3220/84
of 13 November 1984 determining the Community scale
for grading pig carcasses⁽³⁾, as amended by Regulation
(EEC) No 3530/86⁽⁴⁾, and in particular Article 5(2)
thereof,Whereas Article 2 of Regulation (EEC) No 3220/84 lays
down that Member States may be authorized to provide
for a presentation of pig carcasses different from the stan-
dard presentation defined in the same Article where
commercial practice or technical requirements warrant
this;Whereas in the Netherlands the technical requirements
relating to the use of the grading method and, conse-
quently, commercial practice, necessitate the removal of
the kidneys, the flare fat and the diaphragm (including
the thick skirt); whereas this should be taken into
account in adjusting to the weight for standard presenta-
tion; whereas Commission Decision 87/131/EEC⁽⁵⁾
should be amended accordingly;Whereas the measures provided for in this Decision are in
accordance with the opinion of the Management
Committee for Pigmeat,

HAS ADOPTED THIS DECISION:

*Article 1*The following Article 1a is hereby inserted in Decision
87/131/EEC:*Article 1a*Notwithstanding the standard presentation referred to
in Article 2 of Regulation (EEC) No 3220/84, the flare
fat, the kidneys and the diaphragm (including the
thick skirt) shall be removed from pig carcasses before
being weighed and graded. In order to establish quota-
tions for pig carcasses on a comparable basis, the
recorded hot weight shall be increased by 2,22 %.*Article 2*This Decision is addressed to the Kingdom of the
Netherlands.

Done at Brussels, 3 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.⁽³⁾ OJ No L 301, 20. 11. 1984, p. 1.⁽⁴⁾ OJ No L 326, 21. 11. 1986, p. 8.⁽⁵⁾ OJ No L 51, 20. 2. 1987, p. 50.

COMMISSION DECISION

of 6 July 1987

approving the programme on the processing and marketing of fishery and aquaculture products for the period 1987 to 1991, submitted by Spain pursuant to Council Regulation (EEC) No 355/77

(Only the Spanish text is authentic)

(87/396/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 560/87⁽²⁾, and in particular Article 5 thereof,

Whereas on 17 March 1987 the Spanish Government forwarded a programme on the processing and marketing of fishery and aquaculture products for the period 1987 to 1991 pursuant to Regulation (EEC) No 355/77; whereas it forwarded additional information concerning this programme on 25 March 1987;

Whereas the aim of the programme is to modernize and improve distribution networks, modernize and increase productivity in the fish-canning industry, develop to a certain extent the prepared products and aquaculture sectors, diversify production and improve product quality; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas any development of the processing and marketing of fishery products arising from the implementation of the programme should be consistent with the foreseeable development of resources and with the consequences and objectives of the multiannual guidance programmes for the fishing fleet and aquaculture in Spain for the period 1987 to 1991; whereas to that end provision should be made for reviewing the programme;

Whereas the Spanish authorities should adopt the measures necessary for improving the statistical data on the sectors covered by the programme; whereas such improvement should help ensure closer monitoring of the programme and, hence, improved evaluation of its impact

on the processing and marketing of fishery products in Spain;

Whereas, in the light of the current Community market situation for canned sardines, the present Decision cannot prejudice any Community measures which may shortly be adopted in this sector; whereas, while awaiting these measures, projects creating an increase in overall production which may not be in line with the proven evolution of effective demand and the trading patterns structure of this type of product, cannot be taken into consideration during the implementation of the programme; whereas in its project examination, the Commission should take account in particular of the objectives of the improvement of market competitiveness of enterprises, of product quality and of factory hygiene conditions;

Whereas the Community market in preserved tuna is very competitive and consequently particular care should be taken with regard to investments in that industry in order to avoid difficulties in marketing the products concerned;

Whereas the programme contains the details listed in Article 3 of Regulation (EEC) No 355/77; whereas the aims set forth in Article 1 of the said Regulation may be achieved;

Whereas the measures provided for in this Decision are in accordance with the opinion delivered jointly by the Standing Committee on Agricultural Structure and the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

Article 1

The programme on the processing and marketing of fishery and aquaculture products for the period 1987 to 1991, submitted on 17 March 1987 by the Spanish Government pursuant to Regulation (EEC) No 355/77 and most recently supplemented on 25 March 1987, the essential features of which are described in Annex I, is hereby approved subject to the provisions set forth in Annex II.

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 57, 27. 2. 1987, p. 6.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 6 July 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

ANNEX I

ESSENTIAL FEATURES OF THE PROGRAMME ON THE PROCESSING AND MARKETING OF FISHERY AND AQUACULTURE PRODUCTS FOR THE PERIOD 1987 TO 1991, SUBMITTED BY SPAIN PURSUANT TO COUNCIL REGULATION (EEC) No 355/77**1. Purpose of the programme**

Development of the processing and marketing of fishery and aquaculture products.

2. Definition of the area concerned

The entire territory of Spain.

3. Duration of the programme

The programme covers the period from 1 January 1987 to 31 December 1991.

4. Objectives of the programme

The objectives are:

- the modernization and improvement of distribution networks with a view to improving product quality,
- the modernization of the canning industry together with an increase in productivity,
- the development of the processed-product and aquaculture sectors in order to meet the increase in demand,
- the diversification of output of processed products.

5. Measures planned and priorities

Within the general framework of the programme, particular emphasis will be placed on the following measures:

- In the case of primary marketing:
 - ensuring that there is a sufficient number of marketing and canning facilities and that their geographical distribution is satisfactory, thereby facilitating links with production and market regulation,
 - making basic improvements and refinements to the existing operational arrangements for primary marketing and the transparency thereof,
 - promoting improved product quality and presentation and the improved distribution of products by means of an appropriate transportation network,
 - guaranteeing product hygiene;
- In the case of processing and secondary marketing:
 - (1) *Preserved and semi-preserved anchovies:*
 - increasing productivity,
 - rationalizing the production processes,
 - technological restructuring from the point of view of scale and concentration of the industry in the Canary Islands;
 - (2) *Salted preparations:*
 - improving manufacturing,
 - bringing this sub-sector into line with health standards,
 - setting up new high-technology industries with a view to the manufacture of new products;
 - (3) *Products of mainland aquaculture and fish-farming:*
 - promoting fresh trout-farming on an industrial scale;
 - (4) *Final marketing:*
 - establishing major new markets and restructuring others so as to bring them into line with new health and technological requirements.

6. Financing

The total cost of the investments planned for the duration of the programme is approximately Ptas 46 000 million (around ECU 315 million), which may be broken down as follows:

	Millions of Ptas	Millions of ECUs ⁽¹⁾
<i>Primary marketing:</i>		
— Auction markets	2 569,7	17,7
— Refrigeration facilities	2 393,1	16,5
— Deep-freeze and non-refrigerated	7 000,0	48,0
— Data processing	670,8	4,6
— Back-up equipment	1 877,6	12,9
— Refrigerated transportation	1 421,5	9,8
Total	15 932,7	109,5
<i>Secondary marketing:</i>		
— Preserved and semi-preserved anchovies	8 217,0	56,3
— Prepared products (deep-frozen and prepared dishes)	18 127,0	125,2
— Mainland sea-farming	474,5	3,0
— 'Final' marketing	3 125,0	21,5
Total	29 943,5	206,0

(¹) 1 ECU = Pta 144,812 (rate on 1 March 1987).

The financial data and the breakdown by type of investment are merely intended as a guide.

ANNEX II

1. The Commission considers that the programme submitted by the Government of Spain as a framework for future Community or national financing schemes for the sector concerned constitutes a suitable basis for the development of the processing and marketing of fishery and aquaculture products.
 2. The Commission would stress the importance of the future development of resources and of the objectives and execution of the multiannual guidance programmes for the fishing fleet and aquaculture where the development of the processing and marketing of fishery products is concerned. The Commission reserves the right to review this programme so that the progress made with the development of resources and the structural measures planned for the fishing fleet and aquaculture in Spain (for the period 1987 to 1991) may be taken into consideration in an appropriate manner in relation to the processing and marketing of fishery products.
 3. The Commission would point out to the Spanish authorities the need to improve information collection, in particular of statistical data, for the areas covered by this programme. During its execution, measures to improve such information gathering should be taken by the Spanish authorities so as to provide fuller details of the processing and marketing of fishery products in Spain and the development thereof as the programme is implemented. Such monitoring of the programme should in particular ensure that over-capacity is avoided, particularly in the sector dealing with preserved and processed products.
 4. In the light of the current Community market situation for canned sardines, the Commission emphasises that the present decision does not prejudice any Community measures which may shortly be adopted in this sector. While awaiting these measures, projects creating an increase in overall production which may not be in line with the proven evolution of effective demand and the trading patterns structure of this type of product shall not be taken into consideration during the implementation of the present programme. In its project examination, the Commission shall take account in particular of the objectives of the improvement of market competitiveness of enterprises, of product quality and of factory hygiene conditions.
 5. With regard to preserved tuna, the Commission would point out to the Spanish authorities that the Community market for this product is highly competitive. Care should be taken therefore with regard to investments in this industry, given the possible difficulties which could arise in the marketing of preserved tuna.
 6. The Commission notes that this programme is very ambitious and that the volume of investment planned for its execution is very substantial. The Commission questions, therefore, whether the entire programme can in fact be executed during the coming five years, given the foreseeable budgetary constraints in the Community.
 7. The Commission would point out that the investments forecast in this programme do not determine the level of any financial assistance that may be granted by the Community.
-

COMMISSION DECISION

of 6 July 1987

approving the programme on the processing and marketing of fishery and aquaculture products for the period 1987 to 1991, submitted by Portugal pursuant to Council Regulation (EEC) No 355/77

(Only the Portuguese text is authentic)

(87/397/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 560/87⁽²⁾, and in particular Article 5 thereof,

Whereas on 5 January 1987 the Portuguese Government forwarded a programme on the processing and marketing of fishery and aquaculture products for the period 1987 to 1991 pursuant to Regulation (EEC) No 355/77; whereas it forwarded additional information concerning this programme on 23 March 1987;

Whereas the aim of the said programme is to rationalize and modernize processing and marketing structures for fishery products, make better use and enhance the value of available fish stocks, improve product quality and diversify production; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas any development of the processing and marketing of fishery products arising from the implementation of the programme should be consistent with the foreseeable development of resources and with the effects and aims of the multiannual guidance programmes for the fishing fleet and for aquaculture in Portugal for the period 1987 to 1991; whereas provision should therefore be made for the programme to be reviewed;

Whereas the Portuguese authorities should implement the measures necessary for improving the statistical data on the sectors covered by the programme; whereas the improvement of such statistical data should enable the programme to be monitored more closely and, hence, its impact on the processing and marketing of fishery products in Portugal to be better assessed;

Whereas, in the light of the current Community market situation for canned sardines, the present Decision cannot prejudice any Community measures which may shortly be adopted in this sector; whereas, while awaiting these measures, projects creating an increase in overall production which may not be in line with the proven evolution of effective demand and the trading patterns structure of this type of product cannot be taken into consideration during the implementation of the programme; whereas, in its project examination, the Commission should take account in particular of the objectives of the improvement of market competitiveness of enterprises, of product quality and of factory hygiene conditions;

Whereas the Community market in preserved tuna is very competitive and particular care should be taken therefore with regard to investments in this industry in order to avoid difficulties in marketing the products concerned;

Whereas investments relating to products intended for human consumption which are not listed in Annex II to the Treaty will be examined in the light of Article 7 of Regulation (EEC) No 355/77;

Whereas the programme contains the details listed in Article 3 of Regulation (EEC) No 355/77; whereas the aims set forth in Article 1 of that Regulation may be attained;

Whereas the measures provided for in this Decision are in accordance with the opinion delivered jointly by the Standing Committee on Agricultural Structure and the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

Article 1

The programme on the processing and marketing of fishery and aquaculture products for the period 1987 to 1991, submitted on 5 January 1987 by the Portuguese Government pursuant to Regulation (EEC) No 355/77 and most recently supplemented on 23 March 1987, the essential features of which are described in Annex I, is hereby approved subject to the provisions set forth in Annex II.

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 57, 27. 2. 1987, p. 6.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 6 July 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

ANNEX I

ESSENTIAL FEATURES OF THE PROGRAMME ON THE PROCESSING AND MARKETING OF FISHERY AND AQUACULTURE PRODUCTS FOR THE PERIOD 1987 TO 1991, SUBMITTED BY PORTUGAL PURSUANT TO COUNCIL REGULATION (EEC) No 355/77**1. Purpose of the programmes**

Development of the processing and marketing of fishery products, particularly as regards deep-frozen, smoked and preserved products, and facilities for the initial sale of fish, in the context of improvements at fishing ports.

2. Definition of the area concerned

The entire territory of Portugal including the Azores and Madeira.

3. Duration of the programme

The programme covers the period from 1 January 1987 to 31 December 1991.

4. Objectives of the programme

The objectives pursued are :

- the development, rationalization and improvement of the facilities for the processing and marketing of fishery products ;
- the improvement of product quality ;
- the diversification of production ;
- better use and enhancement of the value of fishery resources.

5. Measures planned and priorities

Within the general framework of the programme, the most important measures consist of investments to improve existing refrigeration facilities and the manufacture of preserved fish.

The programme also lays particular emphasis on the modernization of fishing ports with a view to improving landing facilities and those used where fish are first sold, including improved facilities for recording prices and production.

Lastly, of all the other activities covered by the programme, the conversion of drying facilities and the development of smoking facilities are the most significant measures.

6. Financing

The total cost of the investments planned for the duration of the programme is Esc 20 692 million (129,3 million ECU), which may be broken down as follows :

	Millions of Esc.	Millions of ECUs
Marketing and preparation of fresh fish, including fishing-port facilities	2 742	17,1
Preserved and semi-preserved products	7 420	46,4
Refrigeration	8 725	54,5
Drying, curing and smoking	1 805	11,3

The financial data and the breakdown by type of investment are merely intended as a guide.

ANNEX II

1. The Commission considers that the programme submitted by the Government of Portugal as a framework for future Community or national financing schemes for the sector concerned represents an appropriate basis for the development of the processing and marketing of fishery and aquaculture products.
 2. The Commission would stress the importance of the future development of resources and of the objectives and execution of the multiannual guidance programme for the fishing fleet and aquaculture where the development of the processing and marketing of fishery products is concerned. The Commission reserves the right to review this programme so that the progress made with the development of resources and the structural measures planned for the fishing fleet and aquaculture in Portugal for 1987 to 1991 may be taken into consideration in an appropriate manner in relation to the processing and marketing of fishery products.
 3. The Commission would point out to the Portuguese authorities the need to improve the collection of data, in particular statistics, for the industries covered by this programme. During its execution, steps must be taken by the Portuguese authorities to improve the collection of such data and thus provide fuller details of the processing and marketing of fishery products in Portugal and the development thereof as the programme is implemented.
 4. In the light of the current Community market situation for canned sardines, the Commission emphasises that the present Decision does not prejudice any Community measures which may shortly be adopted in this sector. While awaiting these measures, projects creating an increase in overall production which may not be in line with the proven evolution of effective demand and the trading patterns structure of this type of product, shall not be taken into consideration during the implementation of the present programme. In its project examination, the Commission shall take account in particular of the objectives of the improvement of market competitiveness of enterprises, of product quality and of factory hygiene conditions.
 5. With regard to preserved tuna, the Commission would point out to the Portuguese authorities that the Community market for this product is highly competitive. Care must be taken therefore with regard to investments in this industry, given the possible difficulties which could arise in the marketing of preserved tuna.
 6. Furthermore, investments relating to products intended for human consumption and not listed in Annex II to the Treaty will be examined with particular reference to the provisions of Article 7 of Regulation (EEC) No 355/77.
 7. The Commission notes that this programme is very ambitious and that the volume of investment planned for its execution is very substantial. The Commission questions, therefore, whether the entire programme can in fact be executed during the coming five years, given the foreseeable budgetary constraints in the Community.
 8. The Commission would point out that the investment forecasts in this programme do not determine the level of any financial assistance that may be granted by the Community, in particular concerning fishing-port facilities.
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