

Official Journal

of the European Communities

ISSN 0378-6978

L 295

Volume 30

20 October 1987

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 3110/87 of 19 October 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 3111/87 of 19 October 1987 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 3112/87 of 19 October 1987 opening an invitation to tender for the sale for export of baled tobacco held by the Greek intervention agency	5
Commission Regulation (EEC) No 3113/87 of 19 October 1987 opening an invitation to tender for the sale for export of baled tobacco held by the Greek intervention agency	7
* Commission Regulation (EEC) No 3114/87 of 19 October 1987 amending Regulation (EEC) No 2556/86 on the granting of aid for the use in winemaking of concentrated grape must and rectified concentrated grape must in respect of the 1986/87 wine year	9
* Commission Regulation (EEC) No 3115/87 of 19 October 1987 laying down special provisions on the marketing of olive oil	10
Commission Regulation (EEC) No 3116/87 of 19 October 1987 fixing the minimum selling prices for unboned beef in respect of the tenth invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 3905/86	11
Commission Regulation (EEC) No 3117/87 of 19 October 1987 concerning applications for STM licences in the beef and veal sector submitted during the first 10 days of October 1987	13
Commission Regulation (EEC) No 3118/87 of 19 October 1987 concerning applications for STM licences for milk and milk products submitted during the first 10 days of October 1987	14

Contents (continued)

Commission Regulation (EEC) No 3119/87 of 19 October 1987 fixing the import levies on white sugar and raw sugar	16
Commission Regulation (EEC) No 3120/87 of 19 October 1987 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	17
Commission Regulation (EEC) No 3121/87 of 19 October 1987 altering the corrective amount applicable to the refund on cereals	19
Commission Regulation (EEC) No 3122/87 of 19 October 1987 altering the export refunds on cereals and on wheat or rye flour, groats and meal	21
* Information on the date of entry into force of the Protocol establishing the fishing rights and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988	24

II *Acts whose publication is not obligatory*

Commission

87/515/EEC:

* Commission Decision of 11 February 1987 on aid granted by the Federal Republic of Germany for the purchase and lease of the Seeadler factory manufacturing fish products in Cuxhaven, Lower Saxony	25
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Corrigenda

Corrigendum to Commission Regulation (EEC) No 2948/87 of 30 September 1987 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty (OJ No L 278 of 1.10.1987)	31
Corrigendum to Commission Regulation (EEC) No 2965/87 of 29 September 1987 on the supply of various lots of butteroil as food aid (OJ No L 281 of 3.10.1987)	31

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3110/87

of 19 October 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 16 October 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 20 October 1987.

⁽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.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 19 October 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	—	183,98
10.01 B II	Durum wheat	41,18	244,30 ⁽¹⁾ ⁽²⁾
10.02	Rye	30,05	153,41 ⁽³⁾
10.03	Barley	17,51	180,41
10.04	Oats	82,52	135,82
10.05 B	Maize, other than hybrid maize for sowing	—	165,18 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	17,51	105,83
10.07 B	Millet	17,51	114,95 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	17,89	170,40 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	17,51	38,70 ⁽⁵⁾
11.01 A	Wheat or meslin flour	3,32	271,24
11.01 B	Rye flour	55,73	228,44
11.02 A I a)	Durum wheat groats and meal	77,08	391,92
11.02 A I b)	Common wheat groats and meal	2,86	292,22

⁽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 3111/87

of 19 October 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 16 October 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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 October 1987.

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

Done at Brussels, 19 October 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 19 October 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 10	1st period 11	2nd period 12	3rd period 1
10.01 B I	Common wheat, and meslin	0	8,52	8,52	8,47
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	8,56	8,57	8,47
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	11,93	11,93	11,93

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	15,17	15,17	15,08	15,08
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	11,33	11,33	11,27	11,27
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 3112/87

of 19 October 1987

opening an invitation to tender for the sale for export of baled tobacco held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by Regulation (EEC) No 1974/87⁽²⁾, and in particular Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 3389/73⁽³⁾, as last amended by Regulation (EEC) No 3263/85⁽⁴⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

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

HAS ADOPTED THIS REGULATION:

Article 1

Seven lots of baled raw tobacco from the 1985 harvest, held by the Greek intervention agency, with a total weight of 5 767 974 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

Article 3

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be at 3 p.m. local time, on 4 December 1987.

Article 4

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

- (a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;
- (b) at the end of the sixth month following the said date for the remaining tobacco.

Article 5

1. The security specified in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and by the Ypiresia Diachirisis Agoron Georgikon Proionton (YDAGEP), Acharnon 5, GR-Athens 108.

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

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

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 184, 2. 7. 1987, p. 30.

⁽³⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁴⁾ OJ No L 311, 22. 11. 1985, p. 22.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Lot No	Variety	Harvest	Weight (kilograms)
1	Basmas	1985	610 729
2	Katerini	1985	1 099 678
3	K.K. classic	1985	977 573
4	K.K. classic	1985	1 052 008
5	K.K. non classic	1985	852 484
6	Myr. Agrinion Zychnomyrodata	1985	525 448
7	Mavra	1985	650 054
Total			5 767 974

COMMISSION REGULATION (EEC) No 3113/87

of 19 October 1987

opening an invitation to tender for the sale for export of baled tobacco held by
the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1974/87 ⁽²⁾, and in particular Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 3389/73 ⁽³⁾, as last amended by Regulation (EEC) No 3263/85 ⁽⁴⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

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

HAS ADOPTED THIS REGULATION:

Article 1

Five lots of baled raw tobacco from the 1985 harvest, held by the Greek intervention agency, with a total weight of 6 836 755 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

Article 3

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be at 3 p.m. local time, on 29 January 1988.

Article 4

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

- (a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;
- (b) at the end of the sixth month following the said date for the remaining tobacco.

Article 5

1. The security specified in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and by the Ypiresia Diachirisis Agoron Georgikon Proionton (YDAGEP), Acharnon 5, GR-Athens 108.

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

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

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 184, 2. 7. 1987, p. 30.

⁽³⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁴⁾ OJ No L 311, 22. 11. 1985, p. 22.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Lot No	Variety	Harvest	Weight (kilograms)
1	Burley	1985	1 181 822
2	Burley	1985	1 200 643
3	Burley	1985	1 152 363
4	Burley	1985	1 650 963
5	Burley	1985	1 650 964
Total			6 836 755

COMMISSION REGULATION (EEC) No 3114/87
of 19 October 1987

**amending Regulation (EEC) No 2556/86 on the granting of aid for the use in
winemaking of concentrated grape must and rectified concentrated grape must
in respect of the 1986/87 wine year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1972/87 ⁽²⁾, and in particular Article 45 (4) thereof,

Whereas Article 4 of Commission Regulation (EEC) No 2556/86 ⁽³⁾, as amended by Regulation (EEC) No 3786/86 ⁽⁴⁾, stipulates that the aid to the producer is to be paid by the intervention agency by 30 September 1987; whereas in certain Member States administrative difficulties make it impossible to meet this time limit; whereas in order to permit payment of the aid to all those entitled to it the said time limit should therefore be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Regulation (EEC) No 2556/86, '30 September 1987' is hereby replaced by '31 October 1987.'

Article 2

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

It shall apply with effect from 1 October 1987.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 26.

⁽³⁾ OJ No L 228, 14. 8. 1986, p. 14.

⁽⁴⁾ OJ No L 350, 12. 12. 1986, p. 10.

COMMISSION REGULATION (EEC) No 3115/87

of 19 October 1987

laying down special provisions on the marketing of olive oil

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

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⁾, and in particular Article 11 (8) thereof,

Whereas Regulation (EEC) No 1915/87 altered the descriptions and definitions of olive oils and olive-pomace oils with effect from 1 November 1987; whereas under Article 4 of Council Regulation (EEC) No 3089/78⁽³⁾, as last amended by Regulation (EEC) No 3788/85⁽⁴⁾ consumption aid may be granted only for oils meeting certain definitions;

Whereas Article 35 (3) of Regulation No 136/66/EEC permits Member States to authorize the use for a limited period of the descriptions and definitions of olive oils and olive-pomace oils previously authorized for the marketing of these products; whereas in order to lay down the requisite detailed rules for the proper operation of the consumption aid scheme, and taking account of the implications for trade should the Member States adopt derogating provisions, it is essential that the necessary information should be available in good time;

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

Member States which under Article 35 (3) of Regulation No 136/66/EEC plan to authorize the use after 1 November 1987 of the descriptions and definitions of olive oils and olive-pomace oils previously authorized for the marketing of these products must inform the Commission thereof by 31 October 1987 at the latest. They must also immediately notify the laws, regulations and administrative provisions on the marketing of these products that they adopt.

Article 2

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

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

Done at Brussels, 19 October 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 369, 29. 12. 1978, p. 12.

⁽⁴⁾ OJ No L 367, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 3116/87

of 19 October 1987

fixing the minimum selling prices for unboned beef in respect of the tenth invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 3905/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 467/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas, tenders have been invited for certain quantities of unboned beef and veal fixed by Commission Regulation (EEC) No 3905/86 ⁽³⁾, as last amended by Regulation (EEC) No 2929/87 ⁽⁴⁾;

Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁵⁾, the minimum selling prices for

meat put up for sale by tender should be fixed, taking into account tenders submitted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for unboned beef for the eighth specific invitation to tender held in accordance with Regulation (EEC) No 3905/86 for which the time limit for the submission of tenders was 14 October 1987 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter force on 20 October 1987.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 364, 23. 12. 1986, p. 17.

⁽⁴⁾ OJ No L 278, 1. 10. 1987, p. 41.

⁽⁵⁾ OJ No L 251, 5. 10. 1979, p. 12.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO

Categoría	A:	Canales de jóvenes animales machos no castrados de menos de 2 años,
Categoría	C:	Canales de animales machos castrados.
Kategori	A:	Slagtekroppe af unge ikke-kastrerede handyr på under to år,
Kategori	C:	Slagtekroppe af kastrerede handyr.
Kategorie	A:	Schlachtkörper von jungen männlichen, nicht kastrierten Tieren von weniger als 2 Jahren,
Kategorie	C:	Schlachtkörper von männlichen kastrierten Tieren.
Κατηγορία	A:	Σφάγια νεαρών μη συνουχισμένων αρρένων ζώων κάτω των 2 ετών,
Κατηγορία	C:	Σφάγια συνουχισμένων αρρένων ζώων.
Category	A:	Carcases of uncastrated young male animals of less than two years of age,
Category	C:	Carcases of castrated male animals.
Catégorie	A:	Carcasses de jeunes animaux mâles non castrés de moins de 2 ans,
Catégorie	C:	Carcasses d'animaux mâles castrés.
Categoria	A:	Carcasse di giovani animali maschi non castrati di età inferiore a 2 anni,
Categoria	C:	Carcasse di animali maschi castrati.
Categorie	A:	Geslachte niet-gecastreerde jonge mannelijke dieren minder dan 2 jaar oud,
Categorie	C:	Geslachte gecastreerde mannelijke dieren.
Categoria	A:	Carcaças de animais jovens machos, não castrados, de menos de dois anos,
Categoria	C:	Carcaças de animais machos castrados.

Precios de venta mínimos (ECU/tonelada) — Mindstesalgspriser (ECU/ton) — Mindestverkaufspreise (ECU/Tonne) — Ελάχιστες τιμές πώλησεως (ECU/τόνο) — Minimum selling prices (ECU/tonne) — Prix de vente minimaux (Écus/t) — Prezzi minimi di vendita (ECU/t) — Minimumverkooprijzen (Ecu/ton) — Preço mínimo de venda (ECUs/tonelada)

ITALIA

— Quarti anteriori, taglio a 5 costole, il pancettone fa parte del quarto anteriore, provenienti dai:	
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O	669
— Quarti posteriori, taglio a 8 costole, detto pistola, provenienti dai:	
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O	669
— Quarti anteriori, taglio a 8 costole, il pancettone fa parte del quarto anteriore, provenienti dai:	
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O	669
— Quarti posteriori, taglio a 5 costole, detto pistola, provenienti dai:	
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O	669

COMMISSION REGULATION (EEC) No 3117/87

of 19 October 1987

concerning applications for STM licences in the beef and veal sector submitted during the first 10 days of October 1987

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 569/86 of 25 February 1986 laying down general rules for the application of the supplementary trade mechanism STM ⁽¹⁾, as last amended by Regulation (EEC) No 2297/86 ⁽²⁾, and in particular Article 7 thereof,Having regard to Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽³⁾, as last amended by Regulation (EEC) No 2159/87 ⁽⁴⁾, and in particular Article 6 thereof,Whereas Regulation (EEC) No 569/86 provides for the use of STM licences in order to ensure that the tonnages traded of certain products do not exceed those laid down in the Act of Accession and in Article 5 of Commission Regulation (EEC) No 3955/86 ⁽⁵⁾; whereas, therefore, the Commission has to decide, in accordance with Article 6 of Regulation (EEC) No 574/86, whether STM licences can be issued for all, some, or none of the tonnages applied for;

Whereas, in the light of the quantities available and the applications for licences submitted during the first 10

days of October 1987, licences may, for certain products, be issued for the tonnages applied for and shall not be issued for the tonnages applied for in the case of other products,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences, submitted during the first 10 days of October 1987 and notified to the Commission,

(a) shall be accepted for the tonnages applied for in the case of the following products:

meat of animals of the bovine species, frozen, and offals of animals of the bovine species;

(b) shall, in the case of the following products, not be issued:

- live animals of the bovine species, other than pure-bred breeding animals and animals for bull fights,
- fresh or chilled meat of animals of the bovine species.

Article 2

This Regulation shall enter into force on 20 October 1987.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.⁽²⁾ OJ No L 201, 24. 7. 1986, p. 3.⁽³⁾ OJ No L 57, 1. 3. 1986, p. 1.⁽⁴⁾ OJ No L 202, 23. 7. 1987, p. 30.⁽⁵⁾ OJ No L 365, 24. 12. 1986, p. 55.

COMMISSION REGULATION (EEC) No 3118/87

of 19 October 1987

concerning applications for STM licences for milk and milk products submitted during the first 10 days of October 1987

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 Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽¹⁾, as last amended by Regulation (EEC) No 2159/87⁽²⁾, and in particular Article 6 (4) thereof,

Having regard to Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 3952/86⁽⁴⁾, and in particular Article 3 (2) thereof,

Whereas pursuant to Article 6 (3) of Regulation (EEC) No 574/86 the Commission has been notified of the applications for STM licences for milk and milk products during the first 10 days of October 1987; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences submitted during the first 10 days of October 1987 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by the coefficient set out below in the case of the following products and the categories referred to in Article 2 of Regulation (EEC) No 606/86:

CCT heading No	Description	Coefficient
ex 04.01	Milk and cream, fresh, not concentrated or sweetened:	
	— in immediate packings of a net capacity of 3 litres or less	1,00
	— other	1,00
04.03	Butter	0,04967
ex 04.04	Cheese:	
	— Category 1: Emmentaler, Gruyère	0,11106
	— Category 2: Roquefort	0,00294
	— Category 3: Blue-veined cheese	0,02192
	— Category 4: Processed cheese	0,00193
	— Category 5: Parmigiano Reggiano, Grana Padano	0,04202
	— Category 6: Havarti, fat content 60 %	0,00427
	— Category 7: Edam in balls, Gouda	0,01520
	— Category 8: Soft ripened cow's milk cheeses	0,00409
	— Category 9: Cheddar, Chester	0,02041
	— Category 10: Other	0,01911

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 365, 24. 12. 1986, p. 49.

Article 2

This Regulation shall enter into force on 20 October 1987.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3119/87
of 19 October 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 3068/87 ⁽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 20 October 1987.

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

Done at Brussels, 19 October 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 290, 14. 10. 1987, p. 20.

ANNEX

to the Commission Regulation of 19 October 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	51,82
	B. Raw sugar	43,64 ⁽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 3120/87

of 19 October 1987

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 2916/87 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2916/87 to the information known to the Commission that the basic amount

of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 2916/87 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 October 1987.

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

Done at Brussels, 19 October 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 278, 1. 10. 1987, p. 16.

ANNEX

to the Commission Regulation of 19 October 1987 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,5182	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	62,28
	ex II. Other	0,5182	—
	E. Artificial honey, whether or not mixed with natural honey	0,5182	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,5182	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	62,28
	IV. Other	0,5182	—

COMMISSION REGULATION (EEC) No 3121/87

of 19 October 1987

altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1900/87 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 3095/87 ⁽⁴⁾;

Whereas, the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 3095/87 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 October 1987.

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

Done at Brussels, 19 October 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 293, 16. 10. 1987, p. 54.

ANNEX

to the Commission Regulation of 19 October 1987 altering the corrective amount
applicable to the refund on cereals

(ECU/tonne)

CCT heading No	Description	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
10.01 B I	Common wheat and meslin	0	0	0	- 6,00	- 6,00	0	0
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	0	- 6,00	- 6,00	—	—
10.04	Oats	0	0	0	0	0	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0	0	—	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 1548/87 (OJ No L 144, 4. 6. 1987).

COMMISSION REGULATION (EEC) No 3122/87

of 19 October 1987

altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1900/87 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Regulation (EEC) No 3094/87 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3094/87 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,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3094/87 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 20 October 1987.

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

Done at Brussels, 19 October 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 293, 16. 10. 1987, p. 50.

ANNEX

to the Commission Regulation of 19 October 1987 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — zone II b) — zones I, II a), III, V, VI and VII — zone IV — Ceuta and Melilla — other third countries	107,00 112,00 20,00 25,00 117,00 15,00
10.01 B II	Durum wheat for exports to : — zones I, II and III — other third countries	165,00 (?) 25,00 (?)
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	10,00 25,00
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — zone II b) — other third countries	114,00 119,00 25,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	85,00 95,00
10.05 B	Maize, other than hybrid maize for sowing for exports to : — Switzerland, Austria and Liechtenstein — Canary Islands — other third countries	0 0 0
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	159,00 159,00 142,00 133,00 124,00 113,00

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	159,00 159,00 159,00 159,00
11.02 A I a)	Durum wheat groats and meal — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	277,00 ⁽³⁾ 262,00 ⁽³⁾ 234,00 ⁽³⁾ 221,00 ⁽³⁾
ex 11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	159,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 1548/87 (OJ No L 144, 4. 6. 1987).

Information on the date of entry into force of the Protocol establishing the fishing rights and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988 ⁽¹⁾

The Protocol establishing the fishing rights and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the Coast of Senegal for the period from 1 October 1986 to 28 February 1988 was signed in Dakar on 9 October 1987.

The Protocol therefore entered into force, in accordance with Article 14 thereof, on 9 October 1987.

⁽¹⁾ OJ No L 57, 27. 2. 1987, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 February 1987

on aid granted by the Federal Republic of Germany for the purchase and lease of the Seeadler factory manufacturing fish products in Cuxhaven, Lower Saxony

(Only the German text is authentic)

(87/515/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 2315/86⁽²⁾,

After giving notice, in accordance with the provisions of the first subparagraph of Article 93 (2) of the Treaty, to the parties concerned to submit their comments⁽³⁾, and having regard to those comments,

Whereas :

I

Background and description

At the express request of the Commission, following a complaint from certain interested parties, the German Government informed the Commission by letter of 23 April 1985 of a combined transaction involving the purchase and lease-back of the Seeadler factory by the Land of Lower Saxony.

This transaction took place in autumn 1983. The factory in question, located in Cuxhaven, is part of the Nordsee group, which belongs to the Unilever multinational company and manufactures tinned fish and fish preparations. It uses land belonging to the Land of Lower Saxony under an emphyteutic lease (normally lasting 99 years). On expiry of the lease, the grounds revert to the Land of Lower Saxony with the buildings erected thereon.

In autumn 1983, the Land of Lower Saxony purchased the factory buildings at a cost of DM 30 million. That price comprises DM 25 million for the purchase itself and DM 5 million for maintenance and improvement of the buildings, to be paid on submission of invoices. At the same time, the Land of Lower Saxony leased back the premises purchased for DM 500 000 per year to the same company.

The Government of the Federal Republic of Germany disputes the assertion that the transaction constitutes aid, arguing that the rent may be considered reasonable and comparable with amounts paid by competing companies.

The aid falls within the scope of Articles 92, 93 and 94 of the Treaty pursuant to the provisions of Article 28 of Regulation (EEC) No 3796/81.

Following an initial examination, the Commission took the view that the purchase and lease-back transaction was a State aid within the meaning of Article 92 (1) of the EEC Treaty benefiting a company, since the terms of the contract are highly favourable and do not meet normal financial criteria. Furthermore, it involves aid paid to the beneficiary without any real reciprocal contribution on its

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 202, 25. 7. 1986, p. 1.

⁽³⁾ OJ No C 227, 7. 9. 1985, p. 2.

part. Such aid has a major direct effect on competition and trade as it puts the company in question on a competitive footing which is more favourable than that of its German and Community competitors.

The Commission accordingly decided to initiate in respect of that aid the examination procedure provided for in Article 93 (2) of the EEC Treaty, and by letter of 24 July 1985 it gave notice to the German Government to submit its comments.

Comments from interested parties

One Member State and several interested parties forwarded comments to the Commission; they all share the Commission's opinion.

II

Comments from the German Government

In its replies of 30 October 1985 and 6 January 1986, the German Government put forward the following arguments:

1. In accordance with practice in other ports in Germany and the Community, the land on which the factories are located in Cuxhaven normally belongs to the authorities operating the ports. Thus the buildings belong to the Land of Lower Saxony and are made available to undertakings under a lease or at a rent. Only in exceptional cases have the companies themselves built on the land they occupy under emphyteutic leases. This was the case of the undertaking in question.
2. The purchase price of the factory corresponds to the objective commercial value of the buildings, as assessed by valuers in accordance with the rules in force. The amount is therefore not excessive and its payment may not in itself be considered aid within the meaning of Article 92 of the EEC Treaty. In addition, the annual rent for the premises amounts to DM 23,176/m², and therefore falls within the rent bracket for private undertakings, which ranges from DM 16,30/m² to DM 42,50/m².
3. The land reverts to the owner only after 26 years, in accordance with an additional building lease signed in 1951. In this case, compensation is provided for under Article 14 of the building lease and the Land of Lower Saxony could not have refused it in all fairness in compliance with relevant directives.
4. The Land of Lower Saxony acquires estate with a view to the proper management of collective needs. The operation of the fishing port of Cuxhaven is consi-

dered as constituting a public task. The Land's interest is thus in particular to ensure that the infrastructures enable optimum use to be made of the port as a whole at the lowest cost. If major portions of the port land were insufficiently used, that would lead to a low utilization rate for all installations and consequently a significant increase in unit costs. As the parent company was considering moving its plant from Cuxhaven to Bremerhaven, the port's capacity was likely to be underused to a substantial extent. If the Land of Lower Saxony had intervened later, for example on the expiry of the building lease in 2011, it would no longer have been possible to prevent such deterioration.

5. The German Government also notes that Cuxhaven is a priority regional development area under the 13th outline plan for the joint Federal Government/Länder schemes for improving regional economic structures, the principles of which have been approved by the Commission.
6. In addition to keeping the undertaking in Cuxhaven, the aim of the transaction is to modernize without creating new capacities. The direct consequence of such restructuring measures is to maintain jobs and the hope is that jobs will be created through investments.

That is why, in addition to the purchase price of DM 25 million, a sum of DM 5 million has been kept aside for repair work (which was taken into account in the valuation), and for the renovation and modernization of buildings, which was carried out by the lessee to make sure the works were executed properly, although in principle it was the owner's responsibility. In October 1985 the Land of Lower Saxony had paid DM 4,8 million. The Land considers responsibility for renovation work as the necessary consequence of the transfer of ownership, which cannot therefore be considered as constituting aid.

7. For the abovementioned reasons, the relationship between the rent and the purchase price cannot be compared with the normal rates of return on capital. The rent agreed to is in line with those charged locally. The immediate yield from industrial or commercial buildings is generally no more than 2 to 3 %. Nor is it possible to assess whether it constitutes aid on this basis since the rates of depreciation set out in the balance sheet are used for tax purposes and are not relevant in this case. Rather, the value should be assessed using rates of depreciation based on a calculation of costs. The indirect repercussions on the costs of infrastructure in the port do, however, constitute the main factor in demonstrating that aid is not involved in the sense considered here. The acquisition was for the purposes of managing collective property and therefore the accomplishment of public tasks.

8. In addition, the fact that the company in question happens to be the owner of real estate in the port area is an exception. The only undertaking which, to a very modest extent, also used property under an emphyteutic lease went bankrupt in 1983. The other competing undertakings in Cuxhaven have from the outset rented grounds and premises belonging to the Land. This is also true of Bremerhaven and ports in other EEC Member States. Accordingly there can be no question of distortion of competition. There is also no distortion of competition since exports (tinned herring, pickled products and products preserved in oil) are low and competing imports are limited. There can therefore be no significant repercussions on international trade.

9. Lastly, the German Government pointed out the following:

- in the Arbed Sairstahl case, the Commission specifically stated that it did not consider the sale under normal conditions of real estate belonging to Arbed Sairstahl GmbH to the Land as aid,
- within the framework of the programme of the coastal Länder of northern Germany for the development and rationalization of the processing and marketing of fishery products provided for by Council Regulation (EEC) No 355/77⁽¹⁾, the Commission recognized the need to 'subsidize' the restructuring of the fish-processing industry,
- as in the case of the nationalization of private undertakings, the transfer of real estate to the public sector does not constitute aid if the transaction has public objectives as its aim. The profitability of public property may therefore not be considered a relevant criterion for ascertaining whether aid is involved,
- irrespective of the above explanations, the granting of such aid would, in accordance with the criteria laid down by the Commission, be compatible with the common market under certain conditions in accordance with Article 92 (3) (a) and (c) of the EEC Treaty,
- in a report in 1977, the Working Party on Seaports analysed the financing of 'superstructures' in the various Member States and noted in its 1980 report that the various forms of financing did not lead to serious distortions of competition between the Member States.

III

Legal assessment

1. As regards compensation which might be payable under new administrative practices for any buildings erected by the undertaking on the land leased under an

emphyteutic lease, the German Government refers to the Ministerial Circular on building leases (Circular of the Minister of Finance No 262129/1-(11) of 14 June 1978), according to which compensation is provided for under the following conditions:

- (a) where use is made of the right of return of the property on the date provided for, if the owner does not take over the land in its original state but with the buildings which have been erected thereon;
- (b) if the beneficiary has obtained the written agreement of the owner of the land regarding the construction project;
- (c) at two thirds of the commercial value, without however exceeding the cost price.

The circular of 14 June 1978 does not apply, however, to previous contracts, as point 8 states that existing emphyteutic contracts will not be affected.

In this particular case, the Land Government is thus not required to pay compensation and this cannot therefore be put forward to minimize the cost of purchase by reason of inevitable future expenditure.

Since the buildings will revert to the Land of Lower Saxony without charge after 26 years, it may accordingly be noted as of now that during that period the undertaking will have made a net profit of approximately DM 12 million, i.e. DM 25 million — $26 \times \text{DM } 500\,000$, without taking into account the advantages linked with the lease-back transaction.

2. As regards the payment of DM 5 million for the modernization of the undertaking, it is alleged that it was made following the transfer of the property. However, the emphyteutic lease states that the lessee must properly maintain the buildings erected at his own expense and must have repair and renovation work required by the Land of Lower Saxony carried out. Consequently, the buildings must at the time of sale have been in a state which did not require modernization by the purchaser, or must have been put in such a state at the expense of the holder.

3. While one may consider that the interest rate on public expenditure for the general good cannot be compared with interest rates in the private sector, the need to ensure full use of the infrastructure is, however, put forward here in favour of a single undertaking of major size, which receives a considerable financial boost denied to other firms in the industry. Moreover, the regional authorities of the Land of Lower Saxony had to provide finance for the purchase of the Seeadler factory buildings, amounting to DM 30 million. Such financing normally entails the payment of interest on the capital borrowed. According to the rates of interest in force at the time, such finance would cost approximately DM 2 to 2,4 million (interest rate between 7,5 % and 8 %). However, with the DM 500 000 per year, the Land of Lower Saxony

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

achieves a rate of return of only 1,7 % to 2 % per year for its investment. That low rate is set against the payment to the undertaking of DM 25 million, for which the annual interest would far exceed the rent paid annually if it were to be invested on the financial market. This confirms, moreover, the figures put forward by interested parties on the relationship between the commercial value of the building and its yield (cf. point 5).

4. It is obvious that the transfer of property to the public sector for public objectives, just as in the case of the nationalization of a private undertaking, does not in itself constitute State aid. Nevertheless, the profitability of the public property which has been transferred can be taken as a relevant criterion for assessing whether it constitutes aid. The Commission has set out clearly to the Member States the criteria to be used to ascertain whether public purchases of private capital of undertakings should be considered as State aid⁽¹⁾. The acquisition may involve total or partial transfer of property from the private sector to the public sector. State aid is involved in such an operation where the capital is provided under circumstances which would not be acceptable for a private investor operating under the normal conditions of a market economy, e.g. if the interest acquired is temporary and the duration and price of the transfer are fixed in advance so that the resulting yield for the provider of capital is significantly lower than the remuneration which he could have expected from an investment for a comparable period on the capital market. That criterion applies in the case of the transfer of the real estate of the company in question to the public sector; it is therefore State aid within the meaning of Article 92 (1) of the Treaty.

5. The German Government also takes the view that the purchase and lease-back took place under normal conditions, at current prices for the area. A survey of rents for industrial and commercial premises in the area and information obtained on German coastal regions and on other towns show that rents may vary widely depending on the time the contract is concluded, the particular economic situation and the location. According to information from the German Government, the rent of the factory in question is close to the bottom of the range. Information provided by competing companies leads to the conclusion, however, that the benefit to the company lies precisely in this low rent combined with the lease-back operation. This fact is confirmed by the following:

- a company in the same place pays approximately DM 40/m² annual rent as compared with approximately DM 20/m² in this particular case;
- if the yield is multiplied by 12 (the method proposed by interested parties) in order to calculate the

commercial value of industrial buildings, the following results are obtained for the undertaking in question: either

- (a) a commercial value of DM 6 million on the basis of the annual rent of DM 500 000;
- or
- (b) an annual rent of DM 2,5 million (one twelfth of the purchase price of DM 30 million) or DM 2 million for a purchase price of DM 25 million (after deducting DM 5 million for repairs).

The fact that the transaction was also aimed at preventing the company moving seems to demonstrate the existence of such an advantage.

6. A comparison with the case of the sale of land belonging to Arbed Sairstahl GmbH is not relevant as no simultaneous dual purchase-and-leasing operation took place, nor was the land sold used by the company.

7. Similarly, the opinion of the Working Party on Seaports in 1977, according to which the various ways of financing 'superstructures' did not bring about serious distortions of competition between the Member States, is not relevant to the fisheries industries, as that analysis related to transport.

8. The German Government refers to the 13th outline plan for the joint Federal Government/Länder schemes for improving regional economic structures, in which Cuxhaven appears as a development area on the North Sea coast of Lower Saxony and qualifies for a rate of aid of 20 %.

That outline plan shows that the sound economic development of Cuxhaven is hampered by the monostructure comprising the fishery sector. Here, the lease-back transaction cannot serve to remedy the fisheries monostructure of the regional economy, because it aims to maintain existing fisheries activities instead of channelling public funds towards complementary activities.

In addition, there is the fact that the undertaking has been modernized, which, in the absence of an increase in capacity, normally leads to a fall in the number of jobs. In the present case jobs are maintained, which, together with modernization, should result in an increase in capacity in order to secure such jobs in the longer term.

9. The Federal Government stresses that the aim of the operation was to do away with an exceptional situation; the normal situation was for buildings belonging to public authorities to be rented to undertakings. The reaction of interested parties demonstrates that that is not the case in general, and that in any case the leasing conditions are significantly worse than those which Seeadler enjoys.

⁽¹⁾ Bulletin of the European Communities, No 9-1984, pp. 98 to 100.

10. The purchase of industrial or commercial premises by the State and their lease-back on terms favourable to the undertaking constitutes aid insofar as the regional authorities are foregoing revenue which they could expect to receive. The aid is likely to relieve the cash-flow position of the undertaking and has the effect of reducing its operating costs. It therefore has a direct impact on competition, particularly insofar as the competing Community undertakings do not have access to the same advantages as the undertaking in question. Furthermore, the transaction is not linked to a restructuring programme or to investments on a scale matching the aid committed.

The consolidation of the competitive situation resulting from the granting of the aid in question consequently has negative effects on that of producers in the other Member States which do not qualify for such aids.

Two thirds of the market for tinned fish and fish preparations, products manufactured by the undertaking in question and for which it holds more than 50 % of the German market, are supplied by national production and one third by imports, half of which comes from the other Member States; Germany exports approximately one quarter of its output, approximately 70 % of which goes to the other Member States. Since the undertaking in question is a major exporter of such products, in particular on the markets of neighbouring countries, the conditions of competition between Member States are certainly affected to the detriment of producers in the other Member States.

IV

Where financial aid from the State consolidates the position of one undertaking over others competing with it within the Community, those undertakings must be considered as being affected by the aid in question. In this case, the aid which provided relief in respect of the costs which the Nordsee company should normally have borne itself is liable to affect trade and distort or threaten to distort competition between Member States by favouring the said undertaking within the meaning of Article 92 (1) of the Treaty, which states that any aid bearing the characteristics which it sets out is incompatible with the common market.

The exemptions provided for in Article 92 (3) of the Treaty, which are the only ones concerned in this case, relate to objectives pursued in the Community interest; that of individual sectors of a national economy is not sufficient. Such exemptions must be interpreted strictly when any regional or sectoral aid programme or any individual case of application of general aid schemes is being examined. They may be granted only in cases where the

Commission can establish that the aid is necessary for the achievement of one of the objectives of those provisions.

Granting exemptions for aids not entailing any reciprocal contribution would be tantamount to accepting interference with trade between Member States and distortions of competition unwarranted in terms of the Community interest.

Existence of such a reciprocal contribution could not be ascertained in this particular case and the German Government has not been able to provide, nor the Commission to find, any justification enabling it to be established that the aid in question meets the conditions required for the application of one of the exemptions provided for in Article 92 (3) of the Treaty.

The aid involved is not aid to promote or facilitate development of certain regions, and consequently Article 92 (3) (a) and (c) of the Treaty is not applicable as regards the regional aspect.

This aid certainly does not constitute an important project of common European interest either, nor is it a measure to remedy a serious disturbance in the German economy, and consequently Article 92 (3) (b) of the Treaty is not applicable.

As regards the exemption for aids intended to facilitate the development of certain economic activities, the aids in question which are designed to reduce certain operating expenditure items cannot have an economic development effect within the meaning of Article 92 (3) (c) of the Treaty. In addition, the scale of intra-Community trade in fishery products does not allow the conditions of such trade to be considered as not being altered to an extent contrary to the common interest.

In its guidelines for the examination of State aids in the fisheries sector⁽¹⁾, the Commission stated that operating aid to undertakings is in principle incompatible with the common market unless it is directly linked to a restructuring plan considered compatible with the common market. That is not the case for the aid in question.

The aid at issue should be deemed illegal as the German Government has not fulfilled its obligations under Article 93 (3) of the EEC Treaty.

It is clear from the analysis conducted by the Commission that the aid does not meet the conditions required to qualify for one of the exemptions provided for in Article 92 (3) of the EEC Treaty and must consequently be refunded,

⁽¹⁾ OJ No C 268, 19. 10. 1985, p. 2.

HAS ADOPTED THIS DECISION:

Article 1

The aid from the Land of Lower Saxony, resulting from the combined transaction involving the purchase of DM 30 million of the Seeadler factory in Cuxhaven and its immediate lease-back for DM 500 000 per year to the Nordsee company which sold it in autumn 1983, notified to the Commission belatedly by letter of 23 April 1985, was granted in breach of the provisions of Article 93 (3) of the EEC Treaty and is accordingly illegal. It is also incompatible with the common market within the meaning of Article 92 of the Treaty.

Article 2

Germany is required to annul the transaction referred to in Article 1 or amend its terms in order to establish a relationship between the purchasing and leasing condi-

tions in accordance with commercial practice on the subject.

Article 3

Germany shall inform the Commission within two months of notification of this Decision of the steps it has taken to comply therewith.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 11 February 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2948/87 of 30 September 1987 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities No L 278 of 1 October 1987)

Page 83, Annex, CCT heading No ex 04.02 A II, column 'Rate of refund':

for: '149,00',

read: '145,00'.

Corrigendum to Commission Regulation (EEC) No 2965/87 of 29 September 1987 on the supply of various lots of butteroil as food aid

(Official Journal of the European Communities No L 281 of 3 October 1987)

Page 18, Annex II, Lot B 819/87, column 'Tonnage':

for: '146 000 kg',

read: '146 400 kg'.
