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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3300/87

of 3 November 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 2 November 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 4 November 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, 3 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 3 November 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	—	188,82
10.01 B II	Durum wheat	46,97	248,15 ⁽¹⁾ ⁽²⁾
10.02	Rye	34,01	161,61 ⁽³⁾
10.03	Barley	21,59	184,52
10.04	Oats	85,88	126,59
10.05 B	Maize, other than hybrid maize for sowing	—	170,07 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	21,59	112,65
10.07 B	Millet	21,59	118,69 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	21,97	173,94 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed; other cereals	21,59	48,39 ⁽⁵⁾
11.01 A	Wheat or meslin flour	9,91	279,04
11.01 B	Rye flour	61,50	240,14
11.02 A I a)	Durum wheat groats and meal	86,14	397,97
11.02 A I b)	Common wheat groats and meal	9,74	300,40

⁽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 3301/87

of 3 November 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 2 November 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 4 November 1987.

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

Done at Brussels, 3 November 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 3 November 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 11	1st period 12	2nd period 1	3rd period 2
10.01 B I	Common wheat, and meslin	0	8,20	8,26	8,20
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	11,48	11,48	11,48

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	14,60	14,70	14,60	14,60
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	10,91	10,99	10,91	10,91
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 3302/87**of 3 November 1987****amending Regulation (EEC) No 3905/86 on the sale by tender, for export of beef
held by certain intervention agencies in Peru**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Commission Regulation (EEC) No 3905/86 ⁽³⁾, as last amended by Regulation (EEC) No 2929/87 ⁽⁴⁾, provides for an export sale to Peru of hindquarters and forequarters from intervention;

Whereas Article 5 (1) of the same Regulation provides for the meat to be taken over by 30 November 1987; whereas that time limit should be extended;

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

Article 1

Article 5 (1) of Regulation (EEC) No 3905/86 reads as follows:

'1. The meat shall be taken over by the buyer within three months of the conclusion of the sales contract'.

Article 2

This Regulation shall enter into force on 4 November 1987.

It shall apply to contracts concluded from 4 November 1987.

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

Done at Brussels, 3 November 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.

COMMISSION REGULATION (EEC) No 3303/87

of 3 November 1987

re-establishing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and in particular Protocol 1 thereto,

Having regard to Council Regulation (EEC) No 4054/86 of 22 December 1986 establishing ceilings and Community supervision for imports of certain goods originating in Yugoslavia (1987)⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of the abovementioned Protocol provides that the products listed below, imported under reduced duty rates according to Article 18 of the Cooperation Agreement are subject to the annual ceiling indicated below, above which the customs duties applicable to third countries may be re-established :

(tonnes)			
Order No	CCT heading No	Description	Ceiling
04.0080	78.01	Unwrought lead (including argentiferous lead), lead waste and scrap : A. Unwrought : II. Other	1 418

Whereas imports into the Community of those products, originating in Yugoslavia, have reached that ceiling ; whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION :

Article 1

From 7 November to 31 December 1987, the levying of customs duties applicable to third countries shall be re-established on imports into the Community of the following products :

Order No	CCT heading No	Description	Origin
04.0080	78.01	Unwrought lead (including argentiferous lead), lead waste and scrap : A. Unwrought : II. Other	Yugoslavia

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 377, 31. 12. 1986, p. 35.

Article 2

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

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

Done at Brussels, 3 November 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 3304/87

of 3 November 1987

re-establishing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and in particular Protocol 1 thereto,

Having regard to Council Regulation (EEC) No 4054/86 of 22 December 1986 establishing ceilings and Community supervision for imports of certain goods originating in Yugoslavia (1987)⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of the abovementioned Protocol provides that the products listed below, imported under reduced duty rates according to Article 15 of the Cooperation Agreement are subject to the annual ceiling indicated below, above which the customs duties applicable to third countries may be re-established:

Order No	CCT heading No	Description	(tonnes)
			Ceiling
01.0210	79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes	2 551

Whereas imports into the Community of those products, originating in Yugoslavia, have reached that ceiling; whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

From 7 November to 31 December 1987, the levying of customs duties applicable to third countries shall be re-established on imports into the Community of the following products:

Order No	CCT heading No	Description	Origin
01.0210	79.03	Wrought plates, sheets and strip, of zinc; zinc foil; zinc powders and flakes	Yugoslavia

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 377, 31. 12. 1986, p. 35.

Article 2

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

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

Done at Brussels, 3 November 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 3305/87

of 3 November 1987

on the sale at a price fixed in advance of unprocessed dried figs from the 1986
harvest to distillation industries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of
24 February 1986 on the common organization of the
market in products processed from fruit and vegetables ⁽¹⁾,
as last amended by Regulation (EEC) No 1928/87 ⁽²⁾, and
in particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1277/84
of 8 May 1984 laying down general rules for the system of
production aid for processed fruit and vegetables ⁽³⁾, and
in particular Article 6 (1) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC)
No 626/85 of 12 March 1985 on the purchasing, selling
and storage of unprocessed dried grapes and figs by
storage agencies ⁽⁴⁾, as amended by Regulation (EEC) No
344/86 ⁽⁵⁾, provides that products intended for specific
uses shall be sold at prices fixed in advance or determined
by an invitation to tender;

Whereas Commission Regulation (EEC) No 1707/85 of
21 June 1985 on the sale of unprocessed dried figs by
storage agencies for the manufacture of alcohol ⁽⁶⁾
provides that unprocessed dried figs may be sold at a
price fixed in advance to distillation industries;

Whereas the Greek storage agency is holding roughly
1 300 tonnes of unprocessed dried figs from the 1986
harvest; whereas these products cannot find outlets for
direct human consumption; whereas the products should
be offered to the distillation industries;

Whereas the selling price should be fixed in such a way
that disturbance of the Community market in alcohol and
spirituous beverages is avoided;

Whereas the amount of the processing security provided
for in Article 2 (2) of Regulation (EEC) No 1707/85

should be fixed, taking into consideration the difference
between the normal market price for dried figs and the
selling price fixed by this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek storage agency shall undertake the sale of
unprocessed dried figs from the 1986 harvest to the distil-
lation industries in accordance with the provisions of
Regulations (EEC) No 626/85 and (EEC) No 1707/85 at a
price fixed at 5,40 ECU per 100 kilograms net.

2. The processing security referred to in Article 2 (2) of
Regulation (EEC) No 1707/85 is fixed at 5,708 ECU per
100 kilograms net.

Article 2

1. Purchase applications shall be submitted to the
Greek storage agency Sykiki, at the head office of
IDAGEP, Acharnon Street 241, Athens, Greece, for
products held by that agency.

2. Information on the quantities and places where the
products are stored may be obtained from the Greek
storage agency Sykiki, Kritis Street 13, Kalamata, Greece.

Article 3

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 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 32.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁵⁾ OJ No L 41, 18. 2. 1986, p. 15.

⁽⁶⁾ OJ No L 163, 22. 6. 1985, p. 38.

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

Done at Brussels, 3 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3306/87

of 3 November 1987

opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency

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 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 629/86⁽⁴⁾, the Spanish intervention agency hold in stock large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3826/85⁽⁶⁾ laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

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 Spanish intervention agency 'Servicio Nacional de Productos agrarios', hereinafter referred to as 'SENPA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 18 000 tonnes of lampant virgin olive oil.

By derogation from Article 13 (1) of Regulation (EEC) No 2960/77, withdrawal of the oil awarded must be completed by 15 December 1987 at the latest.

Article 2

The invitation to tender shall be published on 4 November 1986.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of SENPA, calle Beneficencia, 8, Madrid 28003, Spain.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach SENPA, calle Beneficencia, 8, Madrid 28003, Spain, not later than 2 p. m. (local time) on 16 November 1987.

Article 4

1. Tenders shall be submitted for an oil of 3° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:
 - up to 3° acidity:
 - increase of Ptas 493,5 for each degree or fraction of degree of acidity below 3°,
 - above 3° up to 8° acidity:
 - reduction of Ptas 493,5 for each degree or fraction of degree of acidity above 3°,
 - above 8°:
 - additional reduction of Ptas 539,8 for each degree or fraction of degree above 8°.

Article 5

Not later than one day after the expiry of the time limit laid down for the submission of tenders, SENPA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 60, 1. 3. 1986, p. 8.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 371, 31. 12. 1985, p. 1.

Article 7

The olive oil shall be sold by SENPA not later than the third day of the month following that during which the tenders were submitted.

SENPA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Ptas 3 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Ptas 400 per 100 kilograms.

Article 10

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

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

Done at Brussels, 3 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3307/87**of 3 November 1987****determining the maximum amount of the compensation for tuna supplied to the canning industry for the period 1 June to 31 August 1986**

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⁾, and in particular Article 17 (6) thereof,

Having regard to Council Regulation (EEC) No 1196/76 of 17 May 1976 laying down general rules for the granting of compensation to producers of tuna for the canning industry ⁽³⁾, and in particular Article 7 thereof,

Whereas the detailed rules for granting the compensatory allowance were laid down by Commission Regulation (EEC) No 2469/86 of 31 July 1986 laying down detailed rules for the granting of compensation to producers of tuna for the canning industry ⁽⁴⁾;

Whereas compensation is to be granted, if necessary, to Community producers of tuna in respect of tuna for the canning industry; whereas this measure was included in order to compensate Community producers for any disadvantages that may arise under the import arrangements; whereas by virtue of those arrangements a fall in the import prices for tuna could directly threaten the income level of Community producers of this product;

Whereas compensation is granted for the quantities of tuna supplied to the canning industry during the three-month period for which prices were recorded, where simultaneously the quarterly average price on the Community market and the free-at-frontier price are less than 90 % of the Community producer price and this fall in prices is occasioned by the level of prices on the world market in tuna and is not caused by an abnormal increase in the quantities produced by Community producers and landed in the Community;

Whereas, since the application of these arrangements to Spain and Portugal was postponed until 1 March 1986 in accordance with Article 394 of the Act of Accession, the

situation on the markets in those two Member States can be assessed only on the basis of information covering each three-month period from 1 March 1986; whereas the market situation in Spain and Portugal should therefore be assessed on the basis of the situation prevailing from the second three-month period following that date and the maximum amount of the compensation fixed, where appropriate, for the period commencing on 1 June 1986;

Whereas an analysis of the situation on the market in tuna in Spain has shown that for certain species and presentations of the product considered, during the period 1 June to 31 August of the 1986 fishing year, both the quarterly average market price and the entry price referred to in Article 3 of Regulation (EEC) No 1196/76 were less than 90 % of the Community producer price in force, as fixed by Council Regulation (EEC) No 3605/85 of 17 December 1985 fixing the Community producer price for tuna intended for the canning industry for the 1986 fishing year ⁽⁵⁾;

Whereas the information currently available to the Commission does not suggest that the current level of prices on the Community market in Spain is caused by an abnormal increase in the quantities of Spanish production landed in the Community;

Whereas compensation should therefore be granted, for the period 1 June to 31 August 1986, to tuna producers established in Spain and the maximum amount of compensation for each of the products concerned should be fixed within the limits necessary to ensure that the fall in prices on the Community market does not threaten the income derived by producers of the products from the sale of the quantities produced, be it on the Community market or on that of third countries; whereas in order to assess the actual fall in income on the basis of available data, reference should be made to trends over a sufficiently representative period by means of appropriate criteria; whereas this maximum amount is fixed on the basis of data which, in the immediate future, of necessity reflect a situation which is fragmentary because limited to only part of the fishing year and as the year progresses it

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 202, 25. 7. 1986, p. 1.

⁽³⁾ OJ No L 133, 22. 5. 1976, p. 1.

⁽⁴⁾ OJ No L 211, 1. 8. 1986, p. 19.

⁽⁵⁾ OJ No L 344, 21. 12. 1985, p. 11.

will be necessary to take into account all the factors contributing to a more complete assessment of the situation ;

Whereas the Management Committee for Fishery Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

1. The compensation referred to in Article 17 of Regulation (EEC) No 3796/81 shall apply for the period 1 June to 31 August 1986 to producers of tuna established in Member States other than Spain and Portugal for products intended for the canning industry in the Community within the following maximum amounts :

(ECU/tonne)	
Product	Maximum amount of compensation
Yellowfin tuna, whole, weighing more than 10 kg each	76
Yellowfin tuna, whole, weighing not more than 10 kg each	79
Whole skipjack	0
Big eye tuna	0
Albacore	0

2. The compensation shall be granted in accordance with the provisions of Regulation (EEC) No 2469/86.

Article 2

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

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

Done at Brussels, 3 November 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 3308/87

of 3 November 1987

on a special intervention measure for maize in Spain

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 8 (3) thereof,

Whereas the quantities of maize available in Spain exceed that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the Spanish market can be relieved by the export of part of this surplus quantity of maize to non-member countries; whereas, in view of world market prices for maize, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of maize from Member States where the market situation is different from that in Spain;

Whereas, in the absence of adequate measures, massive quantities of maize may be expected to enter intervention storage in Spain in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Spanish market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on wheat of the quality required for acceptance for intervention, as defined in Commission

Regulation (EEC) No 1569/77 ⁽³⁾, as last amended by Regulation (EEC) No 3104/87 ⁽⁴⁾; whereas the competent agency must make certain that maize exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular 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 ⁽⁵⁾ and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals ⁽⁶⁾, as last amended by Regulation (EEC) No 2788/86 ⁽⁷⁾;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 15 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 7.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽⁴⁾ OJ No L 294, 17. 10. 1987, p. 14.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁷⁾ OJ No L 257, 10. 9. 1986, p. 32.

HAS ADOPTED THIS REGULATION :

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 200 000 tonnes of maize exported from Spain.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Spanish intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of maize referred to in Article 1 (1) for export to the countries in zones I, II, III, IV, V, VI, VII, VIII, the German Democratic Republic and the Canary Islands, listed in Annex I to Commission Regulation (EEC) No 1124/77⁽¹⁾.

3. The invitation shall remain open until 24 March 1988. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 12 November 1987.

4. Tenders must be submitted to the Spanish intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
 - advance fixing of the Spanish monetary compensatory amount valid on each closing date for the submission of tenders,
 - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in Spain.

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 15 ECU per tonne.

Article 5

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽²⁾, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the maize exported is of at least intervention quality as defined in Article 2 (2) of Regulation (EEC) No 1569/77.

The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

Article 7

Tenders submitted must reach the Commission through the intermediary of the Spanish intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I.

⁽¹⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

If no tenders are received, the Spanish intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 3 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Weekly tender for the refund for the export of maize to countries in zones I, II, III, IV, V, VI, VII, VIII, the German Democratic Republic and the Canary Islands

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION DECISION No 3309/87/ECSC

of 3 November 1987

fixing the amended rates of abatement for the fourth quarter of 1987 in accordance with Decision No 3485/85/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3485/85/ECSC of 27 November 1985 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾,

Whereas rates of abatement in respect of certain products were fixed for the fourth quarter of 1987 by Commission Decision No 2819/87/ECSC⁽²⁾;

Whereas Article 8 (1) of Decision No 3485/85/ECSC provides that such rates of abatement may be modified, not later than the first week of the second month of the quarter in question, in the light of the development of the market situation ;

Whereas the market situation requires that the rates of abatement for the fourth quarter of 1987 be so modified on the studies carried out with undertakings and associations of undertakings,

Article 1

1. The rates of abatement for the establishment of production quotas for the fourth quarter of 1987 established in Commission Decision No 2819/87/ECSC for the following categories of products shall be modified as follows :

'category Ia :	— 45
category Ib :	— 45
category II :	— 38'.

2. The rates of abatement for the establishment of the part of the production quotas which may be delivered in the common market established in Commission Decision No 2819/87/ECSC for the following categories of product shall be modified as follows :

'category Ia :	— 54'.
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3. These rates of abatement replace the corresponding rates fixed in Commission Decision No 2819/87/ECSC.

Article 2

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

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

Done at Brussels, 3 November 1987.

For the Commission

Karl-Heinz NARJES

Vice-President

⁽¹⁾ OJ No L 340, 18. 12. 1985, p. 5.

⁽²⁾ OJ No L 269, 22. 9. 1987, p. 21.

COMMISSION REGULATION (EEC) No 3310/87

of 3 November 1987

altering 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 Council Regulation 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 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3223/87 ⁽⁷⁾;

Whereas Council Regulation (EEC) No 1906/87 ⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

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

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of 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 over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 2 November 1987;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74 ⁽¹⁰⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1906/87, as fixed in the Annex to Regulation (EEC) No 3223/87 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 4 November 1987.

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

Done at Brussels, 3 November 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 51.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 307, 29. 10. 1987, p. 20.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 3 November 1987 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 E I ⁽²⁾	311,45	305,41
11.01 E II ⁽²⁾	176,08	173,06
11.02 A II ⁽²⁾	293,84	287,80
11.02 A V a) 1 ⁽²⁾	293,45	287,41
11.02 A V a) 2 ⁽²⁾	311,45	305,41
11.02 A V b) ⁽²⁾	176,08	173,06
11.02 B II a) ⁽²⁾	253,01	249,99
11.02 B II b) ⁽²⁾	215,67	212,65
11.02 B II c) ⁽²⁾	274,49	271,47
11.02 C I ⁽²⁾	303,76	300,74
11.02 C II ⁽²⁾	258,84	255,82
11.02 C V ⁽²⁾	274,49	271,47
11.02 D I ⁽²⁾	194,74	191,72
11.02 D II ⁽²⁾	166,11	163,09
11.02 D V ⁽²⁾	176,08	173,06
11.02 E II a) ⁽²⁾	344,37	338,33
11.02 E II b) ⁽²⁾	293,84	287,80
11.02 E II c) ⁽²⁾	311,45	305,41
11.02 F I ⁽²⁾	344,37	338,33
11.02 F II ⁽²⁾	293,84	287,80
11.02 F V ⁽²⁾	311,45	305,41
11.02 G I	147,01	140,97
11.02 G II	133,29	127,25
11.04 C II a)	277,62	253,44 ⁽³⁾
11.04 C II b)	293,72	269,54 ⁽³⁾
11.07 A I a)	345,45	334,57
11.07 A I b)	260,87	249,99
11.08 A I	277,62	257,07
11.08 A III	403,26	382,71
11.08 A IV	277,62	257,07
11.08 A V	277,62	128,53 ⁽³⁾
11.09	877,18	695,84
17.02 B II a) ⁽³⁾	432,03	335,31
17.02 B II b) ⁽³⁾	323,56	257,07
17.02 F II a)	447,99	351,27
17.02 F II b)	310,79	244,30
21.07 F II	323,56	257,07
23.03 A I	500,68	319,34

⁽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.

⁽³⁾ 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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 October 1987

on the extension of legal protection of topographies of semiconductor products
in respect of persons from certain countries and territories

(87/532/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products⁽¹⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the right to protection of topographies of semiconductor products in the Community applies to persons qualifying for protection under Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas the right to protection can be extended, by a Council Decision, to persons who do not benefit from protection under the said provisions;

Whereas the extension of protection should, as far as possible, be decided for the Community as a whole;

Whereas it seems appropriate to extend protection on an interim basis in the case of certain countries and territories, whilst extension to other countries and territories is under consideration;

Whereas one of the factors this Decision is based on is the consideration that the countries or territories which have an appropriate legislation will continue to protect topographies of semiconductor products under their national law and make this protection available to those persons from the Member States of the Community who

benefit from the right to protection under Directive 87/54/EEC;

Whereas the other factor on which this Decision is based is the consideration that countries or territories which do not yet have appropriate legislation will provide one and will make it accessible to persons from the Member States of the Community benefiting from the right to protection under Directive 87/54/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall extend the right to protection under Directive 87/54/EEC in favour of natural persons who are nationals of a country or territory listed in the Annex or who have their habitual residence on the territory of one of those countries or territories.

This extension shall also apply to companies or other legal persons of a country or territory listed in the Annex which have a real and effective industrial or commercial establishment in such a country or territory, subject to the condition that companies or other legal persons of a Member State which have a right to protection under Directive 87/54/EEC benefit from protection in the country or territory in question.

The countries and territories listed in the Annex which satisfy the conditions laid down in the second paragraph shall be determined by the Commission and communicated to the Member States.

Article 2

This Decision shall apply from 7 November 1987.

⁽¹⁾ OJ No L 24, 27. 1. 1987, p. 36.

Member States shall extend the right to protection under this Decision in favour of the persons referred to in Article 1 until 7 November 1990.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 October 1987.

For the Council

The President

U. ELLEMANN-JENSEN

Any exclusive rights acquired under this Decision shall continue to produce their effect for the period laid down under Directive 87/54/EEC.

ANNEX

Anguilla	Hong Kong
Bermuda	Isle of Man
British Indian Ocean Territory	Montserrat
British Virgin Islands	Pitcairn
Cayman Islands	St. Helena
Channel Islands	St. Helena Dependencies (Ascension, Tristan da Cunha)
Falkland Islands	Turks and Caicos Islands
South Georgia and the South Sandwich Islands	United States of America

COMMISSION

COMMISSION DECISION

of 8 April 1987

on an Italian Government aid scheme to support Italian sugar traders

(Only the Italian text is authentic)

(87/533/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 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 606/82⁽²⁾, and in particular Article 44 thereof,

Having given notice to the parties concerned, in accordance with the first subparagraph of Article 93 (2) of the Treaty, to submit their comments⁽³⁾,

Whereas :

I

On 14 November 1984, at a meeting of the Management Committee for Sugar, the Commission learned of an aid scheme provided for by the *delibera* (decision) of the CIPE (Comitato Interministeriale di Programmazione Economica) of 11 October 1984⁽⁴⁾, by the *provvedimenti* of the CIP (Comitato Interministeriale Prezzi) No 39/1984 of 24 October 1984⁽⁵⁾ and No 41/1984 of 16 November 1984⁽⁶⁾.

This scheme provides for aid to be granted to Italian sugar traders at a rate of Lit 37,12 per kilogram of white

sugar in storage on 29 October 1984, free of corporation tax and in respect of which the *sovraprezzo* (surcharge) has been paid. The purpose of the scheme is to maintain the level of income of those traders affected by the CIPE decision to reduce maximum sugar prices with effect from 30 October 1984.

II

1. In a letter to the Italian Government dated 23 November 1984, the Commission expressed reservations regarding this scheme and related its view to its conclusions with regard to the principle of fixing sugar prices in Italy as contravening the Community pricing arrangements.

By letter of 7 May 1986, the Commission informed the Italian Government that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the abovementioned aid scheme.

The Commission took the view that this scheme :

- constitutes an operating aid having no lasting effect on the improvement of the structures concerned,
- fulfils the conditions laid down in Article 92 (1) of the Treaty, without qualifying for the exceptions provided for in Article 92 (2) and (3),
- furthermore constitutes, by its nature and its method of financing, an infringement of the common organization of the markets in the sugar sector and is therefore incompatible with the common market within the meaning of the abovementioned Article 92.

Under this procedure, the Commission gave notice to the Italian Government to submit its comments.

The Commission also gave notice to the other Member States and to other parties concerned to submit their comments.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No C 269, 25. 10. 1986, p. 2.

⁽⁴⁾ Gazzetta Ufficiale delle Repubblica Italiana No 313, 14. 11. 1984.

⁽⁵⁾ Gazzetta Ufficiale delle Repubblica Italiana No 298, 29. 10. 1984.

⁽⁶⁾ Gazzetta Ufficiale delle Repubblica Italiana No 319, 20. 11. 1984.

2. On 22 July 1986, the Italian Government replied to the Commission's letter of 7 May 1986. Amongst other things, it stressed that the reduction in the price of sugar pursuant to CIP *Provvedimento* No 39/84 meant that traders could not sell sugar in stock on 29 October 1984 without incurring losses. The Italian Government therefore considered that the said *Provvedimento* does not constitute an aid since its purpose is to ensure equal treatment in relation to the product sold before the price reduction.

3. In its letter of 9 January 1987, the Italian Government informed the Commission, *inter alia*, that:

- in its communication pursuant to the first subparagraph of Article 93 (2) of the EEC Treaty, addressed to the parties concerned other than the Member States, the Commission had stated that the system of maximum prices for sugar in Italy did not contravene the Community pricing arrangements,
- this decision throws further light on the thinking behind the national scheme, the purpose of which was to restore equilibrium to the market conditions affecting traders who had purchased the sugar before the national price reduction and who had subsequently sold it,
- the Italian Government therefore hoped that the Commission would reconsider, in a more favourable light, the measures intended to restore fair trading conditions for the operators concerned.

III

The quantities of sugar in respect of which aid is to be granted to sugar traders are as follows:

- estimated quantity of sugar held in storage by traders on 29 October 1984 and to which the aid relates:

47 839 tonnes (according to information supplied by the Italian authorities), i.e.:

 - 3,75 % of the total Italian production for 1984/85, which was 1 274 000 tonnes (source: *Eurostat*);
 - 24,8 % of the quantity imported in 1984/85 (source: *Eurostat*).

On the basis of these figures, the total amount of aid would be Lit 1 700 million (1 164 000 ECU),

- quantities of raw sugar imported annually from the Member States (EUR-10, source: *Eurostat*):
 - 1982/83: 283 000 tonnes,
 - 1983/84: 273 000 tonnes,
 - 1984/85: 239 773 tonnes.

Since Italy is a net importer of sugar, its production is limited to quota A.

IV

1. The aid, to be granted in respect of any quantity of sugar held in storage on 29 October 1984, is likely to

distort competition: it favours Italian traders who held stocks of white sugar on 29 October 1984 at the expense of their competitors in the other Member States which trade in sugar and who have sought to market sugar after that date.

It must be borne in mind that, with effect from 30 October 1984, both groups of economic operators have been subject to the same maximum sale prices for sugar fixed by the CIPE, and that only those traders who held stocks of sugar on 29 October 1984 will receive the aid at a rate of Lit 37,12 per kilogram.

Thanks to the aid, therefore, the latter are in a position to offer, if they so desire, more advantageous conditions of sale than could be offered by their opposite numbers in the other Member States where such State aid is not available.

The scheme also affects trade in sugar between Italy and the other Member States from which it imports the product: as from 30 October 1984, economic operators in those States will have found it more difficult to export to Italy because Italian traders will have preferred, as from that date, first to dispose of the stocks of sugar which they held on 29 October 1984 — for which they can receive aid at the rate of Lit 37,12 per kilogram — before selling imported sugar, which has received no aid, from the other Member States.

2. The scheme in question therefore meets the conditions laid down in Article 92 (1) of the Treaty, which provides that any aid meeting the criteria which it sets out shall be, in principle, incompatible with the common market.

This incompatibility cannot be waived, pursuant to Article 92 (2) of the Treaty, since the exceptions laid down therein clearly do not apply to the present case. The exceptions provided for in paragraph 3 of the said Article state the exact purposes to be served by granting the aid in question, and these purposes must relate to the pursuit of a Community interest; in particular, the aid cannot be granted unless the Commission can establish that it is necessary in order to achieve one of the objectives referred to in those Articles. To grant the benefit of those exceptions to aid schemes which do not involve that type of compensation would be to allow a situation to exist which is prejudicial to trade between Member States, to permit distortion of competition without any justification in terms of the Community interest and, consequently, to give unjustified advantages to certain Member States.

The scheme in question is clearly not intended to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b), nor does it help to remedy a serious disturbance in the economy of a Member State within the meaning of that Article.

As regards the exceptions provided for in Article 92 (3) (a) and (c) in respect of aid to promote or facilitate the economic development of certain areas, and of certain activities as provided for in the abovementioned subparagraph (c), it should be noted that the aid in question is granted only to certain Italian traders and without reference to the alteration or improvement of their marketing structure. Accordingly, this scheme must be considered as an operating aid for those traders and the Commission has, in principle, always been opposed to this kind of aid since it is granted without reference to any conditions which might make it eligible for one of the exceptions provided for in Article 92 (3) (a) and (c).

It must also be borne in mind that, although the Commission has decided that the national arrangements for fixing maximum prices for sugar in Italy do not contravene the Community pricing system, this does not justify the conclusion that the aid in question (the purpose of which, according to the Italian authorities, is to compensate for the fixing of lower national prices on 30 October 1984) is eligible for one of the exceptions provided for in Article 92 (3) (a) and (c) of the Treaty.

3. The granting of the aid in question ignores the principle that the Member States no longer have the power to take unilateral decisions on incomes in the context of an EEC market organization by granting aids of this kind.

There are, in any case, limits to the extent to which Member States may intervene directly in the operation of EEC market organizations involving a common system of prices since such organizations are exclusively within the competence of the Community.

Therefore, since the aid scheme under consideration contravenes the EEC market organization in question, no exception pursuant to Article 92 (3) of the Treaty could be applied to it even if such an exception were considered possible on other grounds.

4. The aid scheme in question does not, therefore, meet the conditions necessary for it to qualify for one of the exceptions provided for in Article 92 and must be considered as incompatible with the common market. The Italian authorities must take the necessary steps to ensure that the aid in question is not granted.

This Decision is without prejudice to any conclusions which the Commission may reach, where appropriate,

regarding recovery of the abovementioned aid from its recipients and regarding financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund should it appear that the aid was granted before completion of the procedure provided for in Article 93 (2) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The aid, which consists of a payment to Italian traders of Lit 37,12 per kilogram of white sugar held in storage, free of corporation tax, and in respect of which the *sovraprezzo* has been paid as provided for by the *delibera* of the CIPE (Comitato Interministeriale di Programmazione Economica) of 11 October 1984 and by the *provvedimenti* of the CIP (Comitato Interministeriale Prezzi) No 39/1984 of 24 October 1984 and No 41/1984 of 16 November 1984, is incompatible with the common market within the meaning of Article 92 of the Treaty and may not be granted.

Article 2

The Italian Government shall inform the Commission, within one month from the date of notification of this Decision, of the steps which it has taken to comply with the provisions of Article 1.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 8 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1890/87 of 2 July 1987 amending in particular Regulation (EEC) No 1678/85 fixing the conversion rates to be applied in agriculture

(Official Journal of the European Communities No L 182 of 3 July 1987)

On page 10, in Annex III, 'Federal Republic of Germany', the line 'dried fodder' shall read as follows :

'Dried fodder		2,38516		30. 4. 1988		2,36110		1. 5. 1988'.
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