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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 120/88 of 18 January 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 121/88 of 18 January 1988 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 122/88 of 18 January 1988 fixing the sluice-gate prices and levies for pigmeat	5
Commission Regulation (EEC) No 123/88 of 18 January 1988 concerning applications for STM licences for milk and milk products submitted during the first 10 days of January 1988	9
* Commission Regulation (EEC) No 124/88 of 18 January 1988 amending Regulation (EEC) No 2984/87 as regards the buying in of common wheat of bread-making quality	11
Commission Regulation (EEC) No 125/88 of 18 January 1988 concerning applications for STM licences for cereals submitted during the first 10 days of January 1988	12
Commission Regulation (EEC) No 126/88 of 18 January 1988 suspending standing invitations to tender for the export of cereals held by the intervention agencies	13

II *Acts whose publication is not obligatory*

Commission

88/26/EEC:

* Commission Decision of 15 July 1987 approving an integrated Mediterranean programme for the Aquitaine region	14
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Contents (continued)

- ★ Information concerning the date of entry into force of the Second Supplementary Protocol to the Agreement of 26 July 1957 between the Austrian Federal Government, of the one part, and the Governments of the Member States of the European Coal and Steel Community and the High Authority of the European Coal and Steel Community, of the other part, on the introduction of through international railway tariffs for the carriage of coal and steel through the territory of the Republic of Austria 23
- ★ Information concerning the date of entry into force of the Second Supplementary Protocol to the Agreement of 28 July 1956 on the introduction of through international railway tariffs for the carriage of coal and steel through Swiss Territory 23

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 120/88**of 18 January 1988****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) 3989/87⁽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 4047/87⁽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 15 January 1988;

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 4047/87 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 19 January 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

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

Done at Brussels, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 January 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	8,43	169,86
0712 90 19	8,43	169,86
1001 10 10	62,91	251,08 ⁽¹⁾ ⁽²⁾
1001 10 90	62,91	251,08 ⁽¹⁾ ⁽²⁾
1001 90 91	19,06	195,66
1001 90 99	19,06	195,66
1002 00 00	44,06	164,61 ⁽⁶⁾
1003 00 10	37,33	182,61
1003 00 90	37,33	182,61
1004 00 10	93,75	148,90
1004 00 90	93,75	148,90
1005 10 90	8,43	169,86 ⁽²⁾ ⁽³⁾
1005 90 00	8,43	169,86 ⁽²⁾ ⁽³⁾
1007 00 90	31,95	177,35 ⁽⁴⁾
1008 10 00	37,33	100,10
1008 20 00	37,33	110,09 ⁽⁴⁾
1008 30 00	37,33	61,75 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	37,33	61,75
1101 00 00	41,01	288,25
1102 10 00	75,79	245,10
1103 11 10	111,02	403,38
1103 11 90	42,85	309,09

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Council Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 121/88

of 18 January 1988

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 3989/87⁽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 4048/87⁽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 15 January 1988;

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 19 January 1988.

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

Done at Brussels, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 102.

ANNEX

to the Commission Regulation of 18 January 1988 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 122/88

of 18 January 1988

fixing the sluice-gate prices and levies for pigmeat

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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 3906/87⁽²⁾, and in particular Articles 8 and 12 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, must be fixed in advance for each quarter in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 2083/87 of 15 July 1987 fixing the levies and sluice-gate prices on pigmeat⁽³⁾;

Whereas, since sluice-gate prices and levies for pigmeat were last fixed by Commission Regulations (EEC) No 3225/87⁽⁴⁾ and (EEC) No 3965/87⁽⁵⁾ for the period 1 November 1987 to 31 January 1988, they must be fixed anew for the period 1 February to 30 April 1988; whereas such prices and levies should in principle be fixed by reference to feed grain prices for the period 1 August to 31 December 1987;

Whereas, when the sluice-gate price applicable from 1 November, 1 February and 1 May is being fixed, trends in world market prices for feed grain are to be taken into account only if the value of the quantity of feed grain required varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter; whereas this minimum was fixed by Council Regulation (EEC) No 2766/75⁽⁶⁾, as last amended by Regulation (EEC) No 3906/87, at 3 %;

Whereas the value of the quantity of feed grain varies by less than 3 % from that used for the preceding quarter; whereas prices for feed grain must therefore remain unchanged until 30 April 1988;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is being fixed;

Whereas, since a new sluice-gate price has not been fixed the levies must remain unchanged until 30 April 1988;

Whereas, in the case of pigment products, in respect of which the rate of duty has been bound within GATT, the levies should be limited to the amounts resulting from that binding;

Whereas Commission Regulation (EEC) No 616/86 of 28 February 1986 on the application of import levies on pigmeat products from Portugal⁽⁷⁾ suspended the application of import levies on pigmeat products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

Whereas Council Regulation (EEC) No 2658/87⁽⁸⁾ introduced from 1 January 1988 a new 'combined nomenclature' meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 February to 30 April 1988, the sluice-gate prices and the levies provided for in Articles 8 and 12 respectively of Regulation (EEC) No 2759/75 for the products specified in Article 1 (1) of that Regulation shall be as shown in Regulation (EEC) No 3965/87.

2. Provided that, in the case of products falling within any of subheadings 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10, 1602 10 00,

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽³⁾ OJ No L 195, 16. 7. 1987, p. 15.

⁽⁴⁾ OJ No L 307, 29. 10. 1987, p. 27.

⁽⁵⁾ OJ No L 371, 30. 12. 1987, p. 51.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽⁷⁾ OJ No L 58, 1. 3. 1986, p. 45.

⁽⁸⁾ OJ No L 256, 7. 9. 1987, p. 1.

1602 20 90 or 1602 90 10, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

application of the levies specified in paragraphs 1 and 2 shall be suspended.

3. For imports from Portugal of products specified in paragraph 1 and in free circulation in that Member State,

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 January 1988 fixing the sluice-gate prices and levies
on pigmeat

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
0103 91 10	65,30	61,78	—
0103 92 11	55,54	52,54	—
0103 92 19	65,30	61,78	—
0203 11 10	84,92	80,34	—
0203 12 11	123,13	116,49	—
0203 12 19	95,11	89,98	—
0203 19 11	95,11	89,98	—
0203 19 13	137,57	130,15	—
0203 19 15	73,88	69,90	—
0203 19 55	137,57	130,15	—
0203 19 59	137,57	130,15	—
0203 21 10	84,92	80,34	—
0203 22 11	123,13	116,49	—
0203 22 19	95,11	89,98	—
0203 29 11	95,11	89,98	—
0203 29 13	137,57	130,15	—
0203 29 15	73,88	69,90	—
0203 29 55	137,57	130,15	—
0203 29 59	137,57	130,15	—
0206 30 21	102,75	97,21	7
0206 30 31	74,73	70,70	4
0206 41 91	102,75	97,21	7
0206 49 91	74,73	70,70	4
0209 00 11	33,97	32,14	—
0209 00 19	37,36	35,35	—
0209 00 30	20,38	19,28	—
0210 11 11	123,13	116,49	—
0210 11 19	95,11	89,98	—
0210 11 31	239,47	226,56	—
0210 11 39	188,52	178,36	—
0210 12 11	73,88	69,90	—
0210 12 19	123,13	116,49	—
0210 19 10	108,70	102,84	—
0210 19 20	118,89	112,48	—
0210 19 30	95,11	89,98	—
0210 19 40	137,57	130,15	—
0210 19 51	137,57	130,15	—
0210 19 59	137,57	130,15	—
0210 19 60	188,52	178,36	—
0210 19 70	236,93	224,15	—
0210 19 81	239,47	226,56	—
0210 19 89	239,47	226,56	—
0210 90 31	102,75	97,21	—
0210 90 39	74,73	70,70	—
1501 00 11	27,17	25,71	3
1501 00 19	27,17	25,71	—
1601 00 10	118,89	128,98	24
1601 00 91	199,56	218,92	—

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
1601 00 99	135,87	145,06	—
1602 10 00	95,11	110,77	26
1602 20 90	110,40	155,45	25
1602 41 10	208,05	224,05	—
1602 42 10	174,09	184,74	—
1602 49 11	208,05	224,05	—
1602 49 13	174,09	184,74	—
1602 49 15	174,09	184,74	—
1602 49 19	114,64	122,59	—
1602 49 30	95,11	110,77	—
1602 49 50	56,90	78,23	—
1602 90 10	110,40	155,45	26
1602 90 51	114,64	122,59	—
1902 20 30	56,90	78,23	—

COMMISSION REGULATION (EEC) No 123/88

of 18 January 1988

concerning applications for STM licences for milk and milk products submitted during the first 10 days of January 1988

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 4024/87⁽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 January 1988; 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 January 1988 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:

CN code	Description	Coefficient
ex 0401	Milk and cream, fresh, not concentrated or sweetened:	
ex 0403	— in immediate packings of a net capacity of 3 litres or less	1,00
	— other	1,00
0405 00	Butter and other fats and oils derived from milk	0,07280
ex 0406	Cheese:	
	— Category 1: Emmentaler, Gruyère	0,26583
	— Category 2: Roquefort	0,00294
	— Category 3: Blue-veined cheese	0,03621
	— Category 4: Processed cheese	0,00228
	— Category 5: Parmigiano Reggiano, Grana Padano	0,07729
	— Category 6: Havarti, fat content 60 %	0,00848
	— Category 7: Edam in balls, Gouda	0,05359
	— Category 8: Soft ripened cow's milk cheeses	0,00531
	— Category 9: Cheddar, Chester	0,11112
	— Category 10: Other	0,03691

⁽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 378, 31. 12. 1987, p. 53.

Article 2

This Regulation shall enter into force on 19 January 1988.

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

Done at Brussels, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 124/88

of 18 January 1988

amending Regulation (EEC) No 2984/87 as regards the buying in of common wheat of bread-making quality

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 3989/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Regulation (EEC) No 2727/75 lays down the conditions in which buying in must cease; whereas the general rules on intervention are laid down in Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾; whereas the detailed rules of application of that Regulation are laid down in Commission Regulation (EEC) No 2232/87 of 23 July 1987 laying down detailed rules applying to intervention purchasing of cereals ⁽⁴⁾;

Whereas Commission Regulation (EEC) No 2984/87 ⁽⁵⁾, as amended by Regulation (EEC) No 3754/87 ⁽⁶⁾, opened buying in for all cereals other than common wheat of bread-making quality; whereas the abovementioned provisions lead buying in to be reopened for common wheat of bread-making quality throughout the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 2984/87 is hereby replaced by the following:

'Article 1

The intervention agencies shall buy in common wheat, durum wheat, barley, rye, maize and sorghum offered to them from the date of entry into force of this Regulation.'

Article 2

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

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

Done at Brussels, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 206, 28. 7. 1987, p. 16.

⁽⁵⁾ OJ No L 283, 6. 10. 1987, p. 10.

⁽⁶⁾ OJ No L 353, 16. 12. 1987, p. 15.

COMMISSION REGULATION (EEC) No 125/88

of 18 January 1988

concerning applications for STM licences for cereals submitted during the first 10 days of January 1988

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,

Whereas Commission Regulation (EEC) No 598/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of common wheat of bread-making quality from the Community as constituted at 31 December 1985⁽³⁾, as amended by Regulation (EEC) No 3592/86⁽⁴⁾, lays down that STM licences issued during any one month may not be issued for quantities totalling more than 50 % of the guide quantity;

Whereas, pursuant to Article 6 (3) of Regulation (EEC) No 574/86, the Commission has been notified of the admis-

sible applications for STM licences for imports of common wheat of bread-making quality into Spain during the first 10 days of January 1988; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences for common wheat of bread-making quality falling within subheading 1001 90 99 of the combined nomenclature submitted during the first 10 days of January 1988 and notified to the Commission shall be accepted for the tonnages applied for adjusted by a coefficient of 0,19965.

Article 2

This Regulation shall enter into force on 19 January 1988.

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

Done at Brussels, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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. 16.

⁽⁴⁾ OJ No L 334, 27. 11. 1986, p. 19.

COMMISSION REGULATION (EEC) No 126/88**of 18 January 1988****suspending standing invitations to tender for the export of cereals held by the intervention agencies**

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 3989/87 ⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾,

Whereas it is convenient to suspend the tenders under Commission Regulations (EEC) No 2735/87 ⁽⁵⁾, (EEC) No 2736/87 ⁽⁶⁾, (EEC) No 2937/87 ⁽⁷⁾, (EEC) No 2938/87 ⁽⁸⁾, (EEC) No 2939/87 ⁽⁹⁾, (EEC) No 2941/87 ⁽¹⁰⁾ and (EEC) No 2942/87 ⁽¹¹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The tenders under Regulations (EEC) No 2735/87, (EEC) No 2736/87, (EEC) No 2937/87, (EEC) No 2938/87, (EEC) No 2939/87, (EEC) No 2941/87 and (EEC) No 2942/87 are hereby suspended.

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, 18 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 262, 12. 9. 1987, p. 11.

⁽⁶⁾ OJ No L 262, 12. 9. 1987, p. 13.

⁽⁷⁾ OJ No L 278, 1. 10. 1987, p. 53.

⁽⁸⁾ OJ No L 278, 1. 10. 1987, p. 55.

⁽⁹⁾ OJ No L 278, 1. 10. 1987, p. 57.

⁽¹⁰⁾ OJ No L 278, 1. 10. 1987, p. 61.

⁽¹¹⁾ OJ No L 278, 1. 10. 1987, p. 63.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 July 1987

approving an integrated Mediterranean programme for the Aquitaine region

(Only the French text is authentic)

(88/26/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2088/85 of 23 July 1985 concerning the integrated Mediterranean programmes⁽¹⁾, and in particular Article 7 thereof,

Whereas France has presented to the Commission an integrated Mediterranean programme (IMP) for the Aquitaine region ;

Whereas, in accordance with Article 7 of Regulation (EEC) No 2088/85, the Aquitaine IMP has been submitted by the Commission in amended form to the Advisory Committee for Integrated Mediterranean Programmes, which has given a positive opinion ;

Whereas the Aquitaine IMP, including its financial plan, may therefore be approved by the Commission ;

Whereas the Aquitaine IMP relates to the period from 28 January 1986 to 27 January 1993 ;

Whereas the Aquitaine IMP contains measures which constitute a specific programme of action and which are eligible for assistance from the European Agricultural Guidance and Guarantee Fund Guidance Section, by virtue of the second paragraph of Article 12 (1) of Regulation (EEC) No 2088/85 ;

Whereas in order to ensure its effectiveness, the Aquitaine IMP will be carried out in two successive phases and a financial plan has as yet only been drawn up in respect of the first phase ;

Whereas expenditure on the measures constituting the Aquitaine IMP is estimated at 214 340 000 ECU for the period from 28 January 1986 to 31 December 1988 ;

Whereas the Community contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 is estimated at 23 520 000 ECU for that period,

HAS ADOPTED THIS DECISION :

Article 1

The Aquitaine IMP, in the version submitted to the Commission on 28 January 1986, as subsequently modified after examination by the Commission and following consultation of the Advisory Committee for Integrated Mediterranean Programmes, is hereby approved. The estimates of total expenditure and the estimated contributions from each Community budgetary source are shown in the financial plan of the Aquitaine IMP.

In so far as the measures are carried out in accordance with the Aquitaine IMP, within the limits of the overall expenditure estimates and in compliance with the rules and procedures relating to each source of Community financing, the Commission shall pay the Community contributions specified in the financial plan for the Aquitaine IMP.

⁽¹⁾ OJ No L 197, 27. 7. 1985, p. 1.

Article 2

The contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 shall not exceed 23 520 000 ECU in respect of the expenditure to be incurred in the period from 28 January 1986 to 31 December 1988 on measures to be financed in the context of the Aquitaine IMP, estimated at 214 340 000 ECU.

Article 3

Pursuant to Article 15 (2) of Regulation (EEC) No 2088/85, a first instalment from the special budget heading referred to in Article 11 (2) of that Regulation amounting to 3 350 000 ECU is hereby committed, in accordance with the financial plan of the Aquitaine IMP.

Article 4

Where a measure is financed partly out of appropriations from a structural Fund and partly out of the special budget heading, an advance may be paid from each of those sources, according to the rules applicable to each source.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 15 July 1987.

For the Commission

Grigoris VARFIS

Member of the Commission

PROGRAMME CONTRACT

THE COMMISSION OF THE EUROPEAN COMMUNITIES

hereinafter referred to as 'the Commission',

THE FRENCH REPUBLIC,

and

THE AQUITAINE REGION,

hereinafter referred to jointly as 'the parties',

HAVE AGREED AS FOLLOWS:

TITLE I

Joint implementation of the Integrated Mediterranean Programme for the Aquitaine Region (hereinafter referred to as the 'IMP')

Article 1

This contract shall constitute a programme contract within the meaning of Article 9 of Regulation (EEC) No 2088/85. It shall enter into force on 28 January 1986 and shall expire when the Commission closes accounts in respect of the Community budgetary contributions.

Within the framework of this contract, the parties agree to undertake joint action to ensure effective implementation of the IMP in accordance with the conditions laid down in the programme as adopted by the Commission Decision of 15 July 1987. The purpose of such joint action shall be to ensure the effectiveness of the initiatives taken to implement the IMP as an integrated approach to development by:

- defining responsibilities so as to ensure appropriate management of all public funds from budgetary resources referred to in the financial plan of the IMP, with due regard to Community policies,
- establishing machinery for coordinating and mobilizing all the administrations concerned, together with the bodies representing the beneficiaries and economic agents in the Region,
- establishing arrangements for reliable, relevant and rapid information provision on the implementation of the IMP and its economic and social impact.

TITLE II

Management and coordination responsibilities

Article 2

The Minister for European Affairs shall be responsible *vis-à-vis* the European Community for general matters concerning the implementation of all IMPs for France,

and in particular for compliance with the provisions of this contract.

Article 3

1. The Prefect and State Commissioner for the Aquitaine Region and the Chairman of the Regional Council shall be responsible, within their respective fields of competence, for the effective implementation of the IMP.

They shall be assisted by a Monitoring Committee meeting in the Region which they will jointly chair. The tasks and responsibilities of the Committee shall be those laid down in Chapter 5, point 2 of the IMP and any other task assigned to it by agreement between the parties. The composition of the Monitoring Committee shall be as set out in Annex I.

2. The French authorities shall decide on the coordination machinery required at national level.

3. The Commission, where appropriate in consultation with the European Investment Bank, shall decide on the coordination machinery at Community level.

Article 4

The parties undertake, within their respective fields of competence, to issue any appropriate instructions to the persons to whom tasks are assigned under this programme contract, with a view to securing the consultation and coordination necessary for the smooth implementation of the IMP at all levels, and more particularly with all interested parties in the Aquitaine Region.

Article 5

The French authorities shall appoint within the public administration in the Region an official responsible for monitoring each of the subprogrammes making up the IMP.

Each monitoring official shall see to it that full and standardized information is supplied to the permanent members of the Monitoring Committee on each of the measures making up the subprogramme for which he is responsible, in the manner provided for in Article 13 and 14 of this contract.

He shall at all times bring to the attention of the Prefect and State Commissioner for the Aquitaine Region and the Chairman of the Regional Council the various administrative, technical or budgetary initiatives necessary to ensure effective implementation as approved of the sub-programme for which he is responsible.

Under the authority of the Chairman of the Monitoring Committee, the monitoring official shall also chair the meetings of technical working parties set up to prepare the ground for discussions within the Monitoring Committee.

Article 6

Before 31 July 1987, the Prefect and State Commissioner for the Aquitaine Region and the Chairman of the Regional Council shall within their respective fields of competence and on the basis of equal representation, appoint the members of the Monitoring Committee. Jointly, they shall designate the monitoring officials from amongst the members of the Monitoring Committee. The Secretary of the Monitoring Committee shall be the Secretary-General for Regional Affairs, who shall be responsible for the necessary coordination with the regional administration.

Before 31 July 1987, the Commission shall appoint its representatives on the Monitoring Committee and ask the European Investment Bank to appoint its representative. The French authorities shall be informed thereof.

Under the authority of the Chairman of the Monitoring Committee, the Secretary shall take all the necessary steps to ensure the proper functioning of the Monitoring Committee, including the handling of information.

Article 7

The parties shall agree on the appointment of an independent assessment body before 31 December 1987.

This body shall possess the professional experience and knowledge necessary to perform its task. It shall be engaged on the basis of a limited-duration contract, on terms agreed between the parties. The assessment body shall be remunerated out of the appropriations available under the 'monitoring and assessment' heading of the implementation subprogramme. Its representative shall have the right to speak at meetings of the Monitoring Committee.

Finally, the independent assessment body shall have the right to send a representative to inspect operations in progress. Inspection visits shall, however, be subject to prior notice and the representative of the assessment body shall be accompanied by an official designated by the Chairmen of the Monitoring Committee.

Article 8

Community contributions towards the financing of the specific programme for the Lot Valley are to be provided under the Aquitaine, Languedoc-Roussillon and Midi-Pyrénées IMPs. The inter-département consortium for the

Lot Valley (*l'entente interdépartementale de la Vallée du Lot*) shall be responsible for coordinating the operations in question and providing the secretariat of the Monitoring Committee for each of the three regions concerned with the information necessary for the appraisal, evaluation and monitoring operations referred to in Title IV in accordance with the timetable laid down in this contract.

TITLE III

Management of budgetary resources

Article 9

With a view to providing for the implementation of the measures already selected for financing under the IMP, the estimated timetable for commitments and payments from the various sources of Community budget financing is indicated in Annex II. These commitment and payment estimates are in current ECU.

Community contributions under the IMP shall be committed and paid in ECU. Where commitments and reimbursements under the EAGGF Guidance Section are preceded by an additional inquiry on the basis of the dossier submitted in national currency, the conversion rate applied following verification of the eligible expenditure in national currency shall be that applicable for the month during which the inquiry is completed. As regards advances and the calculation of the amounts remaining due after the payment of advances, the exchange rate applied in converting French francs into ECU shall be the rate applicable for the month in which the Commission received the application for an advance or payment claim.

Starting in 1988 and not later than 31 March each year, the secretariat of the Monitoring Committee shall, in consultation more especially with the Regional Council, draw up financial estimates for the current year identifying separately the appropriations managed by the national authorities, the Region and, where applicable, other local authorities. These forecasts shall be prepared on the basis of the individual budgets drawn up by the various competent authorities, permitting direct comparisons with the annual financial forecasts for each subprogramme within the IMP, measure by measure. They shall also indicate the amount of Community aid planned for implementing these measures.

Article 10

Not later than 15 October 1988, the French authorities shall present to the Commission a draft detailed financial plan for the years 1989 to 1993 inclusive. They shall also propose any amendments or clarifications to be made to the technical and financial notes annexed to the programme.

The parties shall, in July 1988, check on the establishment and functioning of the coordination, mobilization and monitoring machinery referred to in this contract and shall consider the implications for the continued implementation of the IMP.

The Commission shall then, after consulting the French parties, determine, together with any amendments, the list and schedule of measures to be adopted under the IMP for the period after 1988, revising the technical and financial notes annexed to the IMP accordingly and communicating the IMP as amended to the French authorities. In sufficient time to ensure that implementation of the IMP can continue without interruption, the estimated timetable for commitments and payments from the various sources of Community budget financing shall be updated and incorporated in an agreement supplementary to this programme contract.

Article 11

In the event of irregularities in the functioning of the coordination and monitoring machinery, for the IMP as compared with the provisions of this contract, Article 17 (4) of Regulation (EEC) No 2088/85 may be applied.

In general, if the Commission were considering applying Article 17 (3) or (4) of Regulation (EEC) No 2088/85, the French Republic would be given an opportunity to submit its observations within the time limits set by the Commission.

TITLE IV

Arrangements for appraising, evaluating and, more generally, monitoring operations

Article 12

The parties hereby agree to establish jointly, not later than 31 December 1987, a monitoring system aimed at securing:

- the drawing-up before the beginning of each financial year of a list of the projects yet to be defined in the IMP and, for those covered by the aid schemes, three months after the end of each financial year, a list of the projects financed under the IMP,
- the monitoring in financial and physical terms of the implementation of the financial plan, on the basis of a standardized format for the main body of the information designed to facilitate computer processing by Community, national or regional authorities.

This monitoring system shall pay due regard to the internal appraisal, evaluation and monitoring rules of each Community structural fund and each national or regional source of financing, bearing in mind the need for simplification and harmonization. The monitoring system shall, as far as possible, contribute to the process of evaluating the economic and social impact of the IMP.

Article 13

At the end of each quarter, each monitoring official shall make sure that the financial statements showing the position as regards implementation of his subprogramme in

the Aquitaine Region in terms of commitments and payments are recorded by the monitoring system. This information shall be available to the Monitoring Committee from its secretariat.

Observing the same timetable, the Commission shall inform the secretariat of the Monitoring Committee of any direct payments made by the Community to final beneficiaries in respect of measures forming part of the IMP where the financing arrangements provide for such payments.

Article 14

At the end of each half-year, the monitoring official shall prepare for the Monitoring Committee a report on the state of implementation of the subprogramme for which he is responsible, indicating public expenditure, total expenditure and physical indicators, and specifying for each measure the changes as compared with forecasts for the IMP. The report shall make particular reference to measures in respect of which the level of total expenditure in two successive half-yearly reports is 50 % lower than that given in the schedule for the IMP, averaged over the year.

Article 15

The independent assessment body shall submit an annual report to the Monitoring Committee not later than 31 March of the year following the year in question, taking due account of the information collected in the course of the financial and physical monitoring process.

This report shall be confidential. It shall be made available only to the members of the restricted Monitoring Committee, which shall deliver an opinion on it. The Chairmen shall then report to the enlarged Monitoring Committee and communicate their conclusions to those bodies responsible for the implementation of measures forming part of the IMP which are not represented on the Monitoring Committee.

TITLE V

Information to be supplied in support of Community grant applications

Article 16

Payment claims shall be submitted in accordance with the rules of each Fund.

Any changes that have to be made to existing forms in order to take account of Community financing over and above the ceilings laid down in the provisions governing the Funds shall be notified to the French authorities by the Commission in good time.

As regards payments under the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85, the Commission shall communicate the forms to be submitted for annual payment claims to the French Republic before 30 November 1987.

As regards the specific action programme for the Aquitaine Region financed by the EAGGF Guidance Section under Article 12 (1) of Regulation (EEC) No 2088/85, the French authorities shall comply with the procedures adopted by the Community for the application of Council Regulations (EEC) No 1760/78 ⁽¹⁾ during the implementation of the Languedoc-Roussillon IMP, given that commitments under the IMP will be effected in annual instalments.

The French authorities may submit a proposal for a new outline programme in respect of the improvement of rural infrastructure and forestry measures.

Article 17

As from the date on which this contract is signed, co-financing shall be assessed at the level of each measure, thereby making it possible, where necessary, to effect adjustments in the rate of Community assistance towards eligible expenditure for each project or operation, such adjustments being confined to financing under the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85: the sum of the contributions allocated to all operations forming part of a measure shall be taken as the reference figure for assessing co-financing from the two sources of funding.

Before the contract is signed, the French authorities shall document the counterparts to Community financing with precise details of the projects to be funded under the IMP.

For the period 1986 to 1988 as a whole, the French authorities shall ensure that Community budget financing for this IMP is additional to the financing already provided for in the plan contract and agreements supplementary thereto described in Chapter 3, points 3.1 and 3.2 of the IMP. Before 31 August 1989, a report shall be prepared for the Monitoring Committee and the Commission with a view to permitting payment of the balances remaining due for the period 1986 to 1988.

TITLE VI

Compliance with Community policies

Article 18

The French authorities shall submit to the Commission for agreement beforehand in relation to Community financing all productive investment projects with a total

cost exceeding 15 million ECU in respect of which such financing is proposed, together with the feasibility and profitability studies normally required for such projects by the European Regional Development Fund. The Commission reserves the right to introduce for all programmes financed by the Community notification or information procedures for other categories of productive investment projects in respect of which Community assistance is proposed.

In the case of all infrastructure investment projects costing more than 15 million ECU, the French authorities shall also transmit to the Commission for its agreement a socio-economic cost benefit analysis.

Industrial and infrastructure projects costing more than 15 million ECU shall be examined by the Monitoring Committee in the light of the findings of the studies referred to above.

Article 19

The French parties also agree to present to the Commission at the end of each half-year grouped references to the invitations to tender published in the *Official Journal of the European Communities* and a report on the award procedures designed to show that Council Directive 77/62/EEC ⁽²⁾, Commission Decision 80/797/EEC ⁽³⁾ and Council Directive 71/305/EEC ⁽⁴⁾ have been complied with.

Article 20

The French parties shall take the necessary steps to publicize the granting of Community assistance as widely as possible. In the case of individual projects costing more than 500 000 ECU, permanent signboards shall be erected at the sites of the said projects.

Article 21

No one project may enjoy both Community assistance under this IMP and any other form of Community assistance.

TITLE VII

Recipients of payments made by the Commission

Article 22

Community contributions towards the IMP from budgetary resources shall be paid to recipients in accordance with the rules of each Community structural Fund.

⁽²⁾ OJ No L 13, 15. 1. 1977, p. 1.

⁽³⁾ OJ No L 234, 5. 9. 1980, p. 33.

⁽⁴⁾ OJ No L 185, 25. 8. 1971, p. 5.

⁽¹⁾ OJ No L 204, 28. 7. 1978, p. 1.

The parties undertake to endeavour, as far as is at all possible, to ensure that advances under Article 11 (2) of Regulation (EEC) No 2088/85 are paid to the *Agence Centrale Comptable du Trésor* not more than one-and-a-half months after the Commission has received an application for payment of an advance with the necessary supporting documents, for subsequent transfer via the budget of the Ministry of the Interior to the Prefect and State Commissioner for the Region not more than one-and-a-half months after receipt of the payments effected by the Community.

Article 23

The Region may take the necessary steps to pay advances on the expected Community contributions from public funds, in so far as required to ensure that project implementation timetables are adhered to. The Monitoring Committee shall deliver opinions on this question at regular intervals.

Done at Paris, 17 July 1987.

TITEL VIII

Conditions governing the adoption of agreements supplementary to the contract

Article 24

Substantial changes to the IMP shall be the subject of agreements supplementary to this contract.

TITEL IX

Final provision

Article 25

Any dispute between the parties as to the interpretation of this contract which cannot be settled amicably shall be referred to the Court of Justice of the European Communities.

For the Commission

G. VARFIS

Member of the Commission

For the French Republic

J. KAEPPÉLIN

*The Regional Prefect and State
Commissioner for the
Aquitaine Region*

For the Aquitaine Region

J. CHABAN-DELMAS

The Chairman of the Regional Council

*ANNEX I***AQUITAINE REGION****COMPOSITION OF THE MONITORING COMMITTEE****1. Restricted****1.1. Region :**

The Chairman of the Regional Council

Four members designated by the Chairman of the Regional Council

1.2. State :

The Prefect and State Commissioner for the Region

Six members designated by the Prefect and State Commissioner for the Region

The Secretary-General for Regional Affairs, Secretary of the Monitoring Committee

1.3. European Communities :

Three Commission representatives

A representative of the European Investment Bank

2. Enlarged**In addition :**

The members of the Regional Economic and Social Committee

ANNEX II

AQUITAINE REGION IMP

(in millions ECU)

Source	Financial forecasts : estimated schedule							
	Commitments			Payments				
	1987	1988	Total	1987	1988	1989	1990	Total
1. EAGGF								
— direct/indirect operations	1,05	1,06	2,11	0,84	1,06	0,21	—	2,11
— Article 355	3,28	2,25	5,53	0,98	1,65	2,00	0,90	5,53
2. ERDF	12,12	13,58	25,70	5,80	9,80	7,38	2,72	25,70
3. ESF ⁽¹⁾	5,40	5,50	10,90	2,83	4,32	2,65	1,10	10,90
4. Article 551	13,96	9,56	23,52	6,97	6,46	5,31	4,78	23,52
5. Fisheries (4028/86)	1,42	—	1,42	0,43	0,43	0,56	—	1,42
Total	37,23	31,95	69,18	17,85	23,72	18,11	9,50	69,18

⁽¹⁾ Assistance totalling 0,42 million ECU was committed in 1986 in accordance with ESF procedures.

Information concerning the date of entry into force of the Second Supplementary Protocol to the Agreement of 26 July 1957 between the Austrian Federal Government, of the one part, and the Governments of the Member States of the European Coal and Steel Community and the High Authority of the European Coal and Steel Community, of the other part, on the introduction of through international railway tariffs for the carriage of coal and steel through the territory of the Republic of Austria ⁽¹⁾

As notification of fulfilment of the conditions necessary for the entry into force of the Protocol was given on 6 February 1987, the Protocol signed on 2 April 1981 entered into force on 6 March 1987, in accordance with Article 4 thereof.

Information concerning the date of entry into force of the Second Supplementary Protocol to the Agreement of 28 July 1956 on the introduction of through international railway tariffs for the carriage of coal and steel through Swiss Territory ⁽²⁾

As notification of fulfilment of the conditions necessary for the entry into force of the Protocol was given on 30 October 1986, the Protocol signed on 2 April 1981 entered into force on 30 November 1986, in accordance with Article 3 thereof.

⁽¹⁾ OJ No L 227, 12. 8. 1981, p. 1.

⁽²⁾ OJ No L 227, 12. 8. 1981, p. 11; Corrigendum, OJ No L 307, 28. 10. 1981, p. 31.