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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 223/88**

**of 25 January 1988**

**amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (3) thereof,

Having regard to the Proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas Regulation (EEC) No 1035/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3910/87 <sup>(4)</sup>, provides for a system of prices and intervention for a number of products in the fruit and vegetables sector;

Whereas producers of clementines, satsumas, mandarins and nectarines should be made aware of the real needs of the market in these products; whereas this should be achieved, where appropriate, by defining intervention volumes or thresholds on the market beyond which financial liability should be borne by producers;

Whereas, the consequence of the liability of the producers must be that, whenever intervention exceeds the thresholds, the basic and buying-in prices for those products for the following marketing year are reduced;

Whereas the threshold for each product may be expressed as a percentage of the average quantities produced and intended for consumption as fresh fruit over the last five marketing years for which production figures are available; whereas, in the case of mandarins, withdrawals of which already represent a high percentage of production, provision must be made for a degressive percentage coupled with measures to ensure the progressive adjustment of producers to the new situation;

Whereas, during the first stage of accession, known as the verification of convergence stage, the Spanish market in the products concerned is not integrated into the market of the Community as constituted on 31 December 1985 and whereas the Kingdom of Spain fixes institutional prices in accordance with a price discipline defined in Article 135 of the Act of Accession, whereby, in particular, price increases may not exceed in value the increase in common prices; whereas, by reason of this special situation of the market in Spain, the reduction of common prices under the abovementioned measures must not affect the level at which prices are fixed in Spain;

Whereas, in so far as intervention operations are carried out for nectarines, satsumas, clementines and mandarins in Spain and involve Community financing in accordance with Article 133 (3) of the Act of Accession, a quantity of nectarines, satsumas, clementines and mandarins should be fixed which, if exceeded, will result in a reduction in prices in Spain for the following marketing year;

Whereas, in view of the special provisions of the Act of Accession, and in particular Article 265 thereof, no similar measures need be applied in respect of Portugal during the first stage of transition;

Whereas satsumas, clementines and nectarines are of particular importance for the income of certain categories of producers; whereas, therefore, these products should also be included in the prices and intervention system,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1035/72 is hereby amended as follows:

1. The following Article is inserted:

*Article 16a*

1. Where, in a given marketing year, the quantities of satsumas, clementines, mandarins and nectarines which are the subject of intervention measures in the Community as constituted on 31 December 1985

<sup>(1)</sup> OJ No C 288, 28. 10. 1987, p. 9.

<sup>(2)</sup> Opinion delivered on 21 January 1988 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(4)</sup> OJ No L 370, 30. 12. 1987, p. 33.

pursuant to Articles 15, 15b, 19 and 19a exceed the thresholds defined in paragraph 2, the basic prices and the buying-in prices laid down for these products for the following marketing year pursuant to the criteria laid down in Article 16 (2) and (3) shall be reduced by 1 % per tranche of

- 5 tonnes in the case of satsumas,
- 2 000 tonnes in the case of clementines,
- 2 500 tonnes in the case of mandarins,
- 2 500 tonnes in the case of nectarines,

in excess of the quantity specified in paragraph 2.

Application of this provision must not, however, result in a reduction of more than 20 %.

The reduction resulting from application of the first and second subparagraphs shall not be taken into account during subsequent market years when the basic and buying-in prices are fixed in accordance with the criteria laid down in Article 16 (2) and (3).

2. The intervention thresholds for satsumas, clementines and nectarines shall be fixed at 10 % of the average production grown for consumption as fresh fruit over the last five marketing years for which data are available.

The intervention thresholds for mandarins shall be the following percentages of the average production grown for consumption as fresh fruit over the last five marketing years for which data are available :

- for the 1987/88 marketing year : 65 %
- for the 1988/89 marketing year : 50 %
- for the 1989/90 marketing year : 35 %
- for the 1990/91 marketing year : 20 %
- for the 1991/92 marketing year onwards : 10 %

3. Where, in the case of Spain, intervention operations are carried out during the verification of convergence stage in accordance with the provisions applicable, the

Council, acting by a qualified majority on a proposal from the Commission, shall fix a quantity of products which may be subject to intervention measures and which, if exceeded, will entail a reduction in Spanish institutional prices for the following marketing year.

4. The reduction in the prices to be applied in the Community as constituted on 31 December 1985 provided for in the first subparagraph of paragraph 1, shall not be taken into consideration for the purposes of applying, in Spain and Portugal, the price discipline provided for in Articles 135 (1) and 265 (1) of the Act of Accession.

5. The Commission shall adopt detailed rules for implementing this Article, in accordance with the procedure laid down in Article 33 and shall, in particular, fix the intervention thresholds.

2. Annex II shall be replaced by the following :

#### 'ANNEX II

#### Products covered by the price and intervention system

Cauliflowers  
Tomatoes  
Aubergines  
Peaches  
Nectarines  
Apricots  
Lemons  
Pears (other than perry pears)  
Table grapes  
Apples (other than cider apples)  
Mandarins  
Satsumas  
Clementines  
Sweet oranges.

#### 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, 25 January 1988.

*For the Council*

*The President*

H.-D. GENSCHER

**COUNCIL REGULATION (EEC) No 224/88****of 25 January 1988****fixing certain prices for clementines in the fruit and vegetables sector for the  
1987/88 marketing year**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

ensuring that supplies reach consumers at reasonable prices;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Whereas the basic prices must be fixed on the basis of the trend of average prices recorded in the three preceding years on the most representative producer markets of the Community for a product with defined commercial characteristics, such as variety or type, quality class, sizing and packaging; whereas the buying-in prices must be fixed in relation to the basic price in accordance with Article 16 (3) of Regulation (EEC) No 1035/72;

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 223/88<sup>(2)</sup>, and in particular Article 16 (1) thereof,

Whereas the amounts and prices fixed in this Regulation are to be applicable within the Community as constituted on 31 December 1985; whereas the Kingdom of Spain, during the first phase, and the Portuguese Republic, during the first stage, are authorized to maintain, in respect of fruit and vegetables, the rules in force under the former national arrangements for the organization of their internal agricultural markets, under the conditions laid down in Articles 133 to 135 and 262 to 265 of the Act of Accession; whereas, consequently, Spain and Portugal will fix their prices for the products in question during this period in accordance with the Act of Accession;

Having regard to the proposal from the Commission<sup>(3)</sup>,

Having regard to the opinion of the European Parliament<sup>(4)</sup>,

Whereas Regulation (EEC) No 1035/72 set up the arrangements for basic and buying-in prices for clementines with effect from 28 January 1988; whereas it is appropriate, as a result, that these prices should be fixed as from the said date for the 1987/88 marketing year,

Whereas, pursuant to Article 16 (1) of Regulation (EEC) No 1035/72, a basic price and a buying-in price must be fixed for each of the products listed in Annex II to that Regulation and for each marketing year; whereas, in accordance with Article 1 (3) of the said Regulation, the marketing years for clementines and satsumas run from 1 October to 15 May;

HAS ADOPTED THIS REGULATION:

Whereas, however, in accordance with the third subparagraph of Article 16 (1) of Regulation (EEC) No 1035/72, no basic price nor buying-in price must be fixed in the slack marketing period at the beginning and end of the marketing year;

*Article 1*

Whereas, when the basic and buying-in prices for fruit and vegetables are fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community intends to make towards the harmonious development of world trade; whereas the objectives of the common agricultural policy include ensuring a fair standard of living for the agricultural community, assuring the availability of supplies and

For the 1987/88 marketing year, the basic and buying-in prices for clementines, the periods during which they shall apply and the standard qualities to which they shall refer shall be as shown in the Annex.

*Article 2*

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

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> See page 1 of this Official Journal.

<sup>(3)</sup> OJ No C 288, 28. 10. 1987, p. 11.

<sup>(4)</sup> Opinion delivered on 21 January 1988 (not yet published in the Official Journal).

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

Done at Brussels, 25 January 1988.

*For the Council*

*The President*

H.-D. GENSCHER

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ANNEX

CLEMENTINES

For the period 28 January to 15 February 1988

|                       | (ECU/100 kg net) |                 |
|-----------------------|------------------|-----------------|
|                       | Basic price      | Buying-in price |
| From 28 to 31 January | 32,77            | 18,02           |
| From 1 to 15 February | 37,53            | 18,77           |

These prices relate to packed clementines (*Citrus reticulata* blanco) of quality class I, of size 43 to 60 mm.

*NB:* The prices given in this Annex do not take account of the cost of the packaging in which the product is presented.

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## COMMISSION REGULATION (EEC) No 225/88

of 27 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 <sup>(1)</sup>, as last amended by Regulation (EEC) 3989/87 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 <sup>(5)</sup> 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 26 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 28 January 1988.

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

Done at Brussels, 27 January 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 378, 31. 12. 1987, p. 99.

## ANNEX

to the Commission Regulation of 27 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     | 164,51                               |
| 0712 90 19 | 8,43     | 164,51                               |
| 1001 10 10 | 62,91    | 251,05 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 62,91    | 251,05 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 3,30     | 190,49                               |
| 1001 90 99 | 3,30     | 190,49                               |
| 1002 00 00 | 44,06    | 162,46 <sup>(6)</sup>                |
| 1003 00 10 | 37,33    | 181,07                               |
| 1003 00 90 | 37,33    | 181,07                               |
| 1004 00 10 | 93,75    | 148,15                               |
| 1004 00 90 | 93,75    | 148,15                               |
| 1005 10 90 | 8,43     | 164,51 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 8,43     | 164,51 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 31,95    | 176,30 <sup>(4)</sup>                |
| 1008 10 00 | 37,33    | 97,17                                |
| 1008 20 00 | 37,33    | 106,91 <sup>(4)</sup>                |
| 1008 30 00 | 37,33    | 58,12 <sup>(5)</sup>                 |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 37,33    | 58,12                                |
| 1101 00 00 | 18,94    | 281,01                               |
| 1102 10 00 | 75,79    | 241,77                               |
| 1103 11 10 | 111,02   | 402,63                               |
| 1103 11 90 | 19,01    | 302,05                               |

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

<sup>(2)</sup> 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'.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

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

## COMMISSION REGULATION (EEC) No 226/88

of 27 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3989/87 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 <sup>(5)</sup> 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 26 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 28 January 1988.

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

Done at Brussels, 27 January 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 1.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(5)</sup> OJ No L 378, 31. 12. 1987, p. 102.

## ANNEX

to the Commission Regulation of 27 January 1988 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

## A. Cereals and flour

(ECU/tonne)

| CN code    | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>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               | 0,72            |
| 1003 00 90 | 0            | 0               | 0               | 0,72            |
| 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

(ECU/tonne)

| CN code    | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 1107 10 11 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 91 | 0            | 0               | 0               | 1,28            | 1,28            |
| 1107 10 99 | 0            | 0               | 0               | 0,96            | 0,96            |
| 1107 20 00 | 0            | 0               | 0               | 1,12            | 1,12            |

**COMMISSION REGULATION (EEC) No 227/88**  
**of 27 January 1988**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3993/87 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 141/88 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 141/88 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 141/88 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 January 1988.

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

Done at Brussels, 27 January 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987.

<sup>(3)</sup> OJ No L 16, 21. 1. 1988, p. 12.

## ANNEX

to the Commission Regulation of 27 January 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

| Product code   | Amount of refund     |                                                                                       |
|----------------|----------------------|---------------------------------------------------------------------------------------|
|                | per 100 kg           | per percentage point of sucrose content and per 100 kg net of the product in question |
| 1701 11 90 100 | 38,30 <sup>(1)</sup> | 0,4164                                                                                |
| 1701 11 90 300 |                      |                                                                                       |
| 1701 11 90 500 | 34,56 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 900 | <sup>(2)</sup>       | 0,4164                                                                                |
| 1701 12 90 100 | 38,30 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 300 |                      |                                                                                       |
| 1701 12 90 500 | 34,56 <sup>(1)</sup> | 0,4164                                                                                |
| 1701 12 90 900 | <sup>(2)</sup>       |                                                                                       |
| 1701 91 00 000 |                      |                                                                                       |
| 1701 99 10 100 | 41,64                |                                                                                       |
| 1701 99 10 900 | 38,71                |                                                                                       |

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

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

## COMMISSION REGULATION (EEC) No 228/88

of 27 January 1988

determining the maximum amount of the compensation for tuna supplied to the canning industry for the period 1 September to 31 December 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2315/86 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 <sup>(4)</sup>;

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 from 1 January 1987 onwards the analysis of the compensation file for tuna should be made for the Community as a whole and with the same periodicity, the application of this method for the 1986 fishing year makes it necessary, exceptionally, to consider the period from 1 September to 31 December 1986 as the third 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 September 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 September to 31 December 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 <sup>(5)</sup>;

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 September to 31 December 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

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 202, 25. 7. 1986, p. 1.

<sup>(3)</sup> OJ No L 133, 22. 5. 1976, p. 1.

<sup>(4)</sup> OJ No L 211, 1. 8. 1986, p. 19.

<sup>(5)</sup> 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 September to 31 December 1986 to producers of tuna established in Spain 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     | 70                             |
| Yellowfin tuna, whole, weighing not more than 10 kg each | 82                             |
| 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, 27 January 1988.

*For the Commission*

António CARDOSO E CUNHA

*Member of the Commission*

## COMMISSION DECISION No 229/88/ECSC

## imposing a provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community<sup>(1)</sup>, and in particular Article 10 (6) thereof,

After consultations within the Advisory Committee as provided for by the above Decision,

Whereas :

## A. Procedure

- (1) In October 1985 the Commission received a complaint lodged by the European Confederation of Iron and Steel Industries (Eurofer) on behalf of producers whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports into the Community of certain sheets and plates of iron or steel falling within Common Customs Tariff subheading 73.13 B I ex a), corresponding to NIMEXE codes 73.13-17, -19, -21 and -23, and to combined nomenclature subheadings :

7208 32 10, 30, 51, 59, 91, 99 ; 7208 33 10, 91, 99 ;  
7208 34 10, 90 ; 7208 42 10, 30, 51, 59, 91, 99 ;  
7208 43 10, 91, 99 ; 7208 44 10, 90 ; 7211 12 10 ;  
7211 19 10 ; 7211 22 10 ; 7211 29 10,

originating in Yugoslavia, and commenced an investigation.

- (2) Commission Decision No 2767/86/ECSC<sup>(3)</sup> established the existence of dumping injury, the weighted average dumping margins provisionally

established for each of the exporters being as follows :

|                                    |      |
|------------------------------------|------|
| — Rudnici i Zelezarna, Skopje :    | 38 % |
| — Metalurski Kombinat, Smederevo : | 33 % |
| — Zelezarna, Jesenice :            | 29 % |

On the basis of the facts available to the Commission at the time of the investigation, it was furthermore established that an anti-dumping duty of 68 ECU per 1 000 kilograms would be required to eliminate the injury sustained by the Community industry and caused by the dumped imports. The Commission subsequently imposed, by Decision No 2767/86/ECSC, a provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia.

- (3) The Yugoslav exporters, having been informed that the main findings of the preliminary investigation would be confirmed by the final determination, offered undertakings concerning their exports of plates and sheets, of iron and steel, to the Community.
- (4) Pursuant to these undertakings the Yugoslav exporters undertook to follow a pricing and marketing policy for sheets and plates, of iron or steel, which would not be disruptive to the sheets and plates market and the traditional trading pattern in the Community, and to reduce these exports to a level at which there would be no further injury to the Community industry.
- (5) After consultation of the Advisory Committee, the undertaking was considered appropriate to eliminate the injury caused by the dumped imports from Yugoslavia. The Commission therefore, by Decision 86/639/ECSC<sup>(4)</sup>, accepted the undertaking offered by the Yugoslav exporters concerned and terminated the investigation.

## B. Breach of undertaking

- (6) In June 1987 the Commission received complaints from the Community industry and the Italian Government that Yugoslav imports of plates and sheets, of iron or steel, were again entering the Italian market at prices and in quantities disruptive of the sheets and plates market in Italy and of the traditional trading pattern in the Community and that these exports were thus again causing material injury to the Community industry. The complaints

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 17.

<sup>(2)</sup> OJ No C 38, 19. 2. 1986, p. 3.

<sup>(3)</sup> OJ No L 254, 6. 9. 1986, p. 18.

<sup>(4)</sup> OJ No L 371, 31. 12. 1986, p. 84.

being supported by statistical evidence on quantities and prices, the Commission advised the Yugoslav exporters to respect the terms of the undertaking and requested them to cease concentrating their exports on the Italian market. Although the Commission had received satisfactory commitments from the Yugoslav exporters to adhere to the terms of the undertaking and therefore did not take immediate action, exports to the Italian market were continued, exceeding the traditional trade pattern by more than 100 % in September 1987. Furthermore, the Yugoslav exporters failed to submit to the Commission on a regular basis detailed reports on their deliveries to the Community as set out in the undertaking. The Commission therefore has reason to believe that the undertakings have been violated and gave the Yugoslav exporters an opportunity to comment on these facts.

#### C. Re-opening

- (7) In such circumstances, the Commission considers that further investigation is warranted and has therefore re-opened the investigation.

#### D. Necessity of measures

- (8) On the basis of the evidence available, and consideration being given to the comments made by the Yugoslav exporters, the Commission considers that it is in the Community's interest to repeal the acceptance of the undertakings given by the Yugoslav exporters and to impose forthwith a provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia.

#### E. Rate of duty

- (9) In accordance with Article 10 (6) of Decision No 2177/84/ECSC the rate of duty must be that based on the facts established before the acceptance of the undertaking. Since the facts did not change between the entry into force of Decision No 2767/86/ECSC and the acceptance of the undertaking on 23 December 1986, the rate of duty is 68 ECU per 1 000 kg in accordance with this Decision.

Reference is made to Decision No 2177/84/ECSC and Decision 86/639/ECSC.

HAS ADOPTED THIS DECISION :

#### Article 1

Decision 86/639/ECSC is hereby repealed.

#### Article 2

1. A provisional anti-dumping duty is hereby imposed on imports of certain sheets and plates of iron or non-alloy steel, not further worked than hot-rolled, a thickness of 3 millimetres or more, falling under Common Customs Tariff subheading 73.13 B I ex a), corresponding to NIMEXE codes 73.13-17, -19, -21 and -23, and to combined nomenclature subheadings :

7208 32 10, 30, 51, 59, 91, 99 ; 7208 33 10, 91, 99 ;  
7208 34 10, 90 ; 7208 42 10, 30, 51, 59, 91, 99 ;  
7208 43 10, 91, 99 ; 7208 44 10, 90 ; 7211 12 10 ;  
7211 19 10 ; 7211 22 10 ; 7211 29 10,

originating in Yugoslavia.

2. The amount of the duty shall be 68 ECU per 1 000 kilograms.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

#### Article 3

Without prejudice to Article 7 (4) (b) and (c) of Decision No 2177/84/ECSC, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the date of entry into force of this Decision.

#### Article 4

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

Subject to Articles 11, 12 and 14 of Decision No 2177/84/ECSC, it shall apply for a period of four months, unless the Commission adopts definitive measures before the expiry of that period.

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

Done at Brussels, 25 January 1988.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 230/88

of 27 January 1988

fixing the import levy on molasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EEC) No 3993/87<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2569/87<sup>(3)</sup>, as last amended by Regulation (EEC) No 142/88<sup>(4)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2569/87 to the information at present available to the Commission that the levy at present in force should be altered as shown in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 2658/87<sup>(5)</sup> introduces 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,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within subheadings 1703 10 00 and 1703 90 00 of the combined nomenclature, 0,70 ECU/100 kg.

*Article 2*

This Regulation shall enter into force on 28 January 1988.

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

Done at Brussels, 27 January 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 243, 27. 8. 1987, p. 48.

<sup>(4)</sup> OJ No L 16, 21. 1. 1988, p. 14.

<sup>(5)</sup> OJ No L 256, 7. 9. 1987, p. 1.

## COMMISSION REGULATION (EEC) No 231/88

of 27 January 1988

fixing the maximum export refund for white sugar for the 37th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1092/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 3993/87<sup>(2)</sup>, and in particular the first subparagraph of Article 19 (4) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 37th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund for the 37th partial invitation to tender for white sugar issued under Regulation (EEC) No 1092/87 is hereby fixed at 41,317 ECU per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 28 January 1988.

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

Done at Brussels, 27 January 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987.

<sup>(3)</sup> OJ No L 106, 22. 4. 1987, p. 9.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 6 May 1987

**concerning a State aid consisting of a reduction in the social charges imposed in respect of the employment of casual labour and of persons seeking employment in six agricultural sectors in France**

**(Only the French text is authentic)**

(88/39/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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1351/86<sup>(2)</sup>, and in particular Article 31 thereof, and the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

After having requested the parties concerned, in accordance with Article 93 (2) of the EEC Treaty, to submit their comments<sup>(3)</sup>,

Whereas :

## I

1. As a result of information notified to it, the Commission sought information from the French authorities on 26 September 1985 as to the existence of aid for the horticultural industry.

On 5 November 1985, by note No 1338, the French Permanent Representation to the European Communi-

ties forwarded to the Commission information concerning arrangements planned 'with a view to assisting the fruit and vegetable industry in the light of the accession of Spain and Portugal.'

Further information was received by note of 14 February 1986 and by telexes of 17 and 28 April 1986 in reply to the Commission's telexes of 23 December 1985 and 16 April 1986. Information was also provided at a bilateral meeting held on 14 May 1986 between a representative of the French Ministry of Agriculture and the Commission, and by note of 2 June 1986 from the French Permanent Representation.

2. The aid consists of measures to :

- reduce from 8 to 4 SMIC (minimum wage) the standard daily rate on which are based the social contributions payable in respect of casual workers, and to extend from 10 to 21 days worked consecutively the period of application of the reduced basis of assessment,
- provide a better definition of 'casual labour' which would include any person not working habitually as an agricultural wage-earner but covered either personally or as a dependent by health insurance,
- extend to a maximum of four months the period during which employers are entitled to benefit from the reduced basis for the assessment of social charges by virtue of the fact that they are employing casual labour,

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 119, 6. 5. 1986, p. 46.

<sup>(3)</sup> OJ No C 312, 6. 12. 1986, p. 3.

- reduce social charges to 0,5 SMIC (minimum wage) during the first 21 days of employment in respect of the employment of any person seeking employment registered with the ANPE where the person is employed for a period of at least 40 days worked,
- require, for the purpose of securing entitlement to the standard reduction in the basis for assessing contributions, a prior declaration made by the employer at the beginning of the year or before the period during which casual labour is employed.

3. These measures apply nationally and are the subject of the Order of the Minister of Agriculture of 9 May 1985 fixing a standard basis for the assessment of social security contributions payable in respect of certain categories of casual labour already qualifying for social security cover other than in respect of their casual labour.

Article 1 of the abovementioned Order provides that the measures are to apply to the following sectors: non-specialized arable and stock farming, wine-growing, specialized crops, cooperatives for preserving products other than meat, cooperatives for storing and packaging flowers and vegetables, and wine-making cooperatives.

## II

1. By letter dated 25 July 1986 to the French Government, the Commission stated that it had decided to initiate in respect of the above aid the procedure provided for in Article 93 (2) of the EEC Treaty.
2. The Commission took the view that this aid, which does not apply to all agricultural sectors, affects products harvested predominantly on a seasonal basis and for which the cost of labour plays a major role as a production cost in their cost price. The measure is not justified, therefore, by criteria inherent in the social security system. Its aim is to offset the effects of the accession of Spain and Portugal, particularly as regards competition in products belonging to the sectors in question. This is clear, among other things, from the fact that the measure applies to only six sectors out of the 36 for which the Ministry of Agriculture has responsibility in respect of social security in France.

Since the reduction in social charges is confined to certain economic sectors, it represents a specific instrument of income for certain farmers.

The Commission considered, therefore, that the measure was incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty because it threatens to distort competition and affect trade between Member States by favouring certain undertakings. None of the exceptions provided for in

Article 92 of the Treaty for aids covered in principle by paragraph 1 of that Article may be relied on.

3. Under the procedure the Commission gave notice to the French Government to submit its comments.

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

## III

By letter dated 29 September 1986 the French Government replied to the Commission's letter of notice and made the following comments:

1. While the Order of 9 May 1985 is one of a number of measures taken to facilitate for fruit, flower and vegetable producers the entry into the Community of Spain and Portugal, in fact the reduction in social security contributions is basically a social measure taken as part of a more general strategy adopted by the Government to promote employment and combat undeclared labour, the Order in question being one of such measures dealing with the agricultural sector.
2. The Ministry of Agriculture hoped to use the provisions of the Order of 9 May 1985 to clamp down on so-called 'moonlighting' in sectors where casual wage-earners who already enjoy social security cover frequently consent to their employers not declaring them (young people, school children or students, increasingly numerous during the school holidays; women covered by their husband's insurance and living in the neighbourhood who are not looking for full-time employment; retired people, increasingly numerous as a result of the lowering of the retirement age; industrial workers during their five weeks' annual paid leave).
3. Entitlement to benefit from the standard basis for assessing social charges is subject to the obligation imposed on employers by the Order of 9 May 1985 to declare casual wage-earners within 48 hours of recruiting them; other employers are only required to do so at the end of each quarter.
4. The measure was designed, therefore, according to the French authorities not to distort competition between Member States but to re-establish normal conditions of competition between employers who respect their obligations and others, and to guarantee workers the benefits to which they are entitled in the event of an accident at work.
5. While the Order of 9 May 1985 was restricted to six sectors of production, this was not to make it a specific instrument of income or to distort competition with foreign producers but because it is principally in these six sectors, where a considerable amount of casual labour is required, that undeclared labour is most widespread.

## IV

1. Articles 92 to 94 of the Treaty apply to the production of and trade in products affected by the reduction in the social charges payable in respect of casual labour.
2. According to the French authorities the Ministerial Order of 9 May 1985 concerns 90 % of casual wage-earners working fewer than 40 days in farming; 87 % of these work in cooperatives preserving products other than meat, cooperatives for storing and packaging fruit, flowers and vegetables, and wine-making cooperatives.

The products concerned are harvested predominantly on a seasonal basis and the cost of labour (wages as such and related social charges) plays a major role as a production cost in their cost price.

The number of people benefiting from the measure, according to estimates made by the French authorities for 1985, is as follows:

- workers employed on a casual basis:
  - number of undertakings concerned: 11 478,
  - number of wage-earners: 101 268,
  - total number of days worked: 807 855,
  - the breakdown of the number of wage-earners by sector is approximately 50 000 in wine-growing, almost 30 000 in specialized crops and 21 000 in non-specialized arable and stock farming;
- unemployed persons:
  - number of undertakings concerned: 974,
  - number of unemployed persons: 40 000,
  - number of days worked: 125 000.

The measures applies to around 100 000 wage-earners and 40 000 unemployed persons, i.e. 140 000 persons in all.

3. The products affected by the reduction in social charges for casual workers and for persons seeking employment do not include all agricultural products but only those belonging to six farming sectors out of the 30 covered by French legislation on social security contributions in agriculture.

The sectors to which the reduction in social charges applies are those which are particularly affected by competition from similar products coming from Spain and Portugal. This is clear from the grounds for the measure presented by the French authorities, which are to assist fruit and vegetable products in view of the accession of Spain and Portugal.

The products concerned represent more than 27 % of France's final agricultural production.

4. The measure in question consists of an aid linked to social charges imposed in agriculture. It has the effect of reducing, directly or indirectly, the contributions

payable by employers in respect of casual workers in employment in certain agricultural sectors and does not make any corresponding reduction in the benefits to which such workers are entitled.

According to the Court of Justice (judgment of 2 July 1974 in Case 173/73), Articles 92 to 94 of the Treaty apply in particular to 'a measure intended partially to exempt undertakings of a particular industrial sector from the financial charges arising from the normal application of the general social security system, without there being any justification for this exemption on the basis of the nature or general scheme of this system'.

Consequently, the measure in question, which is confined to reducing social charges for six agricultural sectors only, is not justified by criteria inherent in the social security system. On the contrary, the adjustment of the existing arrangements appears to be a specific instrument of income favouring certain agricultural sectors.

5. The arguments put forward by the French authorities, in their letter of reply to the Commission's letter of formal notice, are intended basically to show that the provisions of the Order of 9 May 1985 are not to be regarded as State aid within the meaning of Article 92 of the EEC Treaty but as a social measure whose true purpose is to control undeclared labour in the subsectors in question.

It should be borne in mind in this connection that the measure had originally been presented by the French authorities as one to assist the fruit and vegetable industry in view of the accession of Spain and Portugal to the Community.

In any case, the determining factor for evaluating measures of this type is not their purpose but the effect they may have in intra-Community trade. According to a decision of the Court of Justice (judgment of 2 July 1974 in Case 173/73 referred to above), 'accordingly, Article 92 does not distinguish between the measures of State intervention concerned by reference to their causes or aims but defines them in relation to their effects. Consequently, the alleged fiscal nature or social aim of the measure in issue cannot suffice to shield it from the application of Article 92'.

The French authorities' reply is not persuasive enough, therefore, for the Commission to alter its view of the aid in question as set out in this letter of 25 July 1986 to the French Government.

The measure must therefore be regarded as State aid within the meaning of Articles 92 *et seq.* of the EEC Treaty since it gives a special advantage to producers in the sectors concerned, who thus benefit from more favourable production and marketing conditions than producers who are not entitled to the aid or who produce other agricultural products.

6. The aid (calculated at FF 50 million) has a considerable impact on intra-Community trade since France is one of the Member States which are net exporters and which export the largest quantities of the products in question to other Member States within the Community. In the first year of application of the measure, i. e. 1985, France exported to the other nine Member States, and to Spain and Portugal which were not yet members, 1 035 939 tonnes of fruit, 837 998 tonnes of vegetables and 7 817 000 hectolitres of wine. In the same reference period, exports from all Member States to their Community partners and to Spain and Portugal amounted to 5 086 217 tonnes of fruit, 3 828 532 tonnes of vegetables and 27 721 000 hectolitres of wine. Under those circumstances, the granting of the benefits arising from the measure is likely to affect the market directly, and the conditions of competition will be more favourable for French producers than for producers in other Member States.

## V

1. The French measure is likely, therefore, to distort competition by affecting trade between Member States. It thus satisfies the criteria of Article 92 (1) of the Treaty. None of the exceptions provided for in Article 92, permitting aid covered in principle by paragraph 1 of that Article, may be relied on.

This prohibition cannot be lifted under Article 92 (2) of the Treaty since the exceptions provided for in that provision clearly do not apply in the case under consideration. The exceptions provided for in paragraph 3 of that Article set out in detail the aims to be pursued by the grant of the aid, which must be of Community interest; aid may be granted in particular only if the Commission can establish that it is necessary for attaining one of the objectives mentioned in those provisions. To grant the benefit of those exceptions to aid which does not imply such a *quid pro quo* would amount to admitting the existence of a situation harmful to trade between Member States, distortions of competition without any justification in the Community interest and, hence, unjustified advantages for certain Member States.

The measure in question is clearly not designed to promote the execution of an important project of common European interest as provided for in Article 92 (3) (b), nor is likely to remedy a serious disturbance in the economy of the Member State concerned within the meaning of that same provision.

With regard to the exceptions provided for in Article 92 (3) (a) and (c) for aid to promote or facilitate the economic development of areas or of certain economic activities referred to in point (c), it should be noted

that the aid is granted solely to certain producers, with no criteria concerning the adjustment or improvement of their production structure. The measure must therefore be regarded as an operating aid for producers, a type of aid for which the Commission has always expressed reservations by virtue of the fact that its grant is not subject to conditions that would entitle it to benefit from one of the exceptions provided for in Article 92 (3) (a) and (c).

2. Given also that each sector to which the measure in question applies is subject to a common organization of the corresponding market, there are limits on the power of Member States to intervene directly in the operation of those common market organizations, which include a common price system and now come solely within the competence of the Community. The grant of the aid in question disregards the principle whereby Member States are no longer empowered to decide unilaterally on farmer's incomes within the context of a common market organization by granting aid of this type.

Consequently, even if an exception under Article 92 (3) of the Treaty were possible, the fact that the aid measure in question infringes the common organization of the market concerned rules out such an exception.

3. The measure consisting of a reduction in the social charges imposed in respect of the employment of casual workers and persons seeking employment in six agricultural sectors in France is therefore incompatible with the common market pursuant to Article 92 (1) of the EEC Treaty and must be abolished.

4. This Decision is without prejudice to any consequences that the Commission draws as regards the financing of the common agricultural policy out of the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS DECISION :

### Article 1

The aid introduced by Ministerial Order of 9 May 1985 and consisting of a reduction in the social charges imposed in respect of the employment of casual workers and persons seeking employment in six agricultural sectors in France is incompatible with Article 92 of the EEC Treaty and must be abolished.

### Article 2

The French Government shall inform the Commission within one month from the date of notification of this Decision of the measures it has taken to comply therewith.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 6 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## COMMISSION DECISION

of 23 November 1987

settling a dispute between the Federal Republic of Germany and the Grand Duchy of Luxembourg about the authorization of a regular coach service

(Only the German and French texts are authentic)

(88/40/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 517/72 of 28 February 1972 on the introduction of common rules for regular and special regular services by coach and bus between Member States<sup>(1)</sup>, as last amended by Regulation (EEC) No 1301/78<sup>(2)</sup>, hereinafter referred to as 'the Regulation', and in particular Article 14 thereof,

## I

Whereas the company Deutsche Touring GmbH Frankfurt/Main, hereinafter referred to as 'Touring', has operated a regular coach service between Düsseldorf and Luxembourg since 1965 for passengers arriving at or leaving from Luxembourg airport; whereas, after the Regulation had entered into force, this service was authorized by the relevant authorities of the Federal Republic of Germany and the Grand Duchy of Luxembourg as a special coach service for passengers holding a Luxavia air ticket; whereas this authorization expired on 8 June 1986. Whereas this service was contracted out to the Luxembourg firm, Voyages Emile Weber S.a.r.l., Canach after talks between Touring and the Fédération luxembourgeoise des exploitants d'autobus et d'autocars;

Whereas, on 20 February 1986, Touring applied to the Minister for Urban Development, Housing and Transport of North Rhine-Westphalia for the authorization which expired on 8 June 1986 to be renewed; whereas Touring received a provisional authorization until 7 September 1986 pursuant to Article 16a of the Regulation; whereas, however, on 14 August 1986, the local authorizing authority in Düsseldorf, in the person of the Regierungspräsident, rejected the application for a renewal of the authorization;

Whereas, on 1 December 1986, the Federal Minister of Transport asked the Luxembourg Minister of Transport to accept this decision by the German authorizing authority; whereas, on 21 January 1987, the Luxembourg Minister of Transport rejected this request in a letter to the relevant Minister of North Rhine-Westphalia and asked for the decision by the authorizing authority in Düsseldorf to be reconsidered; whereas, in a letter of 9 March 1987 to the Federal Minister of Transport, the Luxembourg Minister of Transport confirmed its position stressing that it placed great importance on the continuation of this service;

Whereas, on 11 March 1987, Emile Weber S.a.r.l. itself applied to the Luxembourg Minister of Transport for an authorization for this service; whereas it received a provisional three-month authorization in March 1987; whereas this was extended before its expiry until 9 September 1987;

Whereas the relevant Minister of North Rhine-Westphalia informed the Luxembourg Minister of Transport of its refusal to renew the authorization by letter of 22 May 1987;

Whereas, in view of the fact that the two governments were unable to reach agreement on a new authorization for the service, the Luxembourg Government referred the dispute to the Commission on 1 June 1987 pursuant to Article 14 of the Regulation requesting that the application made by Emile Weber S.a.r.l. be approved;

Whereas the German Government made a similar application to the Commission on 1 July 1987 requesting the Commission to settle the dispute and, if it gave a positive ruling, to grant the authorization to Touring; whereas Touring is willing to continue to contract the service out to Emile Weber S.a.r.l. as it has done in the past;

Whereas Touring confirmed its willingness to do so in a letter of 7 July 1987 to the Federal Minister of Transport;

Whereas the Member States concerned attended a meeting at the Commission in Brussels on 3 July 1987 to discuss these two applications;

<sup>(1)</sup> OJ No L 67, 20. 3. 1972, p. 19.

<sup>(2)</sup> OJ No L 158, 16. 6. 1978, p. 1.

## II

Whereas the German authorizing authority put forward the following arguments :

The authorization would be incompatible with the interests of public transport. Article 8 of the Regulation should be interpreted as a provision favouring the railways which form the backbone of passenger transport in all European countries. The railways needed therefore to be protected against competition from private regular services. The economic interests of such firms in the establishment of further passenger services would have to be subordinated to this need. In this particular case, the State also had to act in the interests of the Community as a whole and the overriding public concern to maintain an efficient transport system.

The regular road service for which authorization is requested is, in this case, only a seemingly better service, the cost being included in the price of the air fare. The time required for the rail journey is not excessive for passengers compared with their overall travelling time. Rail transport also guarantees connections even if flights are not on time.

The rail connection between Düsseldorf and Luxembourg (10 trains a day in each direction and a journey of three and a half to four hours) can generally be said to provide a quantitatively and qualitatively satisfactory solution to the transport needs in question ;

Whereas the Luxembourg Government put forward the following arguments :

The regular service in question has existed for over 20 years and has given no reason for complaint during that time.

The persons using this service are solely Luxavia passengers who have paid for the cost of the connecting journey in the price of their air ticket. The transfer of this service to the railways is unacceptable to passengers :

- owing to the problems involved in changing means of transport/vehicle several times with cumbersome luggage,
- owing to the fact that the journey takes longer by rail than by road,
- because there are no immediate connections if flights arrive late,
- because of the need to pick passengers up at Brussels or take passengers to Brussels since flights are often diverted there ;

## III

Whereas the applications made by the two Governments are admissible under Article 14, and in accordance with Article 13 of the Regulation ; whereas they should be examined in the light of Article 8 (1) and (2), subparagraph (a) thereof ;

Whereas the aim of these provisions is, as defined in the recitals to the Regulation, to ensure the proper functioning of services at minimum cost to the community in general, and it is necessary to adapt the supply of transport to demand on the routes to be served and to coordinate passenger transport services in the areas concerned in an effective manner ;

Whereas the principle of coordinating transport services to satisfy specific transport needs effectively and at minimum cost must, however, be applied in specific cases in the light of the Community's transport policy and the structure of its transport markets ; whereas Article 8 of the Regulation cannot hence be interpreted as a provision which provides absolute protection to the railways or which gives unconditional priority to them ; whereas, although the railways are an essential means of transport for passengers in the Community economy, they cannot have a monopoly in these markets ;

Whereas, at this level of generality, the principal reasons given by the authorizing authority in Düsseldorf for its decision cannot therefore be accepted ;

Whereas decisions in individual cases can, on the contrary, only be made in the light of the particular conditions applying ; whereas, although this does not mean that the public transport interests do not have to be taken into account, they do have to be weighed against the specific interests of the transport users concerned and of other transport enterprises ;

Whereas, after examining the present and foreseeable transport needs which have to be satisfied by the transport service in question, it has been concluded that a direct coach service between Düsseldorf and Luxembourg through the Eifel offers transport users appreciable advantages over a rail service via Trier and Koblenz. Whereas the coach service has in this particular case the qualitative advantages of :

- a direct connection between Luxembourg airport and Düsseldorf main station without the need to change or transfer luggage, which would be the case by rail,
- a shorter journey.

Whereas this cannot be outweighed by the somewhat greater comfort (more space, refreshments) of rail transport ;

Whereas the coach service also has one great quantitative advantage, namely that it provides a guaranteed and straightforward connection with the flight, even if aeroplanes are diverted to Brussels ;

Whereas, when all the relevant factors are taken into account in this comparison, it must be concluded that road transport offers a better overall service ; whereas this is of particular relevance in this specific case as it involves a special regular service with a limited number of customers and special needs ;

Whereas, furthermore, this service has operated for over 20 years without any problems; whereas it is hard to see how the market situation and effect on the transport industries can have changed so much that the authorization must now be refused on the basis of new factors or events; whereas a major factor militating in favour of the renewal of the authorization is the interest of both companies in continuing a service they have offered, without objections being made and in accordance with the authorization, over a long period, with all the investment which is tied up in it; whereas, the operators' interest generally corresponds to the still existing and undisputed demand on the side of the transport users;

Whereas, in the light of all these factors, it is concluded that the coach service for which authorization is applied offers a better service than the competing rail services which do not satisfy the specific needs of this particular transport market in the same way,

HAS ADOPTED THIS DECISION:

*Article 1*

The competent authority of the Federal Republic of Germany shall authorize Deutsche Touring GmbH,

Frankfurt/Main, to have a special regular service by coach between Düsseldorf and Luxembourg set up and operated by Voyages Emile Weber S.a.r.l., Canach, Luxembourg, as requested by those undertakings.

*Article 2*

This Decision is addressed to the Federal Republic of Germany and the Grand Duchy of Luxembourg.

This Decision shall take effect 30 days after its notification to the Member States concerned unless one of those Member States refers the matter to the Council before expiry of that time limit.

Done at Brussels, 23 November 1987.

*For the Commission*

Stanley CLINTON DAVIS

*Member of the Commission*

**COMMISSION RECOMMENDATION**

of 10 December 1987

**on the involvement and improvement of consumer participation in standardization**

(88/41/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas one of the aims of the Community is the improvement of the living conditions of its citizens including the protection of health, safety and consumer interests;

Whereas the Council Resolution of 14 April 1975 on a preliminary programme of the European Economic Community for a consumer protection and information policy <sup>(1)</sup> recognized the right to protection of health and safety as one of the five basic rights for consumers; whereas this programme as well as the second programme <sup>(2)</sup> defined the principles for priority action at Community level, particularly concerning the protection of health and safety of consumers through consultation between consumers and producers/distributors;Having regard to the new impetus for consumer protection policy <sup>(3)</sup>,Having regard to the Council Regulation of 7 May 1985 on a new approach to technical harmonization and standards <sup>(4)</sup>,

Having regard to the conclusions of the European Forum of consumers and standardization, held in Brussels on the 4 and 5 June 1987,

Whereas, in its communication on consumer involvement on standardization, the Commission proposed to take action to reach agreement with CEN/Cenelec on a new way of working and to prepare a priority programme of

standardization for consumer products in the interests of consumers,

RECOMMENDS TO THE MEMBER STATES:

1. That they associate themselves with Commission action aimed at:

(a) persuading national and European standards organizations to:

- provide for active participation of consumers, as well as all other interested parties (such as manufacturers, users, traders, and trade unions), in their activity,
- assure the selection of consumer representatives nominated by consumer interests to serve as members of the delegations of national standards bodies in chosen technical committees of CEN/Cenelec;

(b) encouraging consumer representatives to fix clear priorities at European level for standardization aimed at greater consumer protection.

2. To provide basic funding to enable consumers to play an effective role in European standardization without loss of earnings.

Done at Brussels, 10 December 1987.

*For the Commission*

Grigoris VARFIS

*Member of the Commission*<sup>(1)</sup> OJ No C 92, 25. 4. 1975, p. 1.<sup>(2)</sup> OJ No C 133, 3. 6. 1981, p. 1.<sup>(3)</sup> COM (85) 314 final, 23. 7. 1985.<sup>(4)</sup> OJ No C 136, 4. 6. 1985, p. 1.

## COMMISSION DECISION

of 21 December 1987

authorizing the Italian Republic to apply intra-Community surveillance to imports of textile products falling within category 3, originating in Pakistan, which have been put into free circulation in the Community

(Only the Italian Text is authentic)

(88/42/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having read to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty<sup>(1)</sup>, and in particular Articles 1 and 2 thereof,

Whereas Decision 87/433/EEC requires Member States to have prior authorization from the Commission before introducing intra-Community surveillance of imports covered by that Decision;

Whereas, under Commission Regulation (EEC) No 2955/87<sup>(2)</sup>, the import into Italy of textile products falling within category 3, originating in Pakistan, is subject to quantitative limits from 1987 to 1991;

Whereas on 7 December 1987, a request was made under Article 2 of Decision 87/443/EEC by the Italian Government to the Commission of the European Communities for authorization to introduce intra-Community surveillance for textile products falling within category 3, originating in Pakistan and put into free circulation in the Community;

Whereas the information given by the Italian authorities in support of this request has been examined closely by the Commission, in accordance with the criteria laid down in Decision 87/433/EEC;

Whereas the Commission examined in particular whether the imports could be made subject to intra-Community

surveillance under Article 2 of Decision 87/433/EEC, whether information was given as regards the alleged economic difficulties, and whether there was a danger of deflection of trade;

Whereas the examination showed that there was such a danger and that steps should be taken to ensure full knowledge of likely intra-Community imports so as to render apparent any dangerous trend;

Whereas, therefore, Italy should be authorized to make the imports concerned subject to prior intra-Community surveillance until 31 December 1988,

HAS ADOPTED THIS DECISION:

*Article 1*

The Italian Republic is hereby authorized to introduce, until 31 December 1988, and in accordance with Decision 87/433/EEC, intra-Community surveillance of imports of textile products of category 3 originating in Pakistan.

*Article 2*

This Decision is addressed to the Italian Republic.

Done at Brussels, 21 December 1987.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

<sup>(1)</sup> OJ No L 238, 21. 8. 1987, p. 26.

<sup>(2)</sup> OJ No L 279, 2. 10. 1987, p. 8.

**COMMISSION DECISION**  
**of 22 December 1987**  
**on the forward estimate for live plants for 1988**

(88/43/EEC)

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, and in particular Article 251 (1) thereof,

Whereas Article 251 (1) of the Act of Accession provides that, at the beginning of each marketing year, a forward estimate is to be drawn up for each of the products subject to the supplementary trade mechanism (STM); whereas, given the way in which live plants are marketed and in particular the absence of any marketing year, the calendar year should be adopted as the reference period;

Whereas the forward estimate for the period 1 January to 31 December 1988 has been drawn up on the basis of forecasts of production and consumption;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

*Article 1*

The forward estimate, as referred to in Article 251 (1) of the Act of Accession, for live plants subject to the supplementary trade mechanism (STM) and imported into Portugal during, the period 1 January to 31 December 1988 is set forth in the Annex hereto.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## ANNEX

## SUPPLEMENTARY TRADE MECHANISM / PORTUGAL

Forward estimate for products in list XXII (Portugal) on the basis of data supplied by the Portuguese authorities

|                                       | Production                |                           |                           | Imports |      |      | Exports |      |      | Consumption               |                           |                           | Self-sufficiency (%) |       |       |
|---------------------------------------|---------------------------|---------------------------|---------------------------|---------|------|------|---------|------|------|---------------------------|---------------------------|---------------------------|----------------------|-------|-------|
|                                       | 1986                      | 1987                      | 1988                      | 1986    | 1987 | 1988 | 1986    | 1987 | 1988 | 1986                      | 1987                      | 1988                      | 1986                 | 1987  | 1988  |
| Rose bushes<br>(1 000 units)          | 250                       | 275                       | 330                       | 152     | 230  | 270  | 0,4     | nil  | nil  | 402                       | 557                       | 600                       | 62,2                 | 47,8  | 55,0  |
| Ornamental plants<br>(tonnes)         | 1 100<br>( <sup>1</sup> ) | 1 300<br>( <sup>1</sup> ) | 1 620<br>( <sup>1</sup> ) | 260     | 325  | 390  | 5       | 10   | 10   | 1 355<br>( <sup>1</sup> ) | 1 550<br>( <sup>1</sup> ) | 2 000<br>( <sup>1</sup> ) | 81,2                 | 83,9  | 81,0  |
| Roses<br>(1 000 units)                | 20 400                    | 23 900                    | 30 000                    | 173     | 300  | 500  | 15      | 20   | 20   | 20 558                    | 24 180                    | 30 480                    | 99,3                 | 98,8  | 98,4  |
| Carnations<br>(1 000 units)           | 109 200                   | 115 500                   | 119 100                   | nil     | nil  | nil  | 564     | 800  | 800  | 108 636                   | 114 700                   | 118 300                   | 100,6                | 100,7 | 100,7 |
| <i>Asparagus plumosus</i><br>(tonnes) | 45                        | 58                        | 75                        | n.a.    | n.a. | n.a. | n.a.    | n.a. | n.a. | n.a.                      | n.a.                      | n.a.                      | n.a.                 | n.a.  | n.a.  |

<sup>(1)</sup> One unit = 200 g (est.).

## COMMISSION DECISION

of 18 December 1987

on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland and Zimbabwe

(88/44/EEC)

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 486/85 of  
26 February 1985 on the arrangements applicable to agri-  
cultural products and certain goods resulting from the  
processing of agricultural products originating in the  
African, Caribbean and Pacific States or in the overseas  
countries and territories <sup>(1)</sup>, as last amended by Regulation  
(EEC) No 1306/87 <sup>(2)</sup>, and in particular Article 22 thereof,

Having regard to Commission Regulation (EEC) No  
2377/80 of 4 September 1980 on special detailed rules for  
the application of the system of import and export  
licences in the beef and veal sector <sup>(3)</sup>, as last amended by  
Regulation (EEC) No 3434/87 <sup>(4)</sup>, and in particular Article  
15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 provides for the  
possibility of issuing import licences for beef and veal  
products; whereas, however, imports must take place  
within the limits of the quantities specified for each of  
these exporting non-member countries;

Whereas the applications for import licences submitted  
between 1 and 10 December 1987, expressed in terms of  
boned meat, in accordance with Article 15 (1) (b) of Regu-  
lation (EEC) No 2377/80, do not exceed, in respect of  
products originating from Botswana, Kenya, Madagascar  
and Swaziland the quantities available from these States;  
whereas it is therefore possible to issue import licences in  
respect of the quantities requested;

Whereas Regulation (EEC) No 486/85 fixed the quantities  
in respect of which licences may be applied for per  
calendar year; whereas Regulation (EEC) No 2377/80  
stipulates that applications for licences may be lodged  
during the first 10 days of each month; whereas, for  
reasons of clarity, it should be pointed out that, pursuant  
to those provisions, applications for licences may be  
submitted in respect of those quantities during the first  
10 days of January 1988;

Whereas it seems expedient to recall that this Decision is  
without prejudice to Council Directive 72/462/EEC of 12

December 1972 on health and veterinary inspection  
problems upon importation of bovine animals and swine  
and fresh meat from third countries <sup>(5)</sup>, as last amended by  
Directive 86/469/EEC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 December  
1987 import licences concerning beef and veal products,  
expressed in terms of boned meat, originating from  
certain African, Caribbean and Pacific States, in respect of  
the quantities and the countries of origin stated:

1. *Federal Republic of Germany*:  
— 35,0 tonnes originating in Botswana;
2. *United Kingdom*:  
— 50,0 tonnes originating in Botswana.

*Article 2*

Applications for licences may be submitted, in accordance  
with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80  
during the first 10 days of January 1988, in respect of the  
following quantities of boned beef and veal:

|                |                  |
|----------------|------------------|
| — Botswana :   | 18 916,0 tonnes, |
| — Kenya :      | 142,0 tonnes,    |
| — Madagascar : | 7 579,0 tonnes,  |
| — Swaziland :  | 3 363,0 tonnes,  |
| — Zimbabwe :   | 8 100,0 tonnes.  |

*Article 3*

This Decision is addressed to the Member States, with the  
exception of Portugal.

Done at Brussels, 18 December 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(2)</sup> OJ No L 124, 13. 5. 1987, p. 5.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 327, 18. 11. 1987, p. 7.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 275, 26. 9. 1986, p. 36.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 2502/87 of 31 July 1987 fixing for the 1986/87 marketing year the yields of olives and olive oil**

*(Official Journal of the European Communities No L 237 of 20 August 1987)*

Page 25, Annex I, A. ITALY, Province 'Lucca', column 'Olives kg/tree':

*for:* '1',

*read:* '4'.

Page 27, Annex I, A. ITALY, Province 'Salerno', column 'Olives kg/tree':

— Zone 2:

*for:* '30',

*read:* '18'.

— Zone 3:

*for:* '18',

*read:* '30'.

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