

Official Journal

of the European Communities

ISSN 0378-6978

L 26

Volume 31

30 January 1988

English edition

Legislation

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Price : £ 7,50/£Ir1 8,50

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 249/88

of 25 January 1988

opening, allocating and providing for the administration of Community tariff quotas for cod and fish of the species *Boreogadus saida*, dried, salted or in brine, originating in Norway (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973; whereas, consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community, an Agreement in the form of an Exchange of Letters was concluded and approved by the Decision 86/557/EEC⁽¹⁾;

Whereas the latter Agreement provides for the opening, on a date to be fixed by common accord, of Community tariff quotas at reduced or zero duty for cod and fish of the species *Boreogadus saida* originating in Norway; whereas the tariff quotas in question should therefore be opened for the period agreed for 1988, namely 1 April to 31 December 1988;

Whereas the Community has adopted, with effect from 1 January 1988, a combined nomenclature for goods which meets the requirements of the Common Customs Tariff

and the Nomenclature of Goods for the External Trade Statistics of the Community and Statistics of Trade between Member States; whereas in order to accommodate specific Community measures that nomenclature has been expanded into an integrated tariff of the European Communities (Taric); whereas from that date the combined nomenclature and, where appropriate, the Taric code numbers should be used for the description of the products covered by this Regulation;

Whereas equal and continuous access to the quotas should be ensured for all importers and the rates laid down for the quotas should be applied consistently to all imports of the products in question until the quotas are exhausted; whereas, in the light of these principles, allocation of the tariff quotas among the Member States would seem to preserve the Community nature of the quotas; whereas in order to correspond as closely as possible to the real trend of the market for the products in question the allocation should reflect the requirements of the Member States based on statistics of imports of the said products from Norway during a representative reference period and on the economic outlook for the quota year in question;

Whereas during the last three years for which statistics are available imports into the Member States from Norway were as follows:

(tonnes)

Member State	ex 0305 51 10 0305 59 11			ex 0305 51 90 0305 59 19			ex 0305 62 00 0305 69 10		
	1984	1985	1986	1984	1985	1986	1984	1985	1986
Benelux	89	80	54	441	372	110	1	2	2
Denmark	2	0	1	5	3	3	319	3	1 966
Germany	59	49	19	543	473	400	2	—	1
Greece	44	26	19	223	417	84	148	336	619
Spain	—	—	—	—	—	—	858	430	1 074
France	47	36	19	3 816	3 573	3 496	1 044	666	701
Ireland	—	—	—	—	—	—	—	—	—
Italy	4 087	4 457	3 375	5 280	4 231	1 550	1 808	2 159	1 827
Portugal	—	—	—	13 230	6 217	6 401	5 143	4 235	1 675
United Kingdom	20	35	18	2	6	9	16	—	—
	4 348	4 683	3 505	23 540	15 292	12 053	9 339	7 831	7 865

(¹) OJ No L 328, 22. 11. 1986, p. 76.

Whereas, during the years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports into those States of the products concerned are notified; whereas these allocation arrangements will ensure the uniform application of the applicable customs duties;

Whereas, in view of these factors, the initial percentage shares of the quota volumes can be expressed approximately as follows:

Member State	ex 0305 51 10 0305 59 11	ex 0305 51 90 0305 59 19	ex 0305 62 00 0305 69 10
Benelux	1,78	1,82	0,02
Denmark	0,02	0,02	9,14
Germany	1,01	2,78	0,01
Greece	0,71	1,42	4,41
Spain	—	—	9,44
France	0,82	21,39	9,63
Ireland	—	—	—
Italy	95,08	21,74	23,14
Portugal	—	50,80	44,15
United Kingdom	0,58	0,03	0,06

Whereas, to allow for the trend of imports of the products concerned in the various Member States, each of the quota volumes should be divided into the parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate

level for the first part of the Community quotas would, in the present circumstances, be 75 % of the quota volume;

Whereas the initial shares of the Member States may be used up at different rates; whereas, in order to avoid any break in the continuity of supplies on this account, it should be provided that any Member State which has almost used up one of its initial shares should draw an additional share from the corresponding reserve; whereas each time one of its additional shares is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas each of the initial and additional shares must be valid until the end of the quota period; whereas this form of administration requires close cooperation between the Member States and the Commission and the latter must be able to monitor the extent to which the quota volumes have been used up and inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of one of a Member State's initial shares remains unused, it is essential that the Member State concerned should return a significant proportion thereof to the corresponding reserve in order to prevent part of one of the Community tariff quotas from remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 April to 31 December 1988 the customs duties applicable to imports of the following products originating in Norway shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

Order No	CN Code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.0707	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption:	3 900	0
	0305 51	— Dried fish, whether or not salted but not smoked:		
	ex 0305 51 10	— — Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>):		
		— — — Dried, unsalted:		
	0305 59	— — — Excluding cod of the species <i>Gadus macrocephalus</i>		
		— — Other:		
		— — — Fish of the species <i>Boreogadus saida</i> :		
	0305 59 11	— — — — Dried, unsalted		

Order No	CN Code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.0703	0305 51	— — cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>):	13 250	0
	ex 0305 51 90	— — — Dried, salted:		
		— Excluding cod of the species <i>Gadus macrocephalus</i>		
	0305 59	— — Other:		
09.0705		— — — Fish of the species <i>Boreogadus saida</i> :	10 000	0
	0305 59 19	— — — — Dried, salted		
		— Fish, salted but not dried or smoked and fish in brine:		
	ex 0305 62 00	— — Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>):		
		— Excluding the species <i>Gadus macrocephalus</i>		
	0305 69	— — Other:		
	0305 69 10	— — — Fish of the species <i>Boreogadus saida</i>		

Within the limits of the above tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply duties of 4,3 and 0 % respectively.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of those products shall benefit from the quotas referred to in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 is at least equal to the reference price.

3. The Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Agreement between the European Economic Community and the Kingdom of Norway shall apply.

Article 2

1. The tariff quotas referred to in paragraph 1 shall be divided into two parts.

2. The first part of each quota shall be allocated among certain Member States; subject to Article 5 the respective shares shall be valid until 31 December 1988 and shall be as follows:

Member States	Order number (tonnes)		
	09.0707	09.0703	09.0705
Benelux	52	182	2
Denmark	1	2	685
Germany	29	278	1
Greece	21	142	331
Spain	—	—	708
France	24	2 139	722
Ireland	—	—	—
Italy	2 781	2 174	1 735
Portugal	—	5 080	3 311
United Kingdom	17	3	5
	2 925	10 000	7 500

3. The second part of each quota, amounting to 975, 3 250 and 2 500 tonnes respectively, shall constitute the corresponding reserves.

4. If an importer gives notification of imminent imports of the products concerned into a Member State not covered by the initial allocation and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If a Member State has used 90 % or more of one of its initial shares as specified in Article 2 (2), or of that share less any portion returned to the corresponding reserve pursuant to Article 5, it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

2. If, after one of its initial quota shares has been used up, a Member State has used 90 % or more of its second share as well, it shall, using the procedure provided for in paragraph 1 and to the extent that the reserve so permits, draw a third share equal to 5 % of the initial share, rounded up where necessary to the next whole number.

3. If, after one of its second shares has been used up, a Member State has used 90 % or more of its third share, it shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified in the said paragraphs if there is reason to believe that they might not be used in full. Member States shall inform the Commission of their reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

Article 5

By 1 October 1988 at the latest Member States must return to the reserve the unused portion of their initial share which, on 15 September 1988, is in excess of 20 % of the initial volume. They may return a greater portion if there is reason to believe that it might not be used.

By 1 October 1988 at the latest Member States must notify the Commission of the total quantities of the products concerned imported on or before 15 September 1988 and charged against the Community quotas and of any portion of their initial shares that they are returning to the corresponding reserves.

Article 6

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2 and 3 and shall inform each Member State of the extent to which the reserves have been used up as soon as it has been notified.

It shall inform the Member States not later than 5 October 1988 of the state of each of the reserves following any return of quota shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this

end shall notify the amount of that balance to the Member State making the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community tariff quotas.

2. Member States shall ensure that importers of the products concerned have free access to the quota shares allocated to them.

3. Member States shall charge imports of the products concerned against their shares as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which Member States have used up their shares shall be determined on the basis of imports of the products concerned originating in Norway and entered with the customs authorities for free circulation.

Article 8

At the request of the Commission, Member States shall inform it of imports actually charged against their quota shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 April 1988.

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

COMMISSION REGULATION (EEC) No 250/88
of 22 January 1988
on the supply of various lots of butteroil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as amended by Regulation (EEC) No 3785/87⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 734 tonnes of butteroil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Article 2

This Regulation shall enter into force on the 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, 22 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1 and corrigendum OJ No L 42, 12. 2. 1987, p. 54.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation Nos** (1): 1097 to 1099/87 — Commission Decision of 22 July 1987
2. **Programme**: 1986
3. **Recipient**: World Food Programme, Via delle Terme di Caracalla, I-00100 Rome — Telex 626675 WFP I
4. **Representative of the recipient** (2): see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination**: A 1: Nepal; A 2 and A 3: Pakistan
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods**: (A 1: (3) (4) (7) (8); A 2 and A 3: (3) (4) (7) (8) (9):
To be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, (under I.3.1 and I.3.2))
8. **Total quantity**: 474 tonnes
9. **Number of lots**: 1 (A 1: 131 tonnes; A 2: 293 tonnes; A 3: 50 tonnes)
10. **Packaging and marking**: 5 kilograms and OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)
Supplementary markings on the packaging:
A 1:
131 tonnes: 'ACTION No 1097/87 / NEPAL 0070902 / ACTION OF THE WORLD FOOD PROGRAMME / CALCUTTA IN TRANSIT TO NEPAL'
A 2:
293 tonnes: 'ACTION No 1098/87 / PAKISTAN 0245100 / ACTION OF THE WORLD FOOD PROGRAMME / KARACHI'
A 3:
50 tonnes: 'ACTION No 1099/87 / PAKISTAN 0214901 / ACTION OF THE WORLD FOOD PROGRAMME / ISLAMABAD'
11. **Method of mobilization of the product**: buying of butter from Bundesanstalt für landwirtschaftliche Marktorndung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (Tel. 156 40, Telex: 0411727)
The addresses and places of storage are given in Annex II
The selling price is determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76 (OJ No L 261, 25. 9. 1976, p. 12)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15 to 31 March 1988
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** (4): 22 February 1988, 12 noon (Belgian time)
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 7 March 1988, 12 noon (Belgian time)
(b) period for making the goods available at the port of shipment: 15 to 30 April 1988
(c) deadline for the supply: —
22. **Amount of the tendering security**: 20 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer** (5):
Refund applicable on 1 January 1988 fixed by Regulation (EEC) No 3885/87 (OJ No L 365, 24. 12. 1987)

LOT B

1. **Operation No** ⁽¹⁾: 724/87 — Commission Decision of 19 March 1987
2. **Programme**: 1987
3. **Recipient**: Euronaid
4. **Representative of the recipient** ⁽²⁾: see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination**: Pakistan
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** ⁽²⁾:
To be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, (under I.3.1 and I.3.2))
8. **Total quantity**: 60 tonnes
9. **Number of lots**: 1
10. **Packaging and marking**: 5 kilograms ⁽¹⁰⁾ and OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)
Supplementary markings on the packaging:
'ACTION No 724/87 / PAKISTAN / WVB / 75329 / KARACHI / FOR FREE DISTRIBUTION'
11. **Method of mobilization of the product**: buying of butter from Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (Tel: 15640, Telex 0411727)
The addresses and places of storage are given in Annex II
The selling price is determined in accordance with Article 2 of Regulation (EEC) No 2315/76 (OJ No L 261, 25. 9. 1976, p. 12)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 to 30 April 1988
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** ⁽⁴⁾: 22 February 1988, 12 noon (Belgian time)
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 7 March 1988, 12 noon (Belgian time)
 - (b) period for making the goods available at the port of shipment: 1 to 30 April 1988
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: 20 ECU/tonnes
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾:
Refund applicable on 1 January 1988 fixed by Regulation (EEC) No 3885/87 (OJ No L 365, 24. 12. 1987).

LOT C

1. **Operation No (1):** 4/88 — Commission Decision of 15 April 1987
2. **Programme:** 1987
3. **Recipient:** Comité supérieur de secours, rue Badaro, immeuble ODS, Beyrouth
4. **Representative of the recipient (2):** Ambassade du Liban, 2, rue Guillaume Stocq, B-1050 Bruxelles (Tel. 02-649 94 60, Telex: 22547 AMBAN B)
5. **Place or country of destination:** Republic of Lebanon
6. **Product to be mobilized:** butteroil
7. **Characteristics and quality of the goods (3) (4) (5) (6):**
To be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 3, (under I.3.1 and I.3.2))
8. **Total quantity:** 200 tonnes
9. **Number of lots:** 1
10. **Packaging and marking:** 2,5 kilograms and OJ No C 216, 14. 8. 1987, p. 3 (under I.3.1 and I.3.2)
Supplementary markings on the packaging:
'ACTION N° 4/88 / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE AU LIBAN / SIGLE €'
and OJ No C 216, 14. 8. 1987, p. 3, (under I.1.3.4)
11. **Method of mobilization of the product:** buying of butter from Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (Tel: 15640, Telex 0411727)
The addresses and places of storage are given in Annex II
The selling price is determined in accordance with Article 2 of Regulation (EEC) No 2315/76 (OJ No L 261, 25. 9. 1976, p. 12)
12. **Stage of supply:** free at the port of landing — Beirut — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Beirut
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 15 to 31 March 1988
18. **Deadline for the supply:** 15 April 1988
19. **Procedure for determining the costs of supply:** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders (7):** 22 February 1988, 12 noon (Belgian time)
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 7 March 1988, 12 noon (Belgian time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 15 April 1988
 - (c) deadline for the supply: 30 April 1988
22. **Amount of the tendering security:** 20 ECU/tonnes
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders:**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer (8):**
Refund applicable on 1 January 1988 fixed by Regulation (EEC) No 3885/87 (OJ No L 365, 24. 12. 1987).

Notes

- (1) The operation number is to be quoted in all correspondence.
- (2) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (3) Commission delegate to be contacted by the successful tenderer:
see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the Office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (5) Regulation (EEC) No 2330/87 (OJ L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) Veterinary certificate issued by an official entity stating that the product derives from healthy animals, was processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease.
- (7) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
- (8) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
- (9) The successful tenderer will transmit to the recipients' representatives on delivery a certificate in English stating that the butteroil contains no lard.
- (10) The supplier should send a duplicate of the original invoice to:
MM De Keyzer and Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
- Shipment to take place in 20-foot containers; conditions FCL/LCL, Shippers-count-load and stowage (cls).
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of cartons belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.

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

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Tonelaje Mængde Menge Τόνοι Tonnage Tonnage Tonnellaggio Hoeveelheid Tonelagem	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e endereço do armazenista	Lugar de almacenamiento Lagerplads Ort der Lagerhaltung Τόπος αποθηκεύσεως Town at which stored Lieu de stockage Luogo di accantonamento Adres van de opslagplaats Local de armazenagem
A 1097/87 1098/87 1099/87	578 300 kg	A1 131 000 kg butteroil = 159 800 kg boter Beemsterboer G. Lokkenstraat NL-8316 ZA Marknesse	
		A2 293 000 kg butteroil = 357 500 kg boter Beemsterboer 135 700 kg Flevoweg 84 NL-3840 NA Harderwijk Roerstreek 47 300 kg Ringweg 5 NL-6074 Melick Salvesen 174 500 kg Landweerstraat 144 NL-5349 Oss	
		A3 50 000 kg butteroil = 61 000 kg boter Daalimpex Pijpkade 36 B NL-1948 NR Beverwijk	
B 724/87	73 200 kg	60 000 kg butteroil = 73 200 kg boter Daalimpex Pijpkade 36 B NL-1948 NR Beverwijk	
C 4/88	244 000 kg	200 000 kg butteroil = 244 000 kg smør Danish Cold Stores Havnen Nord DK-6000 Kolding	

COMMISSION REGULATION (EEC) No 251/88

of 29 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 28 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 30 January 1988.

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

Done at Brussels, 29 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. 99.

ANNEX

to the Commission Regulation of 29 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	167,15
0712 90 19	8,43	167,15
1001 10 10	62,91	250,77 ⁽¹⁾ ⁽²⁾
1001 10 90	62,91	250,77 ⁽¹⁾ ⁽²⁾
1001 90 91	3,30	190,49
1001 90 99	3,30	190,49
1002 00 00	44,06	162,46 ⁽³⁾
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	167,15 ⁽²⁾ ⁽³⁾
1005 90 00	8,43	167,15 ⁽²⁾ ⁽³⁾
1007 00 90	31,95	176,30 ⁽⁴⁾
1008 10 00	37,33	97,17
1008 20 00	37,33	106,91 ⁽⁴⁾
1008 30 00	37,33	58,12 ⁽²⁾
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	402,20
1103 11 90	19,01	302,05

⁽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 252/88

of 29 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 28 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 30 January 1988.

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

Done at Brussels, 29 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 29 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	0,72
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

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	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 253/88
of 29 January 1988
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 3990/87 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within subheading 1006 10, 1006 20 and 1006 30 of the combined nomenclature ⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 4042/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 178/88 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4042/87 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 378, 31. 12. 1987, p. 88.

⁽⁵⁾ OJ No L 19, 23. 1. 1988, p. 5.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the import levies on rice and broken rice

CN Code	Portugal	Third countries (except ACP or OCT) (¹)	ACP or OCT (¹) (²) (³)	(ECU/tonne)
				Arrangement in Regulation (EEC) No 3877/86
1006 10 91	—	316,98	154,89	—
1006 10 99	—	288,61	140,70	216,46
1006 20 10	—	396,23	194,51	—
1006 20 90	—	360,76	176,78	270,57
1006 30 11	13,05	523,21	249,68	—
1006 30 19	12,97	588,59	282,41	441,44
1006 30 91	13,90	557,22	266,26	—
1006 30 99	13,90	630,97	303,13	473,23
1006 40 00	0,00	173,63	83,81	—

N.B. The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Regulation (EEC) No 3294/86.

(¹) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 254/88

of 29 January 1988

fixing the premiums to be added to the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 3990/87 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2604/87 ⁽³⁾, as last amended by Regulation (EEC) No 179/88 ⁽⁴⁾;

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 shown in the Annex hereto;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ introduces, from 1 January 1988, a new 'combined nomencla-

ture' 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

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.
2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 245, 29. 8. 1987, p. 39.

⁽⁴⁾ OJ No L 19, 23. 1. 1988, p. 7.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the premiums to be added to the import levies on rice and broken rice

CN Code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
1006 10 91	0	0	0	—
1006 10 99	0	0	0	—
1006 20 10	0	0	0	—
1006 20 90	0	0	0	—
1006 30 11	0	0	0	—
1006 30 19	0	0	0	—
1006 30 91	0	0	0	—
1006 30 99	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 255/88

of 29 January 1988

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3989/87⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 3990/87⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 195, 26. 7. 1975, p. 25.

⁽¹⁰⁾ OJ No L 247, 23. 9. 1975, p. 22.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 57.

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

gements arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as amended by Regulation (EEC) No 1821/87 ⁽²⁾;

Whereas, in respect of products falling within subheading 07.06 A of the Common Customs Tariff, Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff coming from third countries and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾ lays down the terms on which the import levy may be charged at 6 % *ad valorem*; whereas account should be taken of the introduction on 1 January 1988 of the new tariff nomenclature laid down by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁴⁾ and to that end former subheading 07.06 A should be replaced by the corresponding subheadings 0714 10 90 and 0714 90 10 of the new nomenclature;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾,

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

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽³⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)

CN code	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
0714 10 10	42,52	189,18	184,35 (?)
0714 10 90	39,50	186,16 (?)	184,35 (?) (?)
0714 90 10	39,50	186,16 (?)	184,35 (?) (?)
1102 20 10 (?)	25,14	318,07	312,03
1102 20 90 (?)	13,84	179,84	176,82
1102 30 00 (?)	3,02	197,01	193,99
1102 90 10 (?)	77,14	341,13	335,09
1102 90 30 (?)	178,39	278,02	271,98
1102 90 90 (?)	37,82	187,31	184,29
1103 12 00 (?)	178,39	278,02	271,98
1103 13 11 (?)	25,14	300,07	294,03
1103 13 19 (?)	25,14	318,07	312,03
1103 13 90 (?)	13,84	179,84	176,82
1103 14 00 (?)	3,02	197,01	193,99
1103 19 10 (?)	88,95	307,63	301,59
1103 19 30 (?)	77,14	341,13	335,09
1103 19 90 (?)	37,82	187,31	184,29
1103 21 00 (?)	38,62	362,48	356,44
1103 29 10 (?)	88,95	307,63	301,59
1103 29 20 (?)	77,14	341,13	335,09
1103 29 30 (?)	178,39	278,02	271,98
1103 29 40 (?)	25,14	318,07	312,03
1103 29 50 (?)	3,02	197,01	193,99
1103 29 90 (?)	37,82	187,31	184,29
1104 11 10 (?)	43,31	192,90	189,88
1104 11 90 (?)	85,04	378,36	372,32
1104 12 10 (?)	100,69	157,14	154,12
1104 12 90 (?)	197,54	308,24	302,20
1104 19 10 (?)	38,62	362,48	356,44
1104 19 30 (?)	88,95	307,63	301,59
1104 19 50 (?)	25,14	318,07	312,03
1104 19 91 (?)	6,04	335,46	329,42
1104 19 99 (?)	67,46	331,26	325,22
1104 21 10 (?)	66,22	300,88	297,86
1104 21 30 (?)	66,22	300,88	297,86
1104 21 50 (?)	104,79	471,44	465,40
1104 21 90 (?)	43,31	192,90	189,88
1104 22 10 (?)	175,37	275,00	271,98
1104 22 30 (?)	175,37	275,00	271,98
1104 22 50 (?)	156,22	244,78	241,76
1104 22 90 (?)	100,69	157,14	154,12
1104 23 10 (?)	20,00	280,38	277,36
1104 23 30 (?)	20,00	280,38	277,36
1104 23 90 (?)	13,84	179,84	176,82

(ECU/tonne)

CN code	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1104 29 10*10 (2) (6)	27,09	266,39	263,37
1104 29 10*20 (2) (7)	64,28	225,86	222,84
1104 29 10*30 (2) (6)	57,61	292,11	289,09
1104 29 10*40 (2) (6)	57,61	292,11	289,09
1104 29 10*90 (2) (10)	57,61	292,11	289,09
1104 29 30*10 (2) (6)	31,98	319,85	316,83
1104 29 30*20 (2) (7)	76,72	271,10	268,08
1104 29 30*30 (2) (6)	57,61	292,11	289,09
1104 29 30*40 (2) (6)	57,61	292,11	289,09
1104 29 30*90 (2) (10)	57,61	292,11	289,09
1104 29 91 (2)	21,48	205,00	201,98
1104 29 95 (2)	50,00	173,92	170,90
1104 29 99 (2)	37,82	187,31	184,29
1104 30 10	19,62	154,56	148,52
1104 30 90	14,00	136,05	130,01
1106 20 10	42,52	189,18	182,53 (2)
1106 20 91	37,63	283,54	259,36 (2)
1106 20 99	37,63	299,64	275,46 (2)
1107 10 11	43,10	363,36	352,48
1107 10 19	34,95	274,25	263,37
1107 10 91	81,19	342,24 (2)	331,36
1107 10 99	63,42	258,47	247,59
1107 20 00	72,11	299,43 (2)	288,55
1108 11 00	60,37	425,39	404,84
1108 12 00	37,63	283,54	262,99
1108 13 00	37,63	283,54	262,99
1108 14 00	37,63	283,54	131,49 (2)
1108 19 10	30,83	290,77	259,94
1108 19 90	37,63	283,54	131,49
1109 00 00	253,74	917,42	736,08
1702 30 91 (2)	119,00	439,76	343,04
1702 30 99 (2)	83,57	329,48	262,99
1702 40 90 (2)	83,57	329,48	262,99
1702 90 50 (2)	83,57	329,48	262,99
1702 90 75	120,06	456,09	359,37
1702 90 79	82,72	316,42	249,93
2106 90 55	83,57	329,48	262,99
2302 10 10	15,55	84,05	78,05
2302 10 90	26,46	173,26	167,26
2302 20 10	15,55	84,05	78,05
2302 20 90	26,46	173,26	167,26
2302 30 10	15,55	84,05	78,05
2302 30 90	26,46	173,26	167,26
2302 40 10	15,55	84,05	78,05
2302 40 90	26,46	173,26	167,26
2303 10 11	202,56	508,04	326,70

- (¹) This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.
- (²) For the purpose of distinguishing between products falling within heading Nos 1101, 1102, 1103 and 1104 and those falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40, products falling within heading Nos 1101, 1102, 1103 and 1104 shall be those meeting the following specifications :
- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading Nos 1103 and 1104.
- (³) Pursuant to Regulation (EEC) No 2730/75 the products falling within subheadings 1702 30 51 and 1702 30 59 are subject to the same levy as products falling within subheading 1702 30 91 and 1702 30 99.
- (⁴) In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.
- (⁵) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories :
- arrow-root falling within subheading 0714 90 10,
 - flours and meal of arrow-root falling within subheading 1106 20,
 - arrow-root starch falling within subheading 1108 19 90.
- (⁶) Taric code : wheat.
- (⁷) Taric code : rye.
- (⁸) Taric code : millet.
- (⁹) Taric code : sorghum.
- (¹⁰) Taric code : others.
-

COMMISSION REGULATION (EEC) No 256/88
of 29 January 1988
fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) (No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾), as last amended by Regulation (EEC) No 3989/87 ⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽⁵⁾, as last amended by Regulation (EEC) No 1821/87 ⁽⁶⁾;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76 ⁽⁷⁾, as last amended by Regulation (EEC) No 3990/87 ⁽⁸⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽⁹⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC ⁽¹⁰⁾, as last amended by Regulation (EEC) No 31/76 ⁽¹¹⁾, and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

Whereas Council Regulation (EEC) No 2658/87 ⁽¹²⁾ 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;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽¹⁴⁾,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 61, 26. 2. 1986, p. 4.

⁽⁶⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽⁷⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁸⁾ OJ No L 377, 31. 12. 1987.

⁽⁹⁾ OJ No L 367, 31. 12. 1985, p. 7.

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

⁽¹¹⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹²⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	Third countries (other than ACP and OCT)	ACP and OCT
2309 10 11	10,88	38,62	27,74
2309 10 13	10,88	665,44	654,56
2309 10 31	10,88	97,56	86,68
2309 10 33	10,88	724,38	713,50
2309 10 51	10,88	184,23	173,35
2309 10 53	10,88	811,05	800,17
2309 90 31	10,88	38,62	27,74
2309 90 33	10,88	665,44	654,56
2309 90 41	10,88	97,56	86,68
2309 90 43	10,88	724,38	713,50
2309 90 51	10,88	184,23	173,35
2309 90 53	10,88	811,05	800,17

COMMISSION REGULATION (EEC) No 257/88

of 29 January 1988

amending Regulation (EEC) No 1787/87 introducing the buying-in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾, and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾, as last amended by Regulation (EEC) No 184/88 ⁽⁴⁾, introduced the buying-in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No

2226/78 ⁽⁵⁾, as last amended by Regulation (EEC) No 3350/87 ⁽⁶⁾, the buying-in prices should be replaced, on the basis of the data and prices available to the Commission, by the list of Member States or regions thereof and the quality groups eligible for intervention annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to amended Regulation (EEC) No 1787/87 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 8 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 19, 23. 1. 1988, p. 18.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 317, 7. 11. 1987, p. 33.

*ANNEX***Member States or regions within a Member State and groups of qualities**

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	AR, AO, CR, CO
Germany	AU, AR
Spain	AO
France	AU, AR, AO, CU, CR, CO
Ireland	CU, CR, CO
Italy	AR, AO
Luxembourg	AR, AO, CO
Netherlands	AR
Great Britain	CU, CR
Northern Ireland	CU, CR, CO

COMMISSION REGULATION (EEC) No 258/88
of 29 January 1988
fixing the specific levies on beef and veal from Portugal

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 272 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾, and in particular Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas Commission Regulation (EEC) No 588/86 ⁽³⁾, as last amended by Regulation (EEC) No 3890/87 ⁽⁴⁾, lays down detailed implementing rules and fixes the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ 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 specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 45.

⁽⁴⁾ OJ No L 365, 24. 12. 1987, p. 43.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

Special levies on imports of beef and veal from Portugal

(ECU/100 kg)	
CN code	Amount of the special levies
0102 90 10	33,88
0102 90 31	33,88
0102 90 33	33,88
0102 90 35	33,88
0102 90 37	33,88
0201 10 10	63,93
0201 10 90	63,93
0201 20 11	63,93
0201 20 19	63,93
0201 20 31	51,14
0201 20 39	51,14
0201 20 51	76,72
0201 20 59	76,72
0201 20 90	95,90
0201 30	109,96
0206 10 95	109,96
0202 10 00	57,54
0202 20 10	57,54
202 20 30	46,03
0202 20 50	71,60
0202 20 90	86,31
0202 30 10	71,60
0202 30 50	71,60
0202 30 90	99,09
0206 29 91	99,09
0210 20 10	95,90
0210 20 90	109,96
0210 90 41	109,96
0210 90 90	109,96
1602 50 10	109,96
1602 90 61	109,96

COMMISSION REGULATION (EEC) No 259/88

of 29 January 1988

fixing the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least 0,73 ECU from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by

at least 0,73 ECU from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75⁽⁵⁾, as last amended by Regulation (EEC) No 3989/87⁽⁶⁾, for the fixing of the import levy on the products falling within subheadings 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50 of the combined nomenclature, and the variable element, per 100 kilograms of dry matter, being equal to one hundred times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

Whereas Council Regulation (EEC) No 2658/87⁽⁷⁾ 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;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 377, 31. 12. 1987.

⁽⁷⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4837	
1702 20 90	0,4837	
1702 30 10		58,04
1702 40 10		58,04
1702 60 10		58,04
1702 60 90	0,4837	
1702 90 30		58,04
1702 90 60	0,4837	
1702 90 71	0,4837	
1702 90 90	0,4837	
2106 90 30		58,04
2106 90 59	0,4837	

COMMISSION REGULATION (EEC) No 260/88

of 29 January 1988

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1467/77⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products within subheading 1702 30 91 of the combined nomenclature and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁸⁾;

Whereas, following the introduction of the 'combined nomenclature' by Council Regulation (EEC) No 2658/87⁽⁹⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87⁽¹⁰⁾;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹¹⁾, as last amended by Regulation (EEC) No 1636/87⁽¹²⁾;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽¹⁰⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽¹¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹²⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situa-

tion and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be as set out in the Annex hereto.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		41,07
1702 60 10 000		41,07
1702 60 90 000	0,4107	
1702 90 30 000		41,07
1702 90 60 000	0,4107	
1702 90 71 000	0,4107	
1702 90 90 900	0,4107	
2106 90 30 000		41,07
2106 90 59 000	0,4107	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 261/88

of 29 January 1988

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, in accordance with Article 303 of the Act of Accession of Spain and Portugal, a reduced levy is applied during the period of seven years following accession on imports into Portugal of certain quantities of raw sugar originating in certain third countries;

Whereas Commission Regulation (EEC) No 599/86 ⁽³⁾, as last amended by Regulation (EEC) No 4036/87 ⁽⁴⁾, fixes the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ 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;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the Commission, be fixed as shown in Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (subheadings 1701 11 10 and 1701 12 10 of the combined nomenclature) is fixed for this quality type at 27,90 ECU/100 kg.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 18.

⁽⁴⁾ OJ No L 378, 31. 12. 1987, p. 74.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

COMMISSION REGULATION (EEC) No 262/88

of 29 January 1988

fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3994/87 ⁽²⁾,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appro-

priate, to take account of export costs for the products on the world market;

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

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

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

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

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

Whereas, following the introduction of the combined-nomenclature by Council Regulation (EEC) No 2658/87 ⁽⁶⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87 ⁽⁷⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁹⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁷⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund (1)
1509 10 90 100	52,50
1509 10 90 900	85,75
1509 90 00 100	53,50
1509 90 00 900	88,75
1510 00 90 100	13,45
1510 00 90 900	44,15

(1) For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

COMMISSION REGULATION (EEC) No 263/88**of 29 January 1988****fixing the maximum export refunds on olive oil for the third partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3129/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3994/87 ⁽²⁾,

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

Whereas Commission Regulation (EEC) No 3129/87 ⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3129/87 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

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

Whereas, following the introduction of the 'combined nomenclature' by Council Regulation (EEC) No 2658/87 ⁽⁵⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the third partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3129/87 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 January 1988.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 296, 21. 10. 1987, p. 10.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 366, 24. 12. 1987, p. 1.

ANNEX

to the Commission Regulation (EEC) of 29 January 1988 fixing the maximum export refunds on olive oil for the third partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3129/87

(ECU/100 kg)	
Product code	Amount of refund
1509 10 90 100	55,00
1509 10 90 900	97,53
1509 90 00 100	56,50
1509 90 00 900	99,55
1510 00 90 100	15,00
1510 00 90 900	55,00

COMMISSION REGULATION (EEC) No 264/88

of 29 January 1988

fixing the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3994/87 ⁽²⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds ⁽³⁾, as last amended by the Act of Accession of Greece ⁽⁴⁾, and in particular the second sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the exchange rates to be applied in agriculture ⁽⁵⁾, as last amended by Regulation (EEC) No 57/88 ⁽⁶⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁷⁾, as last amended by Regulation (EEC) No 1869/87 ⁽⁸⁾, in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats ⁽⁹⁾, as last amended by Regulation (EEC) No 2662/87 ⁽¹⁰⁾, and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee;

Whereas the export refunds on oil seeds were set by Commission Regulation (EEC) No 2615/87 ⁽¹¹⁾, as last amended by Regulation (EEC) No 4038/87 ⁽¹²⁾;

Whereas it follows from applying the rules governing the fixing of the refund, as contained in Regulation (EEC) No 2615/87, to the present situation on the market in oil seeds as regards quotations and prices that, pursuant to Article 4 of Commission Regulation (EEC) No 651/71 ⁽¹³⁾ as last amended by Regulation (EEC) No 1815/84 ⁽¹⁴⁾, the amount of the refund in ECU and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed as shown in the Annex to this Regulation and that it is not necessary to fix a refund for sunflower seed;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants; whereas in the interests of sound market management a reduction should be made;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund amounts for colza and rape seed referred to in Article 4 (1) of Regulation (EEC) No 651/71 are indicated in the Annex hereto.
2. No refund is fixed for sunflower seed.
3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

Article 2

This Regulation shall enter into force on 1 February 1988.

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

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 6, 9. 1. 1988, p. 24.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 176, 1. 7. 1987, p. 30.

⁽⁹⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽¹⁰⁾ OJ No L 252, 3. 9. 1987, p. 6.

⁽¹¹⁾ OJ No L 248, 1. 9. 1987, p. 10.

⁽¹²⁾ OJ No L 378, 31. 12. 1987, p. 78.

⁽¹³⁾ OJ No L 75, 30. 3. 1971, p. 16.

⁽¹⁴⁾ OJ No L 170, 29. 6. 1984, p. 46.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the export refunds on colza and rape seed

(amounts per 100 kilograms)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
1. Gross refunds (ECU):						
— Spain	20,742	21,139	—	—	—	—
— Portugal	25,502	25,899	—	—	—	—
— other Member States	21,000	21,397	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	51,31	52,26	—	—	—	—
— Netherlands (Fl)	56,80	57,86	—	—	—	—
— BLEU (Bfrs/Lfrs)	1 005,39	1 024,47	—	—	—	—
— France (FF)	150,20	153,17	—	—	—	—
— Denmark (Dkr)	180,69	184,17	—	—	—	—
— Ireland (£ Irl)	16,691	17,021	—	—	—	—
— United Kingdom (£)	11,532	11,792	—	—	—	—
— Italy (Lit)	31 706	32 338	—	—	—	—
— Greece (Dr)	1 666,31	1 687,72	—	—	—	—
— Spain (Pta)	3 120,77	3 181,99	—	—	—	—
— Portugal (Esc)	4 054,33	4 115,86	—	—	—	—

COMMISSION REGULATION (EEC) No 265/88

of 29 January 1988

fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as amended by Regulation (EEC) No 4002/87 ⁽²⁾, and in particular Article 2 (7) thereof,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 2946/87 ⁽³⁾, as last amended by Regulation (EEC) No 109/88 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2946/87 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 2 of amended Regulation (EEC) No 1491/85 is hereby fixed in the Annex.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 278, 1. 10. 1987, p. 75.

⁽⁴⁾ OJ No L 12, 16. 1. 1988, p. 9.

ANNEX

Aid for soya beans

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in:			
— Spain	0,000	32,466	32,466
— Portugal	20,640	0,000	32,466
— another Member State	20,640	32,466	32,466

COMMISSION REGULATION (EEC) No 266/88
of 29 January 1988
fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 2276/87 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2636/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 36/88 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2636/87 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginne cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 65,083 ECU per 100 kilograms.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 377, 31. 12. 1987.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 209, 31. 7. 1987, p. 5.

⁽⁴⁾ OJ No L 248, 1. 9. 1987, p. 46.

⁽⁵⁾ OJ No L 5, 8. 1. 1988, p. 16.

COMMISSION REGULATION (EEC) No 267/88
of 29 January 1988
fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 3996/87⁽²⁾, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is given for dried fodder as described under Article 1 (b) and (c) of that Regulation obtained from fodder plants harvested in the Community; whereas this aid is equal to a percentage of the difference between these two prices for dehydrated fodder and for protein concentrates; whereas the aid for fodder otherwise dried includes an amount to be deducted;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 1961/87 of 2 July 1987 fixing the guide price for dried fodder for the 1987/88 marketing year⁽³⁾;

Whereas Commission Regulation (EEC) No 2334/87⁽⁴⁾, fixed the rate referred to in Article 5 (2) of Regulation (EEC) No 1117/78;

Whereas, in the absence of the guide price for dried fodder and of the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 and of the intervention price for barley for the 1988/89 marketing year, the rate of the aid in case of advance fixing for the months concerned has been obtainable only provisionally and should be confirmed or replaced once the guide price and the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 and of the intervention price for barley for the 1988/89 marketing year are known;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁵⁾, as last amended by Regulation (EEC) No 1173/87⁽⁶⁾, the average world market price for the products described in the first indent of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the supplementary aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁷⁾, as last amended by Regulation (EEC) No 2334/87⁽⁸⁾;

Whereas, when no offer of or quotation for the products described in the first indent of Article 1 (b) of Regulation (EEC) No 1117/78 can be used to determine the average world market price, it is to be determined from offers on the world market of, and quotations on, the exchanges important for international trade for the products described in the second indent of Article 1 (b) of Regulation (EEC) No 1117/78;

Whereas, under Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, this price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, under Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 184, 3. 7. 1987, p. 7.

⁽⁴⁾ OJ No L 210, 1. 8. 1987, p. 63.

⁽⁵⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁶⁾ OJ No L 113, 30. 4. 1987, p. 13.

⁽⁷⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁸⁾ OJ No L 210, 1. 8. 1987, p. 63.

Whereas the correcting amount is equal to the difference between the average world market price and the average forward world market price multiplied by the percentage fixed in Article 3 of Council Regulation (EEC) No 1315/85⁽¹⁾; whereas when for one of the months following that of the introduction of aid the average forward world market price cannot be determined by applying the criteria specified in Article 1 of Regulation (EEC) No 1417/78, the price determined for the previous month is used to calculate the difference; whereas when for two or more consecutive months following that of the introduction of aid, the average forward world market prices cannot be determined by applying the criteria set out in Article 1 of Regulation (EEC) No 1417/78, the prices for the months in question are determined by applying the criteria laid down in Article 3 of Regulation (EEC) No 1417/78;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of Regulation (EEC) No 1117/78 for the product concerned; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regula-

tion (EEC) No 1676/85⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾;

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

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the aid applicable in these two Member States is to be adjusted by an amount equal to the incidence of customs duties on imports of these products from third countries; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage and the amount referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.
2. The rate of the aid in case of advance fixing for the 1988/89 marketing year shall, however, be confirmed or replaced with effect from 1 February 1988 to take into account the prices and measures in the Annex fixed for the 1988/89 marketing year.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 137, 27. 5. 1985, p. 28.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the rate of the aid for dried fodder

Aid applicable from 1 February 1988 to dried fodder

(ECU/tonne)

	Fodder dehydrated by artificial heat-drying Protein concentrates			Fodder otherwise dried		
	Spain	Portugal	Other Member States	Spain	Portugal	Other Member States
Aid	66,720	87,090	88,780	23,720	44,090	45,780

Aid in case of advance fixing for the month of:

(ECU/tonne)

March 1988	66,814	87,186	88,874	23,814	44,186	45,874
April 1988	70,060	90,493	92,120	27,060	47,493	49,120
May 1988 ⁽¹⁾	72,287	92,761	94,347	29,287	49,761	51,347
June 1988 ⁽¹⁾	72,287	92,761	94,347	29,287	49,761	51,347
July 1988 ⁽¹⁾	72,291	92,765	94,351	29,291	49,765	51,351
August 1988 ⁽¹⁾	72,291	92,765	94,351	29,291	49,765	51,351
September 1988 ⁽²⁾	0,000	0,000	0,000	0,000	0,000	0,000
October 1988 ⁽²⁾	0,000	0,000	0,000	0,000	0,000	0,000

⁽¹⁾ Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.

⁽²⁾ In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

COMMISSION REGULATION (EEC) No 268/88

of 29 January 1988

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 4004/87 ⁽²⁾, and in particular Article 3 (6) point (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 3741/87 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 1958/87 ⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community when the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1987/88 marketing year was fixed by Council Regulation (EEC) No 1957/87 ⁽⁷⁾; whereas, as provided for in Article 2a of

Regulation (EEC) No 1431/82 the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning on the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87 ⁽⁸⁾;

Whereas, under Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price may be adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products;

Whereas, under Article 1 of Commission Regulation (EEC) No 2049/82 ⁽⁹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹⁰⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹¹⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹²⁾, as last amended by Regulation (EEC) No 1636/87 ⁽¹³⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 352, 15. 12. 1987, p. 26.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 184, 3. 7. 1987, p. 3.

⁽⁷⁾ OJ No L 184, 3. 7. 1987, p. 1.

⁽⁸⁾ OJ No L 184, 3. 7. 1987, p. 5.

⁽⁹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹⁰⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹¹⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 153, 13. 6. 1987, p. 1.

these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid correcting factor ;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession of Spain and Portugal the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries ; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price ;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Regulation (EEC) No 1935/87 ⁽¹⁾ ; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year ; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87 ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ECU that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State ;

Whereas, since there are no valid activating threshold or guide prices for the 1988/89 marketing year for peas, field

beans and sweet lupins or intervention price for barley, the amount of the subsidy in the case of advance fixing for this marketing year for peas, field beans and sweet lupins has only been calculated provisionally on the basis of the prices valid for the 1987/88 marketing year ; whereas that amount must be applied provisionally only and will have to be confirmed or replaced when the prices and related measures for the 1988/89 marketing year are known,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.
2. However, the amount of the subsidy in the case of advance fixing for the 1988/89 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 1 February 1988 to take into account, where appropriate, the effects of the application of the activating price for these products for the 1987/88 marketing year and, particularly those concerning maximum guaranteed quantities.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 185, 4. 7. 1987, p. 21.

ANNEX I

Gross aid in ECU per 100 kilograms

Products intended for human consumption

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Peas used :							
— in Spain	13,239	13,419	13,599	13,599	13,599	12,159	12,159
— in Portugal	13,281	13,461	13,641	13,641	13,641	12,201	12,201
— in another Member State	13,600	13,780	13,960	13,960	13,960	12,520	12,520
Field beans used :							
— in Spain	13,600	13,780	13,960	13,960	13,960	12,520	12,520
— in Portugal	13,281	13,461	13,641	13,641	13,641	12,201	12,201
— in another Member State	13,600	13,780	13,960	13,960	13,960	12,520	12,520

Products used in animal feed

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
A. Peas and field beans used :							
— in Spain	13,704	13,884	14,064	14,583	14,583	13,143	13,143
— in Portugal	13,423	13,603	13,783	14,322	14,322	12,882	12,882
— in another Member State	13,801	13,981	14,161	14,673	14,673	13,233	13,233
B. Sweet lupins harvested in Spain and used :							
— in Spain	14,234	14,234	14,234	14,926	14,926	14,926	14,926
— in Portugal	13,860	13,860	13,860	14,577	14,577	14,577	14,577
— in another Member State	14,363	14,363	14,363	15,046	15,046	15,046	15,046
C. Sweet lupins harvested in another Member State and used :							
— in Spain	15,806	15,806	15,806	16,498	16,498	16,498	16,498
— in Portugal	15,432	15,432	15,432	16,149	16,149	16,149	16,149
— in another Member State	15,935	15,935	15,935	16,618	16,618	16,618	16,618

ANNEX II

Final aid in national currency per 100 kilograms

Products intended for human consumption

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Products harvest in :							
— BLEU (Bfrs/Lfrs)	653,69	662,35	671,00	671,00	671,00	601,78	601,78
— Denmark (Dkr)	119,07	120,64	122,22	122,22	122,22	109,61	109,61
— Federal Republic of Germany (DM)	32,44	32,87	33,30	33,30	33,30	29,56	29,56
— Greece (Dr)	979,22	1 002,86	1 026,51	1 026,51	1 026,51	837,34	837,34
— Spain (Pta)	2 097,30	2 125,06	2 152,81	2 152,81	2 152,81	1 930,75	1 930,75
— France (FF)	101,64	102,98	104,33	104,33	104,33	93,56	93,56
— Ireland (£ Irl)	11,292	11,442	11,592	11,592	11,592	10,394	10,394
— Italy (Lit)	21 866	22 156	22 446	22 446	22 446	20 123	20 123
— Netherlands (Fl)	36,36	36,85	37,33	37,33	37,33	33,14	33,14
— Portugal (Esc)	2 187,69	2 218,71	2 249,72	2 249,72	2 249,72	2 001,60	2 001,60
— United Kingdom (£)	7,502	7,621	7,741	7,741	7,741	6,788	6,788

Amounts to be deducted in the case of :

- peas used in Spain (Pta) 55,67
- peas and field beans used in Portugal (Esc) 54,78

ANNEX III

Partial aids in the national currency per 100 kilograms

Peas and field beans intended for animal feed

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	663,36	672,01	680,66	705,27	705,27	636,05	636,05
— Denmark (Dkr)	120,83	122,40	123,98	128,46	128,46	115,85	115,85
— Federal Republic of Germany (DM)	32,92	33,35	33,78	35,00	35,00	31,24	31,24
— Greece (Dr)	1 015,17	1 038,82	1 062,46	1 154,04	1 154,04	964,87	964,87
— Spain (Pta)	2 128,29	2 156,05	2 183,81	2 262,77	2 262,77	2 040,70	2 040,70
— France (FF)	103,14	104,49	105,83	109,66	109,66	98,90	98,90
— Ireland (£ Irl)	11,460	11,609	11,759	12,185	12,185	10,988	10,988
— Italy (Lit)	22 191	22 481	22 771	23 600	23 600	21 277	21 277
— Netherlands (Fl)	36,90	37,38	37,86	39,23	39,23	35,03	35,03
— Portugal (Esc)	2 224,17	2 255,18	2 286,20	2 379,11	2 379,11	2 130,98	2 130,98
— United Kingdom (£)	7,653	7,772	7,891	8,275	8,275	7,322	7,322
Amounts to be deducted in the case of use :							
— Spain (Pta)	14,96	14,96	14,96	13,88	13,88	13,88	13,88
— Portugal (Esc)	64,91	64,91	64,91	60,28	60,28	60,28	60,28

ANNEX IV

Corrective amount in national currency to be added to the amounts in Annex III, per 100 kilograms (1)

Use of the products :	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	127,31	0,00	0,13	0,52	1,31	0,00	24,20	56,33
— Denmark (Dkr)	0,00	0,00	0,00	23,19	0,00	0,02	0,09	0,24	0,00	4,41	10,26
— Federal Republic of Germany (DM)	0,00	0,00	0,00	6,32	0,00	0,01	0,03	0,06	0,00	1,20	2,80
— Greece (Dr)	0,00	0,00	0,00	473,74	0,00	0,49	1,93	4,87	0,00	90,06	209,61
— Spain (Pta)	0,00	0,00	0,00	408,44	0,00	0,42	1,66	4,20	0,00	77,64	180,72
— France (FF)	0,00	0,00	0,00	19,81	0,00	0,02	0,08	0,20	0,00	3,76	8,76
— Ireland (£ Irl)	0,000	0,000	0,000	2,204	0,000	0,002	0,009	0,023	0,000	0,419	0,975
— Italy (Lit)	0	0	0	4 285	0	4	17	44	0	814	1 896
— Netherlands (Fl)	0,00	0,00	0,00	7,08	0,00	0,01	0,03	0,07	0,00	1,35	3,13
— Portugal (Esc)	0,00	0,00	0,00	480,63	0,00	0,49	1,95	4,94	0,00	91,36	212,66
— United Kingdom (£)	0,000	0,000	0,000	1,986	0,000	0,002	0,008	0,020	0,000	0,378	0,879

ANNEX V

Partial aid in national currency per 100 kilograms

Sweet lupins intended for use in animal feed

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 (1)	6th period 8 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	765,93	765,93	765,93	798,76	798,76	798,76	798,76
— Denmark (Dkr)	139,51	139,51	139,51	145,49	145,49	145,49	145,49
— Federal Republic of Germany (DM)	38,01	38,01	38,01	39,64	39,64	39,24	39,24
— Greece (Dr)	1 299,51	1 299,51	1 299,51	1 421,67	1 421,67	1 421,67	1 421,67
— Spain (Pta) (1)	2 457,38	2 457,38	2 457,38	2 562,71	2 562,71	2 562,71	2 562,71
— France (FF)	119,10	119,10	119,10	124,20	124,20	124,20	124,20
— Ireland (£ Irl)	13,234	13,234	13,234	13,802	13,802	13,802	13,802
— Italy (Lit)	25 634	25 634	25 634	26 739	26 739	26 739	26 739
— Netherlands (Fl)	42,61	42,61	42,61	44,43	44,43	43,99	43,99
— Portugal (Esc)	2 592,64	2 592,64	2 592,64	2 716,59	2 716,59	2 716,59	2 716,59
— United Kingdom (£)	9,073	9,073	9,073	9,585	9,585	9,585	9,585
Amounts to be deducted in the case of use in :							
— Spain (Pta)	19,89	19,89	19,89	18,51	18,51	18,51	18,51
— Portugal (Esc)	86,38	86,38	86,38	80,54	80,54	80,54	80,54

ANNEX VI

Corrective amount in the national currency to be added to amounts in Annex V, per 100 kilograms (1)

Use of products :	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	92,59	0,00	0,10	0,38	0,95	0,00	17,60	40,97
— Denmark (Dkr)	0,00	0,00	0,00	16,86	0,00	0,02	0,07	0,17	0,00	3,21	7,46
— Federal Republic of Germany (DM)	0,00	0,00	0,00	4,59	0,00	0,00	0,02	0,05	0,00	0,87	2,03
— Greece (Dr)	0,00	0,00	0,00	344,54	0,00	0,35	1,40	3,54	0,00	65,49	152,44
— Spain (Pta)	0,00	0,00	0,00	297,05	0,00	0,30	1,21	3,06	0,00	56,47	131,43
— France (FF)	0,00	0,00	0,00	14,40	0,00	0,01	0,06	0,15	0,00	2,74	6,37
— Ireland (£ Irl)	0,000	0,000	0,000	1,603	0,000	0,002	0,007	0,016	0,000	0,305	0,709
— Italy (Lit)	0	0	0	3 116	0	3	13	32	0	592	1 379
— Netherlands (Fl)	0,00	0,00	0,00	5,15	0,00	0,01	0,02	0,05	0,00	0,98	2,28
— Portugal (Esc)	0,00	0,00	0,00	349,55	0,00	0,36	1,42	3,60	0,00	66,45	154,66
— United Kingdom (£)	0,000	0,000	0,000	1,444	0,000	0,001	0,006	0,015	0,000	0,275	0,639

ANNEX VII

Exchange rate of the ECU to be used

	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
In national currency, 1 ECU =	42,4582	7,85212	2,05853	162,919	138,762	6,90403	0,768411	1 499,45	2,31943	167,324	0,686328

(1) Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.

COMMISSION REGULATION (EEC) No 269/88

of 28 January 1988

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 3990/87 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas to Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87 ⁽⁵⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87 ⁽⁶⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁸⁾;
- 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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

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, 28 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 28 January 1988 fixing the export refunds on rice and broken rice

(ECU/tonne)

Product code	Destination (¹)	Amount of refund
1006 20 10 000	—	—
1006 20 90 000	01	220,00
	02	—
1006 30 11 000	—	—
1006 30 19 000	—	—
1006 30 91 000	—	—
1006 30 99 100	01	275,00
	03	302,00
	05	302,00
	06	307,00
	07	307,00
	08	302,00
	09	302,00
	10	307,00
	11	307,00
	12	307,00
	13	275,00
	14	307,00
1006 30 99 900	01	275,00
	13	275,00
1006 40 00 000	—	—

(¹) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie
- 03 Zone I
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of Zone I
- 05 Zone II b)
- 06 Zone IV a)
- 07 Zone IV b)
- 08 Zone VI
- 09 Canary Islands, Ceuta and Melilla
- 10 Zone V a)
- 11 Zone VII c)
- 12 Canada
- 13 Destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1)
- 14 Zone VIII, except Surinam, Guyana and Madagascar.

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

The export refunds are to be converted into national currencies using the specific agricultural conversion rates fixed in amended Regulation (EEC) No 3294/86 (OJ No L 304, 30. 11. 1986).

COMMISSION REGULATION (EEC) No 270/88

of 28 January 1988

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 3990/87⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence;

Whereas Regulation No 474/67/EEC⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than 0,30 ECU per tonne; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than 0,30 ECU per tonne;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76; whereas the cif forward delivery price is that determined in accordance with Article 3 (2) of Council Regulation (EEC) No 1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the

basis of offers for shipment during the month of exportation;

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87⁽⁶⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87⁽⁷⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- 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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1988.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁷⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 28 January 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 28 January 1988 fixing the corrective amount applicable to the refund on rice and broken rice

<i>(ECU/tonne)</i>				
Product code	Current 2	1st period 3	2nd period 4	3rd period 5
1006 20 10 000	—	—	—	—
1006 20 90 000	0	0	0	0
1006 30 11 000	—	—	—	—
1006 30 19 000	—	—	—	—
1006 30 91 000	—	—	—	—
1006 30 99 100	0	0	0	0
1006 30 99 900	0	0	0	0
1006 40 00 000	—	—	—	—

COMMISSION REGULATION (EEC) No 271/88

of 29 January 1988

fixing for February 1988 the levy applicable in Spain to products subject to the price control system

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 1183/86 of 21 April 1986 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ⁽¹⁾, as last amended by Regulation (EEC) No 3771/87 ⁽²⁾, and in particular Article 14 thereof,

Whereas Article 14 of Regulation (EEC) No 1183/86 provides that, for the period from 1 March 1986 to 31 December 1988, a levy is to be applied to imports into Spain of products subject to the price control system and to soya oil produced from imported beans and released for consumption; whereas that levy is to be fixed on the basis of the difference between, on the one hand, the average price of soya oil in Spain during the 1984/85 marketing year and, on the other hand, the price of that oil on the world market, plus the duty charged in Spain on imports from third countries;

Whereas the Spanish system of compensation for vegetable oil prices applied prior to accession was supervised by a state organization; whereas therefore, the system providing for the said levy will make any further intervention by the state superfluous and thus preclude certain potential obstacles to trade, particularly in soya oil;

Whereas that levy should be as fixed hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The levy referred to in Article 14 of Regulation (EEC) No 1183/86 shall be 384,48 ECU per tonne of oil for February 1988.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 107, 24. 4. 1986, p. 17.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 17.

COMMISSION REGULATION (EEC) No 272/88

of 28 January 1988

concerning the stopping of fishing for cod, whiting, plaice, sole and hake by
vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 2241/87
of 23 July 1987 establishing certain control measures for
fishing activities by vessels of the Member States⁽¹⁾, and
in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3977/87 of 21
December 1987, fixing, for certain fish stocks and groups
of fish stocks, total allowable catches for 1988 and certain
conditions under which they may be fished⁽²⁾, provides
for cod, whiting, plaice, sole and hake quotas for 1988;Whereas, in order to ensure compliance with the provi-
sions relating to the quantitative limitations on catches of
stocks subject to quotas, it is necessary for the Commis-
sion to fix the date by which catches made by vessels
flying the flag of a Member State are deemed to have
exhausted the quota allocated;Whereas the quotas allocated to the Netherlands for cod,
whiting, plaice and sole in the waters of ICES division
VII a, of plaice and sole in the waters of ICES division
VII h, j, k, of sole in the waters of ICES division VIII a, b,
of hake in the waters of ICES divisions V b (EC zone), VI,
VII, XII, XIV and of cod in the waters of ICES divisions
VII b, c, d, e, f, g, h, j, k, VIII, IX, X; CECAF 34.1.1 (EC
zone) have been exhausted by exchanges of quotas;
whereas the Netherlands have prohibited fishing for these
stocks as from 1 January 1988; whereas it is therefore
necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

The quotas of cod, whiting, plaice and sole in the waters
of ICES division VII a, of plaice and sole in the waters of
ICES divisions VII h, j, k, of sole in the waters of ICES
division VIII a, b, of hake in the waters of ICES divisions
V b (EC zone), VI, VII, XII, XIV and of cod in the waters
of ICES divisions VII b, c, d, e, f, g, h, j, k, VIII, IX, X;
CECAF 34.1.1 (EC zone) allocated to the Netherlands for
1988 are deemed to be exhausted.

Fishing for cod, whiting, plaice and sole in the waters of
ICES division VII a, for plaice and sole in the waters of
ICES divisions VII h, j, k, for sole in the waters of ICES
division VIII a, b, for hake in the waters of ICES divisions
V b (EC zone), VI, VII, XII, XIV and for cod in the waters
of ICES divisions VII b, c, d, e, f, g, h, j, k, VIII, IX, X;
CECAF 34.1.1 (EC zone) by vessels flying the flag of the
Netherlands or registered in the Netherlands is prohib-
ited, as well as the retention on board, the transshipment
and the landing of such stocks captured by the above-
mentioned vessels after the date of application of this
Regulation.

Article 2

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 28 January 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 273/88**of 29 January 1988****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

Having regard to Council Regulation (EEC) No 233/88 of 25 January 1988 opening a Community tariff quota for high-quality fresh, chilled or frozen beef and veal of codes 0201 and 0202 and products of codes 0206 10 95 and 0206 29 91 of the combined nomenclature (1988) (1), and in particular Article 2 thereof,

Whereas, pending the Council Decision on the fixation of certain quotas in the beef and veal sector, the Commission has re-established the issuing of licences by Regulation (EEC) No 95/88 (2); whereas, by Regulation (EEC) No 233/88, the Council fixed the quota of high-quality beef and veal at 34 300 tonnes;

Whereas Article 1 (c) of Regulation (EEC) No 95/88 provides that the licences are to be issued on 1 February 1988 for meat originating in the United States of America and Canada; whereas, consequently, without prejudice to the total quantity which will be fixed for those products, a decision should be made on applications submitted in respect of quantities of up to 2 500 tonnes;

Whereas Article 15 (6) (d) of Commission Regulation (EEC) No 2377/80 (3), as last amended by Regulation (EEC) No 3434/87 (4), provides that the quantities applied for may be reduced; whereas the applications submitted relate to total quantities which exceed the quantities available; whereas, under those circumstances and in order to ensure an equitable distribution of the available quantities, the quantities applied for should be reduced proportionally,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences in respect of the first quarter of 1988 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 12 of Regulation (EEC) No 2377/80 shall be met up to 0,1088% of the quantity applied for.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

(1) OJ No L 24, 29. 1. 1988, p. 3.

(2) OJ No L 11, 15. 1. 1988, p. 40.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 327, 18. 11. 1987, p. 7.

COMMISSION REGULATION (EEC) No 274/88

of 29 January 1988

amending Regulations (EEC) No 1282/72 and 2192/81 as regards the sale of butter at a reduced price and the granting of aid for the purchase of butter by the armies and similar forces of the Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3904/87⁽²⁾, and particular Articles 6 (7) and 12 (3) thereof,

Whereas Commission Regulation (EEC) No 1282/72⁽³⁾, as last amended by Regulation (EEC) No 3812/85⁽⁴⁾, provides for the possibility of sale at a reduced price to the armies and similar forces of the Member States of butter bought in pursuant to Article 6 (1) of Regulation (EEC) No 804/68; whereas the application of that Regulation was suspended by Commission Regulation (EEC) No 2192/81⁽⁵⁾, as last amended by Regulation (EEC) No 3812/85⁽⁴⁾; whereas, in view of the present situation on the butter market and the scale of public stocks, the possibility of selling butter from public stocks to armies and similar forces should be re-opened, without necessarily suspending the possibility of granting the aid provided for under Regulation (EEC) No 2192/81, and the selling price of the butter should be fixed once more;

Whereas Article 6 of Regulation (EEC) No 2192/81 should accordingly be repealed and the amount of the aid fixed once more and in addition Article 2 (3) of that Regulation should be adjusted having regard to the repealing of Council Regulation (EEC) No 1269/79⁽⁶⁾ and the reference to the new Council Regulation (EEC) No 3667/83 of 19 December 1983 relating to the continuing of the import of New Zealand butter into the United Kingdom on special terms⁽⁷⁾, as last amended by Regulation (EEC) No 2335/86⁽⁸⁾;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 1.

⁽³⁾ OJ No L 142, 22. 6. 1972, p. 14.

⁽⁴⁾ OJ No L 368, 31. 12. 1985, p. 3.

⁽⁵⁾ OJ No L 213, 1. 8. 1981, p. 24.

⁽⁶⁾ OJ No L 161, 29. 6. 1979, p. 8.

⁽⁷⁾ OJ No L 366, 28. 12. 1983, p. 16.

⁽⁸⁾ OJ No L 203, 26. 7. 1986, p. 7.

Article 1

Regulation (EEC) No 1282/72 is hereby amended as follows:

1. In Article 2, the expression '141 units of account' is replaced by '180,5'.
2. Article 5 is replaced by the following:

'Article 5

Where the purchase is carried out by an intermediary, the delivery of the butter shall be subject to the lodging of a security to ensure the fulfilment of the principal requirements relating to the delivery to the army or to similar forces and taking over by the latter. The security shall be equal to the amount of the reduction in the purchase price resulting from the application of Article 2, plus 15 ECU per 100 kilograms.'

3. In Article 8:

- the reference to Regulation (EEC) No 974/71 is replaced by a reference to Regulation (EEC) No 1677/85;
- the second subparagraph is repealed.

Article 2

Regulation (EEC) No 2192/81 is hereby amended as follows:

1. Article 2 (3) is replaced by the following:

'3. The aid provided for in Article 1 may not be combined, in the case of the United Kingdom, with the reduction of the special levy referred to in Article 3 (1) of Council Regulation (EEC) No 3667/83^(*).

To that end, the amount of the aid shall be reduced by the amount of the said reduction in the special levy.

(*) No L 366, 28. 12. 1983, p. 16.'

2. Article 6 is repealed.

Article 3

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

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 275/88

of 29 January 1988

on detailed rules for the application of the intervention thresholds for certain fruits and vegetables and on the information to be provided by Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 223/87⁽²⁾, and in particular Article 16a and 38 thereof,

Whereas Article 16a of Regulation (EEC) No 1035/72 lays down, for mandarins and clementines, the criteria for fixing the intervention thresholds for the Community as constituted at 31 December 1985; whereas it falls to the Commission to fix the intervention threshold for each product referred to above by multiplying by the percentage specified in Article 2 of the Regulation the average, for the last five years for which statistics are available, of the quantities produced for consumption without processing;

Whereas for those products and for tomatoes, for which there is also an intervention threshold the Commission must know as soon as possible the quantities of the products in question which have been the subject of intervention measures, so that it may establish whether the thresholds have been exceeded, and where applicable decide on the reductions in the basic and buying-in prices for the following marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention thresholds for mandarins and clementines for 1987/88 shall be as follows:

Mandarins	169 650 tonnes
Clementines	25 520 tonnes

Article 2

Member States shall, not later than the 50th day after the expiry of the period of application of the basic and buying-in prices for the products specified in Article 1 and for tomatoes, notify the Commission of the quantities of each product which were covered by intervention measures.

Article 3

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

It shall apply with effect from 28 January 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 1.

COMMISSION REGULATION (EEC) No 276/88

of 29 January 1988

amending Regulation (EEC) No 3587/86 fixing the conversion factors to be applied to the buying-in prices for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 223/88⁽²⁾, and in particular Article 16 (4) thereof,

Whereas Council Regulation (EEC) No 223/88 includes satsumas and clementines in the list of products to which the price and intervention arrangements set out in Annex II to Regulation (EEC) No 1035/72 are applicable; whereas Commission Regulation (EEC) No 3587/86⁽³⁾ which fixed the conversion factors to be applied to the buying-in prices for products with different commercial characteristics from those used for setting the basic price, as amended by Regulation (EEC) No 1997/87⁽⁴⁾, should therefore be amended;

Whereas Commission Regulation (EEC) No 1730/87 of 22 June 1987 laying down quality standards for table grapes⁽⁵⁾ defines in particular a quality class II and minimum sizings for Extra, I, II and III quality classes respectively; whereas Regulation (EEC) No 3587/86 should therefore be adjusted in the light of those new definitions;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3587/86 is hereby amended as follows:

1. In Article 1, 'mandarins and oranges be as shown in Annexes I to XI to this Regulation' is replaced by 'mandarins, satsumas, clementines and oranges be as shown in Annexes I to XIII to this Regulation'.
2. In the second subparagraph of Article 2, 'in Annex XII' is replaced by 'in Annex XIV'.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 1.

⁽³⁾ OJ No L 334, 27. 11. 1986, p. 1.

⁽⁴⁾ OJ No L 188, 8. 7. 1987, p. 29.

⁽⁵⁾ OJ No L 163, 23. 6. 1987, p. 25.

3. In Annex VIII:

- in paragraph (b) (quality class), first indent, 'I' is replaced by 'II',
- in paragraph (c) (sizing):

1. Hothouse grapes:

- the first and second indents shall read:

- '150 g or more',
- 'less than 150 g (but not less than 75 g, quality class III)',

respectively;

2. Grapes grown in the open:

- large

- the first and second indents shall read:

- '100 g or more',
- 'less than 100 g (but not less than 75 g, quality class III)',

respectively;

- small

- the first and second indents shall read:

- '75 g or more (quality class II)',
- '75 g or more (quality class III)',

respectively.

4. Annexes XI and XII become Annexes XIII and XIV respectively.

5. The following Annexes are inserted:

ANNEX XI

SATSUMAS

Conversion factors

(a) Variety:

- *Citrus unsbiu* (Owari) 1,00

(b) Quality class:

- II 0,72
- III (where authorization is given for marketing of this class) 0,45

(c) Sizing:

- more than 69 mm 1,00
- 54 mm to 69 mm 1,00
- less than 54 mm (with minimum of 45mm) 0,75
- mixed sizings 0,75

(d) <i>Form of packaging:</i>		— more than 60 mm	1,00
— packaged, maximum 25 kg net	1,00	— 43 mm to 60 mm	1,00
— packaged, more than 25 kg net	0,90	— less than 43 mm (with minimum of 35 mm)	0,75
— loose, in vehicle	0,80	— mixed sizings	0,75

(d) <i>Form of packaging:</i>	
— packaged, maximum 25 kg net	1,00
— packaged, more than 25 kg net	0,90
— loose, in vehicle	0,80

ANNEX XII**CLEMENTINES****Conversion factors**

(a) <i>Variety:</i>	
— <i>Citrus reticulata</i> , Blanco and Regna Gorda de Nules	1,00

(b) <i>Quality class:</i>	
— II	0,72
— III (where authorization is given for marketing of this class)	0,45

(c) *Sizing:*

6. In Annex XIV, the following indents are inserted after mandarins:

— satsumas:	6,0 ECU for 100 kg net
— clementines:	6,0 ECU for 100 kg net

Article 2

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

It shall apply with effect from 28 January 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 277/88

of 29 January 1988

amending Regulation (EEC) No 1847/85 fixing the list of representative producer markets for certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 223/88⁽²⁾, and in particular Article 17 (2) thereof,Whereas Council Regulation (EEC) No 223/88 has added satsumas and clementines to the list of products set out in Annex II to Regulation (EEC) No 1035/72; whereas Commission Regulation (EEC) No 1847/85 of 2 July 1985 fixing the list of representative producer markets for certain fruit and vegetables⁽³⁾, as amended by Regulation (EEC) No 984/86⁽⁴⁾, should therefore be supplemented;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Annexes are added to Regulation (EEC) No 1847/85:

ANNEX XII

SATSUMAS

Greece:

— Argos

Spain:

— Castellon

— Valencia

Portugal:

— Faro;

ANNEX XIII

CLEMENTINES

Greece:

— Argos

Spain:

— Castellon

— Valencia

France:

— Corse

Italy:

— Catania

— Cosenza

— Taranto

Portugal:

— Alcacer do Sal

— Faro

— Setubal'.

*Article 2*This Regulation shall enter force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 23, 28. 1. 1988, p. 1.⁽³⁾ OJ No L 174, 4. 7. 1985, p. 12.⁽⁴⁾ OJ No L 90, 5. 4. 1986, p. 22.

COMMISSION REGULATION (EEC) No 278/88**of 29 January 1988****fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 3993/87 ⁽²⁾ and in particular Article 19 (4) (a) and (7) thereof;

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provide that for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 4055/87 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I of Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month; and whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of refunds, aids or other measures having equivalent effect, applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question, to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry ⁽⁵⁾ provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within subheadings ex 1702 60 90 and ex 1702 90 90 of the combined nomenclature having a certain purity, and unprocessed isoglucose falling within subheadings 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product on the day of acceptance of the export declaration; whereas this system is the only one which discards the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁶⁾, as last amended by Regulation (EEC) No 2026/83 ⁽⁷⁾, and Commission Regulation (EEC) No 798/80 of 31 March 1980 laying down general rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products ⁽⁸⁾, as last amended by Regulation (EEC) No 471/87 ⁽⁹⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 379, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁷⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁸⁾ OJ No L 87, 1. 4. 1980, p. 42.

⁽⁹⁾ OJ No L 48, 17. 2. 1987, p. 10.

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

1. Without prejudice to paragraphs 2 and 3, the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

(2) For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1010/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund :

(a) applicable on the date of export of the goods, when the rate is not fixed in advance ; or

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 3 (2) of Regulation (EEC) No 798/80, if the goods have been placed under the export refund advance payment arrangements.

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, 29 January 1988.

For the Commission

COCKFIELD

Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

<i>Rate of refund in ECU/100 kg:</i>	White sugar :	41,07
	Raw sugar :	34,64
	Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$41,07 \times \frac{S^{(1)}}{100}$
	Molasses :	—
	Isoglucose ⁽²⁾ :	41,07 ⁽³⁾

(¹) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 279/88

of 29 January 1988

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3904/87⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 4055/87⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward-processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by the Act of Accession⁽⁶⁾;

Whereas Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EEC) No 665/86⁽⁸⁾, Commission Regulation (EEC) No 442/84 of 21 February 1984 on the granting of aid for butter from private storage for use in the manufacture of pastry products, ice-cream and other foodstuffs and amending Regulation (EEC) No 1245/83⁽⁹⁾, as last amended by Regulation (EEC) No 698/86⁽¹⁰⁾, and Commission Regulation (EEC) No 1932/81 of 13 July 1981 on the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽¹¹⁾, as last amended by Regulation (EEC) No 698/86, lay down that butter at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹²⁾ has established, as from 1 January 1988, a new combined nomenclature, which will meet the requirements both of the Common Customs Tariff and the external trade statistics of the

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 370, 30. 12. 1987.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 379, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽⁷⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁸⁾ OJ No L 66, 8. 3. 1986, p. 38.

⁽⁹⁾ OJ No L 52, 23. 2. 1984, p. 12.

⁽¹⁰⁾ OJ No L 64, 6. 3. 1986, p. 12.

⁽¹¹⁾ OJ No L 191, 14. 7. 1981, p. 6.

⁽¹²⁾ OJ No L 256, 7. 9. 1987.

Community and which will replace the Nomenclature of the Convention of 15 December 1950; whereas, therefore, the corresponding tariff headings according to the combined nomenclature have to be indicated;

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

3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No

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, 29 January 1988.

For the Commission
COCKFIELD
Vice-President

ANNEX

to the Commission Regulation of 29 January 1988 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN heading No 3501 b) On exportation of other goods	— 93,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3)	140,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) On exportation of goods containing reduced-price butter and manufactured under the conditions laid down in Regulations (EEC) No 262/79, (EEC) No 442/84, (EEC) No 1932/81 and (EEC) No 2409/86 b) On exportation of goods of CN subheading 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	— 223,50 211,50

COMMISSION REGULATION (EEC) No 280/88

of 29 January 1988

fixing the rates of the refunds applicable to certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

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 the first sentence of the
fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice⁽³⁾, as last amended by Regulation (EEC)
No 3990/87⁽⁴⁾, and in particular the first sentence of the
fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 2727/75
and Article 17 (1) of Regulation (EEC) No 1418/76
provides that the difference between quotations of prices
on the world market for the products listed in Article 1 of
each of those Regulations and the prices within the
Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 3035/80 of 11
November 1980 laying down general rules for granting
export refunds on certain agricultural products exported
in the form of goods not covered by Annex II to the
Treaty, and the criteria for fixing the amount of such
refunds⁽⁵⁾, as last amended by Regulation (EEC) No
4055/87⁽⁶⁾, specifies the products for which a rate of
refund should be fixed, to be applied where these
products are exported in the form of goods listed in
Annex B to Regulation (EEC) No 2727/75 or in Annex B
to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of
Article 4 (1) of Regulation (EEC) No 3035/80, the rate of
the refund per 100 kilograms for each of the basic
products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article,
that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in
obtaining supplies of the basic products in question
on the Community market and the prices ruling on
the world markets;
- (b) the level of the refunds on exports of processed agri-
cultural products covered by Annex II to the Treaty
which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the
industries which use Community products and those
which use third-country products under inward
processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80
provides that, when the rate of the refunds is being fixed,
account should be taken, where appropriate, of produc-
tion refunds, aids or other measures having equivalent
effect applicable in all Member States in accordance with
the Regulation on the common organization of the
market in the product in question to the basic products
listed in Annex A to that Regulation or to assimilated
products; whereas such production refunds are granted
under the conditions laid down in Council Regulation
(EEC) No 2742/75 of 29 October 1975 on production
refunds in the cereals and rice sectors⁽⁷⁾, as last amended
by Regulation (EEC) No 3794/85⁽⁸⁾, and Council Regula-
tion (EEC) No 1009/86 of 25 March 1986 establishing
general rules applying to production refunds in the
cereals and rice sector⁽⁹⁾;

Whereas account should be taken, for the purposes of
Article 4 (3) of Regulation (EEC) No 3035/80, of the
production refund provided for in Regulation (EEC) No
2742/75 applicable during the month in which exporta-
tion occurs; whereas, moreover, in the absence of
evidence that no production refund was granted under
Regulation (EEC) No 1009/86 the export refund should
be further reduced by the amount of the production
refund applicable on the day of acceptance of the export
declaration; whereas this system is the only one which
discards the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4
March 1980 on the advance payment of export refunds in
respect of agricultural products⁽¹⁰⁾, as last amended by

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 379, 31. 12. 1987, p. 1.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 20.

⁽⁹⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹⁰⁾ OJ No L 62, 7. 3. 1980, p. 5.

Regulation (EEC) No 2026/83 ⁽¹⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾ lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽³⁾, it is necessary to differentiate the refund on goods falling within subheadings 1902 11 00 and 1902 19 of the combined nomenclature according to their destination;

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

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1009/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1009/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽³⁾ OJ No L 275, 29. 9. 1987, p. 36.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
1001 10 90	Durum wheat : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	11,054 15,039
1001 90 99	Common wheat, and meslin (mixed wheat and rye) : — For the manufacture of starch — Other than for the manufacture of starch : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	11,233 9,285 12,633
1002 00 00	Rye	11,770
1003 00 90	Barley	14,100
1004 00 90	Oats	13,854
1005 90 00	Maize, other than hybrid maize for sowing : — For the manufacture of starch — Other than for the manufacture of starch	11,909 12,909
1006 20 10	Round grain husked rice	40,529
1006 20 90	Long grain husked rice	38,295
1006 30 91	Round grain wholly milled rice	52,295
1006 30 99	Long grain wholly milled rice	55,500
1006 40 00	Broken rice : — For the manufacture of starch — Other than for the manufacture of starch	17,101 18,301
1007 00 90	Sorghum	8,131
1101 00 00	Wheat or meslin flour : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	10,987 14,948
1102 10 00	Rye flour	22,427
1103 11 10	Durum wheat groats and meal : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	17,133 23,310
1103 11 90	Common wheat groats and meal : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	10,987 14,948

COMMISSION REGULATION (EEC) No 281/88

of 29 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) No 1900/87⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1944/87⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 28 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 1944/87 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

ANNEX

to the Commission Regulation of 29 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	10,36	169,15
0712 90 19	10,36	169,15
1001 10 10	65,54	253,47 ⁽¹⁾ ⁽²⁾
1001 10 90	65,54	253,47 ⁽¹⁾ ⁽²⁾
1001 90 91	5,23	192,92
1001 90 99	5,23	192,92
1002 00 00	45,58	164,74 ⁽³⁾
1003 00 10	39,26	182,91
1003 00 90	39,26	182,91
1004 00 10	95,79	150,58
1004 00 90	95,79	150,58
1005 10 90	10,36	169,15 ⁽²⁾ ⁽³⁾
1005 90 00	10,36	169,15 ⁽²⁾ ⁽³⁾
1007 00 90	33,88	178,20 ⁽⁴⁾
1008 10 00	39,26	99,84
1008 20 00	39,26	109,29 ⁽⁴⁾
1008 30 00	39,26	60,64 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	39,26	60,64
1101 00 00	21,87	284,63
1102 10 00	78,36	245,18
1103 11 10	115,18	406,47
1103 11 90	21,93	305,71

⁽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 282/88

of 29 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 1900/87 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1945/87 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 28 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 1 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 29 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 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0,18
0712 90 19	0	0	0	0,18
1001 10 10	0	0	0	3,22
1001 10 90	0	0	0	3,22
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	0,72	0,72	0,72
1003 00 90	0	0,72	0,72	0,72
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,18
1005 90 00	0	0	0	0,18
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 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	1,28	1,28	1,28	1,28
1107 10 99	0	0,96	0,96	0,96	0,96
1107 20 00	0	1,12	1,12	1,12	1,12

COMMISSION REGULATION (EEC) No 283/88

of 29 January 1988

fixing the refunds applicable for February 1988 to cereal and rice sector products
supplied as Community and national food aid

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

Having regard to Council Regulation (EEC) No 2727/73
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 the fourth subparagraph
of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽³⁾, as last amended by Regulation (EEC)
No 3990/87 ⁽⁴⁾, and in particular Article 11 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No
2681/74 of 21 October 1974 on Community financing of
expenditure incurred in respect of the supply of agricul-
tural products as food aid ⁽⁵⁾ lays down that the portion of
the expenditure corresponding to the export refunds on
the products in question fixed under Community rules is
to be charged to the European Agricultural Guidance and
Guarantee Fund, Guarantee Section;

Whereas in order to make it easier to draw up and
manage the budget for Community food aid actions and
to enable the Member States to know the extent of
Community participation in the financing of national
food aid actions, the level of the refunds granted for these
actions should be determined;

Whereas the general and implementing rules provided for
in Article 16 of Regulation (EEC) No 2727/75 and in
Article 17 of Regulation (EEC) No 1418/76 on export
refunds are applicable *mutatis mutandis* to the above-
mentioned operations;

Whereas Article 3 of Council Regulation (EEC) No
2746/75 ⁽⁶⁾ and Article 6 of Council Regulation (EEC) No
2744/75 ⁽⁷⁾, as last amended by Regulation (EEC) No

1906/87 ⁽⁸⁾, lay down specific criteria to be taken into
account for calculating the refunds on cereals and on
products processed from cereals; whereas specific criteria
applying in the case of wheat flours are set out in Article
4 of Regulation (EEC) No 2746/75;

Whereas the specific criteria to be used for calculating the
export refund on rice are set out in Article 3 of Council
Regulation (EEC) No 1431/76 ⁽⁹⁾;

Whereas the refunds fixed by this Regulation are appli-
cable without any variations, for all destinations;

Whereas, following the introduction of the combined
nomenclature by Council Regulation (EEC) No 2658/
87 ⁽¹⁰⁾, the nomenclature applicable from 1 January 1988
to export refunds on agricultural products was established
by Regulation (EEC) No 3846/87 ⁽¹¹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the
refunds applicable for February 1988 to cereals and rice
sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded
as refunds varying according to destination.

Article 3

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, 29 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987.

⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽¹⁰⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽¹¹⁾ OJ No L 366, 24. 12. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the refunds applicable for February 1988
to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	158,06
1001 90 99 000	105,00
1002 00 00 000	25,00
1003 00 90 000	105,00
1004 00 90 000	—
1005 90 00 000	105,00
1006 20 10 000	218,18
1006 20 90 000	218,18
1006 30 11 000	—
1006 30 19 000	—
1006 30 91 000	272,73
1006 30 99 900	305,46
1006 40 00 000	—
1007 00 90 000	105,00
1101 00 00 130	146,00
1102 20 10 100	180,73
1102 90 10 100	190,62
1102 30 00 000	—
1103 11 10 500	245,00
1103 11 90 100	165,00
1103 13 19 100	232,36
1103 14 00 000	—
1104 12 90 100	277,08
1104 21 50 100	254,16

COMMISSION REGULATION (EEC) No 284/88

of 29 January 1988

amending Regulation (EEC) No 115/88 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3910/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 115/88⁽³⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

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

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁴⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 6 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the third year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 115/88, '0,64 ECU' is hereby replaced by '1,87 ECU'.

Article 2

This Regulation shall enter into force on 30 January 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 370, 30. 12. 1987, p. 33.⁽³⁾ OJ No L 12, 16. 1. 1988, p. 25.⁽⁴⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 285/88

of 29 January 1988

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3994/87⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3882/87⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 1869/87⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increments in the target price for colza, rape and sunflower seed for the 1987/88 marketing year have been fixed in Council Regulations (EEC) No 1917/87⁽⁷⁾ and (EEC) No 1918/87⁽⁸⁾;

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 4018/87⁽⁹⁾, as last amended by Regulation (EEC) No 243/88⁽¹⁰⁾;

Whereas it follows from applying the detailed rules contained in amended Regulation (EEC) No 4018/87 to the information known to the Commission that the

amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas, in the absence of the target price for the 1988/89 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza and rape seed has been obtainable only provisionally on the basis of the target price and the abatement of the subsidy for the marketing year 1987/88; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices of the 1988/89 marketing year are known,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽¹¹⁾ shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹²⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹³⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.
4. However, the amount of the subsidy in the case of advance fixing for the 1987/88 marketing year for colza and rape will be confirmed or replaced as from 1 February to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

Article 2

This Regulation shall enter into force on 1 February 1988.

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

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 365, 24. 12. 1987, p. 13.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 176, 1. 7. 1987, p. 30.

⁽⁷⁾ OJ No L 183, 3. 7. 1987, p. 14.

⁽⁸⁾ OJ No L 183, 3. 7. 1987, p. 16.

⁽⁹⁾ OJ No L 378, 31. 12. 1987, p. 27.

⁽¹⁰⁾ OJ No L 24, 29. 1. 1988, p. 42.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹³⁾ OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kilograms)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period (*) 7
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,745	22,060	22,457	23,084	23,084	20,305
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,04	53,80	54,76	56,35	56,35	48,73
— Netherlands (Fl)	58,77	59,61	60,67	62,46	62,46	54,80
— BLEU (Bfrs/Lfrs)	1 041,36	1 056,48	1 075,57	1 105,06	1 105,06	966,27
— France (FF)	156,05	158,37	161,06	165,31	165,31	145,30
— Denmark (Dkr)	187,34	190,09	193,56	199,09	199,09	172,82
— Ireland (£ Irl)	17,342	17,600	17,927	18,423	18,423	16,025
— United Kingdom (£)	12,113	12,310	12,570	13,010	13,010	11,048
— Italy (Lit)	32 971	33 464	33 951	34 791	34 791	30 134
— Greece (Dr)	1 804,34	1 811,65	1 853,55	1 910,80	1 910,80	1 477,68
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Pta)	3 238,87	3 287,09	3 317,14	3 401,88	3 401,88	2 940,27
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 195,92	4 242,12	4 306,53	4 399,26	4 399,26	3 843,02

(*) Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period (1) 7
1. Gross aids (ECU):						
— Spain	2,500	2,500	2,500	2,500	2,500	2,500
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	24,245	24,560	24,957	25,584	25,584	22,805
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	59,00	59,76	60,72	62,31	62,31	54,64
— Netherlands (Fl)	65,45	66,30	67,36	69,14	69,14	61,42
— BLEU (Bfrs/Lfrs)	1 161,53	1 176,65	1 195,73	1 225,22	1 225,22	1 086,43
— France (FF)	174,74	177,06	179,75	184,00	184,00	163,99
— Denmark (Dkr)	209,23	211,97	215,45	220,98	220,98	194,71
— Ireland (£ Irl)	19,420	19,678	20,006	20,502	20,502	18,104
— United Kingdom (£)	13,753	13,950	14,210	14,650	14,650	12,689
— Italy (Lit)	36 964	37 456	37 944	38 783	38 783	34 126
— Greece (Dr)	2 125,19	2 132,50	2 174,40	2 231,65	2 231,65	1 798,53
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	385,53	385,53	385,53	385,53	385,53	385,53
— in another Member State (Pta)	3 624,40	3 672,62	3 702,68	3 787,41	3 787,41	3 325,81
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	429,31	429,31	429,31	429,31	429,31	429,31
— in another Member State (Esc)	4 625,24	4 671,43	4 735,85	4 828,58	4 828,58	4 272,33

(1) Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

7	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1. Gross aids (ECU):					
— Spain	3,440	3,440	3,440	3,440	3,440
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	32,205	32,535	32,864	33,266	33,194
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	78,05	78,85	79,66	80,74	80,58
— Netherlands (Fl)	86,77	87,66	88,54	89,74	89,55
— BLEU (Bfrs/Lfrs)	1 543,92	1 559,75	1 575,53	1 594,09	1 590,61
— France (FF)	233,89	236,31	238,41	240,82	240,25
— Denmark (Dkr)	278,76	281,62	284,47	287,98	287,34
— Ireland (£ Irl)	25,998	26,266	26,530	26,824	26,761
— United Kingdom (£)	18,859	19,058	19,256	19,511	19,455
— Italy (Lit)	49 581	50 091	50 445	50 877	50 753
— Greece (Dr)	3 093,18	3 097,30	3 121,45	3 128,92	3 115,27
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	530,49	530,49	530,49	530,49	530,49
— in another Member State (Pta)	3 656,87	3 707,15	3 723,01	3 769,63	3 758,03
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 390,63	6 439,35	6 490,65	6 538,90	6 524,68
— in another Member State (Esc)	6 205,66	6 252,97	6 302,78	6 349,64	6 335,83
3. Compensatory aids:					
— in Spain (Pta)	3 606,18	3 659,76	3 677,83	3 727,76	3 716,16
4. Special aid:					
— in Portugal (Esc)	6 205,66	6 252,97	6 302,78	6 349,64	6 335,83

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,029807.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
DM	2,066860	2,061700	2,056820	2,051690	2,051690	2,036600
Fl	2,320740	2,316690	2,312590	2,308340	2,308340	2,295240
Bfrs/Lfrs	43,172700	43,182900	43,182800	43,182300	43,182300	43,181600
FF	6,968180	6,978430	6,989220	7,002270	7,002270	7,041620
Dkr	7,928310	7,947560	7,963960	7,981140	7,981140	8,030930
£Irl	0,775481	0,776492	0,777583	0,778637	0,778637	0,782532
£	0,693790	0,695304	0,696699	0,697966	0,697966	0,702210
Lit	1 517,70	1 522,93	1 528,36	1 534,12	1 534,12	1 550,38
Dr	164,41200	166,62600	168,61500	170,65200	170,65200	177,03100
Esc	168,37900	169,86700	171,06500	172,43000	172,43000	175,25700
Pta	139,98700	140,83600	141,52300	142,23600	142,23600	144,07900

COMMISSION REGULATION (EEC) No 286/88

of 29 January 1988

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

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3989/87 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Regulation (EEC) No 245/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 245/88 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 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 245/88 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 29 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 24, 29. 1. 1988, p. 49.

ANNEX

to the Commission Regulation of 29 January 1988 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (°)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	80,00
1001 10 90 000	04	30,00 (°)
	05	25,00 (°)
	02	20,00 (°)
1001 90 91 000	01	80,00
1001 90 99 000	03	95,00
	02	25,00
	08	110,00
	09	110,00
1002 00 00 000	03	10,00
	06	20,00
	07	15,00
	02	25,00
	09	110,00
1003 00 10 000	01	80,00
1003 00 90 000	03	95,00
	02	25,00
	09	114,00
1004 00 10 000	01	50,00
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	105,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	02	165,00
1101 00 00 120	02	165,00
1101 00 00 130	01	146,00
1101 00 00 150	01	137,00
1101 00 00 170	01	128,00
1101 00 00 180	01	117,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	165,00
1102 10 00 200	01	165,00
1102 10 00 300	01	165,00
1102 10 00 500	01	165,00
1102 10 00 900	—	—
1103 11 10 100	01	290,00 (°)
1103 11 10 200	01	274,00 (°)
1103 11 10 500	01	245,00
1103 11 10 900	01	231,00
1103 11 90 100	01	165,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Zones II and III,
- 05 Algeria,
- 06 Japan,
- 07 South Korea,
- 08 Ceuta and Melilla,
- 09 Zone II b.

(²) Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

(³) Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

(⁴) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Regulation (EEC) No 1569/77 with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis); 7 % maximum of which 5 % of soft wheat or other cereals.

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

COMMISSION REGULATION (EEC) No 287/88

of 29 January 1988

altering the corrective amount applicable to the refund on cereals

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3989/87 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 247/88 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 247/88, which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1988.

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

Done at Brussels, 29 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 24, 29. 1. 1988, p. 55.

ANNEX

to the Commission Regulation of 29 January 1988 altering the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	- 20,00	- 20,00	- 20,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	- 1,00	- 3,00	- 10,00	- 10,00	- 10,00	- 10,00
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	- 1,00	- 3,00	- 10,00	- 10,00	- 10,00	- 10,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	- 20,00	- 20,00	- 20,00	- 20,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	02	0	0	0	0	0	- 20,00	- 20,00
1101 00 00 120	02	0	0	0	0	0	- 20,00	- 20,00
1101 00 00 130	01	0	0	0	0	0	- 20,00	- 20,00
1101 00 00 150	01	0	0	0	0	0	- 20,00	- 20,00
1101 00 00 170	01	0	0	0	0	0	- 20,00	- 20,00
1101 00 00 180	01	0	0	0	0	0	- 20,00	- 20,00
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	—	—
1102 10 00 200	01	0	0	0	0	0	—	—
1102 10 00 300	01	0	0	0	0	0	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	0	0	0	- 20,00	- 20,00
1103 11 90 900	—	—	—	—	—	—	—	—

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

(1) For the following destinations:

01 All third countries,

COMMISSION REGULATION (EEC) No 288/88
of 29 January 1988
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 205/88 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ 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 it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 January 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.

⁽⁴⁾ OJ No L 20, 26. 1. 1988, p. 24.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,07 ⁽¹⁾
1701 11 90	39,07 ⁽¹⁾
1701 12 10	39,07 ⁽¹⁾
1701 12 90	39,07 ⁽¹⁾
1701 91 00	48,81
1701 99 10	48,81
1701 99 90	48,81

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

COMMISSION REGULATION (EEC) No 289/88**of 29 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 ⁽¹⁾, as last amended by Regulation (EEC) No 3993/87 ⁽²⁾, and in particular the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 141/88 ⁽³⁾, as amended by Regulation (EEC) No 227/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 141/88 to the informa-

tion 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 amended 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 1 February 1988.

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

Done at Brussels, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 16, 21. 1. 1988, p. 12.

⁽⁴⁾ OJ No L 23, 28. 1. 1988, p. 9.

ANNEX

to the Commission Regulation of 29 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	37,78 ⁽¹⁾	0,4107
1701 11 90 300		
1701 11 90 500	34,56 ⁽¹⁾	
1701 11 90 900	⁽²⁾	0,4107
1701 12 90 100	37,78 ⁽¹⁾	
1701 12 90 300		
1701 12 90 500	34,56 ⁽¹⁾	0,4107
1701 12 90 900	⁽²⁾	
1701 91 00 000		
1701 99 10 100	41,07	
1701 99 10 900	38,71	

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

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

COMMISSION REGULATION (EEC) No 290/88

of 29 January 1988

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3989/87⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 3990/87⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas Commission Regulation (EEC) No 2806/71⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87⁽²⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87⁽³⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

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, 29 January 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100 ^(?)	183,01	1104 22 10 100 ^(?)	221,66
1102 20 10 300 ^(?)	154,91	1104 22 10 900 ^(?)	—
1102 20 10 900 ^(?)	—	1104 22 30 100 ^(?)	235,52
1102 20 90 100 ^(?)	154,91	1104 22 30 900 ^(?)	—
1102 20 90 900 ^(?)	—	1104 22 50 000 ^(?)	—
1102 30 00 000	—	1104 23 10 100 ^(?) ^(*)	193,64
1102 90 10 100	190,62	1104 23 10 300 ^(?) ^(*)	148,45
1102 90 10 900	129,62	1104 23 10 900	—
1102 90 30 100	249,37	1104 29 10 100 ^(?)	—
1102 90 30 900	—	1104 29 10 900	—
1103 12 00 100	249,37	1104 29 91 000	114,00
1103 12 00 900	—	1104 29 95 000	114,00
1103 13 11 100 ⁽¹⁾ ^(*)	232,36	1104 30 10 000	31,58
1103 13 11 300 ⁽¹⁾ ^(*)	180,73	1104 30 90 000	32,27
1103 13 11 500 ⁽¹⁾ ^(*)	154,91	1107 10 11 000	224,87
1103 13 11 900	—	1107 10 91 000	226,20
1103 13 19 100 ⁽¹⁾ ^(*)	232,36	1108 11 00 100	224,66
1103 13 19 300 ⁽¹⁾ ^(*)	180,73	1108 11 00 900	—
1103 13 19 500 ⁽¹⁾ ^(*)	154,91	1108 12 00 100	190,54
1103 13 19 900	—	1108 12 00 900	—
1103 13 90 100 ⁽¹⁾ ^(*)	154,91	1108 13 00 100	190,54
1103 13 90 900	—	1108 13 00 900	—
1103 14 00 000	—	1108 14 00 100	—
1103 19 10 000	114,00	1108 14 00 900	—
1103 19 30 100	196,97	1108 19 10 100	259,94
1103 19 30 900	—	1108 19 10 900	—
1103 21 00 000	128,86	1108 19 90 100	—
1103 29 20 000	129,62	1108 19 90 900	—
1103 29 30 000	—	1109 00 00 100	112,33
1103 29 40 000	131,67	1109 00 00 900	—
1104 11 90 100	193,62	1702 30 91 000 ^(*)	248,90
1104 11 90 900	—	1702 30 99 000 ^(*)	190,54
1104 12 90 100	277,08	1702 40 90 000 ^(*)	190,54
1104 12 90 300	221,66	1702 90 50 100 ^(*)	248,90
1104 12 90 900	—	1702 90 50 900	190,54
1104 19 10 000	128,86	1702 90 75 000	260,81
1104 19 50 110	206,54	1702 90 79 000	181,02
1104 19 50 130	167,82	2106 90 55 000	190,54
1104 19 50 150	—	2302 10 10 000	30,60
1104 19 50 190	—	2302 10 90 100	30,60
1104 19 50 900	—	2302 10 90 900	—
1104 19 91 000	—	2302 20 10 000	30,60
1104 21 10 100 ^(?)	190,62	2302 20 90 100	30,60
1104 21 10 900 ^(?)	—	2302 20 90 900	—
1104 21 30 100 ^(?)	190,62	2302 30 10 000	30,60
1104 21 30 900 ^(?)	—	2302 30 90 000	30,60
1104 21 50 100 ^(?)	254,16	2302 40 10 000	30,60
1104 21 50 300 ^(?)	203,33	2302 40 90 000	30,60
1104 21 50 900	—	2303 10 11 100	95,27
		2303 10 11 900	—

Notes

- (¹) The export refund is paid in respect of maize, groats and meal:
- of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
 - of which a percentage not exceeding 5 % passes through a sieve with an aperture of 150 microns.
- (²) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (³) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (⁴) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheadings 1702 30 51 and 59 enjoys the same export refund as the product falling within subheadings 1702 30 91 and 99, 1702 40 90 and 1702 90 50.
- (⁵) The analytical method to be used for the determination of the fatty matter content is that printed in Annex I (Method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
- (⁶) The procedure to be followed for the determination of the fatty matter content is as follows:
- the sample has to be crushed so that 90 % or more can pass through a sieve with an aperture of 500 microns and 100 % can pass through a sieve with an aperture of 1 000 microns,
 - the analytical method to be used afterwards is that which is printed in Annex I (Method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).

COMMISSION REGULATION (EEC) No 291/88

of 29 January 1988

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3989/87 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽⁴⁾, as amended by Regulation (EEC) No 944/87 ⁽⁵⁾, provides that, when

export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs ⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87 ⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice ⁽⁸⁾, as amended by Regulation (EEC) No 1548/87 ⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 144, 4. 6. 1987, p. 14.

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87⁽¹⁾ the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87⁽²⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case

of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

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, 29 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 January 1988 fixing the export refunds on cereal-based compound feedingstuffs⁽¹⁾

(ECU / tonne)		
Product code	Destination ⁽²⁾	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	6,93 ⁽³⁾
	09	—
2309 10 11 190	01	6,91
	09	—
2309 10 11 210	01	13,87 ⁽³⁾
	09	—
2309 10 11 290	01	13,82
	09	—
2309 10 11 310	01	27,74 ⁽³⁾
	09	—
2309 10 11 390	01	27,64
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	6,93 ⁽³⁾
	09	—
2309 10 13 190	01	6,91
	09	—
2309 10 13 210	01	13,87 ⁽³⁾
	09	—
2309 10 13 290	01	13,82
	09	—
2309 10 13 310	01	27,74 ⁽³⁾
	09	—
2309 10 13 390	01	27,64
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	6,93 ⁽³⁾
	09	—
2309 10 31 190	01	6,91
	09	—
2309 10 31 210	01	13,87 ⁽³⁾
	09	—
2309 10 31 290	01	13,82
	09	—
2309 10 31 310	01	27,74 ⁽³⁾
	09	—
2309 10 31 390	01	27,64
	09	—
2309 10 31 410	01	41,61 ⁽³⁾
	09	—
2309 10 31 490	01	41,46
	09	—
2309 10 31 510	01	55,48 ⁽³⁾
	09	—

(ECU/tonne)		
Product code	Destination (°)	Amount of refund
2309 10 31 590	01	55,29
	09	—
2309 10 31 610	01	69,35 (°)
	09	—
2309 10 31 690	01	69,11
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	6,93 (°)
	09	—
2309 10 33 190	01	6,91
	09	—
2309 10 33 210	01	13,87 (°)
	09	—
2309 10 33 290	01	13,82
	09	—
2309 10 33 310	01	27,74 (°)
	09	—
2309 10 33 390	01	27,64
	09	—
2309 10 33 410	01	41,61 (°)
	09	—
2309 10 33 490	01	41,46
	09	—
2309 10 33 510	01	55,48 (°)
	09	—
2309 10 33 590	01	55,29
	09	—
2309 10 33 610	01	69,35 (°)
	09	—
2309 10 33 690	01	69,11
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	6,93 (°)
	09	—
2309 10 51 190	01	6,91
	09	—
2309 10 51 210	01	13,87 (°)
	09	—
2309 10 51 290	01	13,82
	09	—
2309 10 51 310	01	27,74 (°)
	09	—
2309 10 51 390	01	27,64
	09	—
2309 10 51 410	01	41,61 (°)
	09	—
2309 10 51 490	01	41,46
	09	—
2309 10 51 510	01	55,48 (°)
	09	—
2309 10 51 590	01	55,29
	09	—
2309 10 51 610	01	69,35 (°)
	09	—

(ECU/tonne)		
Product code	Destination (2)	Amount of refund
2309 10 51 690	01	69,11
	09	—
2309 10 51 710	01	83,22 (3)
	09	—
2309 10 51 790	01	82,92
	09	—
2309 10 51 810	01	90,78 (3)
	09	—
2309 10 51 890	01	90,47
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	6,93 (3)
	09	—
2309 10 53 190	01	6,91
	09	—
2309 10 53 210	01	13,87 (3)
	09	—
2309 10 53 290	01	13,82
	09	—
2309 10 53 310	01	27,74 (3)
	09	—
2309 10 53 390	01	27,64
	09	—
2309 10 53 410	01	41,61 (3)
	09	—
2309 10 53 490	01	41,46
	09	—
2309 10 53 510	01	55,48 (3)
	09	—
2309 10 53 590	01	55,29
	09	—
2309 10 53 610	01	69,35 (3)
	09	—
2309 10 53 690	01	69,11
	09	—
2309 10 53 710	01	83,22 (3)
	09	—
2309 10 53 790	01	82,92
	09	—
2309 10 53 810	01	90,78 (3)
	09	—
2309 10 53 890	01	90,47
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	6,93 (3)
	09	—

(ECU/tonne)		
Product code	Destination (°)	Amount of refund
2309 90 31 190	01	6,91
	09	—
2309 90 31 210	01	13,87 (°)
	09	—
2309 90 31 290	01	13,82
	09	—
2309 90 31 310	01	27,74 (°)
	09	—
2309 90 31 390	01	27,64
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	6,93 (°)
	09	—
2309 90 33 190	01	6,91
	09	—
2309 90 33 210	01	13,87 (°)
	09	—
2309 90 33 290	01	13,82
	09	—
2309 90 33 310	01	27,74 (°)
	09	—
2309 90 33 390	01	27,64
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	6,93 (°)
	09	—
2309 90 41 190	01	6,91
	09	—
2309 90 41 210	01	13,87 (°)
	09	—
2309 90 41 290	01	13,82
	09	—
2309 90 41 310	01	27,74 (°)
	09	—
2309 90 41 390	01	27,64
	09	—
2309 90 41 410	01	41,61 (°)
	09	—
2309 90 41 490	01	41,46
	09	—
2309 90 41 510	01	55,48 (°)
	09	—
2309 90 41 590	01	55,29
	09	—
2309 90 41 610	01	69,35 (°)
	09	—
2309 90 41 690	01	69,11
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	6,93 (°)
	09	—
2309 90 43 190	01	6,91
	09	—

(ECU / tonne)		
Product code	Destination (2)	Amount of refund
2309 90 43 210	01	13,87 (3)
	09	—
2309 90 43 290	01	13,82
	09	—
2309 90 43 310	01	27,74 (3)
	09	—
2309 90 43 390	01	27,64
	09	—
2309 90 43 410	01	41,61 (3)
	09	—
2309 90 43 490	01	41,46
	09	—
2309 90 43 510	01	55,48 (3)
	09	—
2309 90 43 590	01	55,29
	09	—
2309 90 43 610	01	69,35 (3)
	09	—
2309 90 43 690	01	69,11
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	6,93 (3)
	09	—
2309 90 51 190	01	6,91
	09	—
2309 90 51 210	01	13,87 (3)
	09	—
2309 90 51 290	01	13,82
	09	—
2309 90 51 310	01	27,74 (3)
	09	—
2309 90 51 390	01	27,64
	09	—
2309 90 51 410	01	41,61 (3)
	09	—
2309 90 51 490	01	41,46
	09	—
2309 90 51 510	01	55,48 (3)
	09	—
2309 90 51 590	01	55,29
	09	—
2309 90 51 610	01	69,35 (3)
	09	—
2309 90 51 690	01	69,11
	09	—
2309 90 51 710	01	83,22 (3)
	09	—
2309 90 51 790	01	82,92
	09	—
2309 90 51 810	01	90,78 (3)
	09	—

(ECU/tonne)

Product code	Destination ⁽²⁾	Amount of refund
2309 90 51 890	01	90,47
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	6,93 ⁽³⁾
	09	—
2309 90 53 190	01	6,91
	09	—
2309 90 53 210	01	13,87 ⁽³⁾
	09	—
2309 90 53 290	01	13,82
	09	—
2309 90 53 310	01	27,74 ⁽³⁾
	09	—
2309 90 53 390	01	27,64
	09	—
2309 90 53 410	01	41,61 ⁽³⁾
	09	—
2309 90 53 490	01	41,46
	09	—
2309 90 53 510	01	55,48 ⁽³⁾
	09	—
2309 90 53 590	01	55,29
	09	—
2309 90 53 610	01	69,35 ⁽³⁾
	09	—
2309 90 53 690	01	69,11
	09	—
2309 90 53 710	01	83,22 ⁽³⁾
	09	—
2309 90 53 790	01	82,92
	09	—
2309 90 53 810	01	90,78 ⁽³⁾
	09	—
2309 90 53 890	01	90,47
	09	—
2309 90 53 900	—	—

⁽¹⁾ Covered by Regulation (EEC) No 2743/75.

⁽²⁾ The destinations are as follows:

- 01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77,
09 Other destinations.

⁽³⁾ In so far as this minimum content of maize is observed, these refunds shall, at the request of the party concerned, also apply where the cereal products' content exceeds the maximum specified on the same line.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 January 1988

accepting an undertaking given in connection with the anti-dumping review proceeding concerning imports of a herbicide originating in Romania

(88/47/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/82⁽²⁾, and in particular Article 15 thereof,

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Procedure

- (1) By Council Regulation (EEC) No 955/79⁽³⁾, a definitive anti-dumping duty of 40 % was imposed on a herbicide, DNBP technical (Dinoseb), originating in Romania. The anti-dumping proceeding was re-opened in 1981 following a request by the complainant for a review of the measures in force. The Commission conducted a further investigation but concluded on 6 May 1982, in its Decision (82/285/EEC)⁽⁴⁾, that no alteration to the definitive duty of 40 % was required and that in consequence the review proceeding should be terminated.

In December 1986, the Commission gave notice⁽⁵⁾ of the impending expiry of the anti-dumping duty pursuant to Article 15 of Regulation (EEC) No 2176/84.

On 29 May 1987, the Commission reopened the anti-dumping proceeding concerning DNBP technical originating in Romania following a request for a review of the measures lodged by the European Council of Chemical Manufacturers' Federations (CEFIC) on behalf of Community manufacturers representing a major proportion of Community production of the product concerned⁽⁶⁾. The request for review contained evidence that the expiry of the existing measures would lead to a threat of injury to Community producers. The product referred to in the request for a review is the herbicide, Dinoseb (4,6-dinitro-o-sec butylphenol-DNBP), which is a contact herbicide employed in various agricultural uses and also in the manufacture of polystyrene. It corresponds to combined nomenclature codes 2908 90 10 and ex 3808 30 10.

- (2) The Commission officially so advised the exporter and importers known to be concerned, the representatives of the exporting country and the complainant, and give the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

Two Community producers, the exporter concerned and some importers made their views known in writing. In addition, the exporter

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 121, 17. 5. 1979, p. 5.

⁽⁴⁾ OJ No L 128, 11. 5. 1982, p. 17.

⁽⁵⁾ OJ No C 335, 30. 12. 1986, p. 11.

⁽⁶⁾ OJ No C 142, 29. 5. 1987, p. 4.

concerned requested and was granted a hearing and proposed a confrontation meeting with the Community producers. The latter indicated that they were unwilling to participate in such a meeting.

- (3) The Commission sought and verified all information it considered necessary and carried out investigations at the premises of A. H. Marks, Bradford, United Kingdom. Information relating to the other main Community producer, SNPE, was also verified.
- (4) The Commission requested and received detailed written submissions from the complainant Community producers, the exporter and several importers, and verified the information therein to the extent considered necessary.
- (5) The investigation of dumping covered the period 1 May 1986 to 30 April 1987.

B. Normal value

- (6) Since Romania is a non-market economy country within the meaning of Article 2 (5) of Regulation (EEC) No 2176/84, the Commission was obliged to avail itself of one of the methods for determining normal value set down in that Article. As the United States of America is the only market economy country outside the Community in which DNB technical was produced in the investigation period, the Commission chose, as it had in its previous anti-dumping investigations relating to this product, the prices of the largest producer in that country as the basis for calculating normal value. Those prices were verified at an on-the-spot inspection of the US producer concerned.
- (7) The Romanian exporter, Danubiana, questioned the Commission's choice of analogue country for determining normal value on the grounds that sales of the product ceased in the United States halfway through the investigation period, in October 1986. However, no alternative approach was suggested by the exporter. Despite the availability of data for only a part of the investigation period the Commission considered that, since the United States is the largest market-economy country in which DNB technical was employed and the producer concerned was the largest manufacturer of the product, normal value could reasonably be estimated on the basis of sales made in the United States market in the period May to October 1986.

C. Export price

- (8) In the investigation period there were no exports of DNB technical from Romania to the Community. However, in the fourth quarter of 1986, Danubiana made an offer to supply a substantial quantity of

DNBP technical to an independent Community importer at a certain price for delivery in 1986 and 1987. The validity of this offer went beyond the date by which the measures imposed in 1982 would have been in force for five years, i.e. the date at which, in the absence of a re-opening of the anti-dumping proceeding, the measures in force would have lapsed.

D. Comparison

- (9) In order to effect a comparison between normal value and the export price at which Danubiana offered DNB technical to importers in the Community, the Commission compared the prices concerned at ex-works level, as nearly as possible at the same time, and made due allowance where warranted for difference in transport and ancillary costs, packaging, duties and taxation and other factors affecting price comparability.

E. Margins

- (10) The dumping margin would have been 21 % for the contract referred to in paragraph 8 if Danubiana had supplied DNB technical to the Community importer.

F. Injury

Background

- (11) The size of the Community market for DNB technical has remained relatively stable since 1983 subject to certain minor variations arising from factors associated with the weather. The annual market is characterized by two distinct phases; in the period October to March orders are placed for the product for the next growing season and from April to September the product is produced and sales are made to formulators who process it into a herbicide for agricultural and horticultural use. Some sales (less than 10 %) are also made to companies who use DNB technical as an inhibitor in the polymerization of styrene.

The development of the market worldwide has recently been affected by major environmental concerns about the safety of the product. As a result of these concerns, sales of the product in the United Kingdom were banned indefinitely from December 1986. Other Community countries may follow suit in the near future. In the United States, the largest market, the product was to all intents and purposes banned from further usage in the agricultural sector from October 1986. In addition, following the completion of further studies in that country since then, it seems probable that the United States Federal Environmental Protection Agency will institute an indefinite ban on the use of the product for agricultural purposes.

Threat of injury

- (12) Since 1981, Romania has not exported DNB technical to the Community and the market has been supplied only by Community producers. It is evident, therefore that no injury has been suffered by Community producers during the period 1982 to 1987 as a result of dumped imports from Romania. Community producers alleged, however, that the expiry of the anti-dumping measures against imports of DNB from Romania would lead to a threat of injury. The complainants argued that this threat of injury was real in view of the existence of low-priced offers on the market made by Danubiana in 1986 which would have undercut Community producers' prices substantially in the absence of the anti-dumping duty of 40 %.

- (13) In this case it should be borne in mind that the review of the measures carried out by the Commission took place within the context of Article 15 of Regulation (EEC) No 2176/84. In assessing whether there would be a threat of injury to Community producers if existing anti-dumping measures were to expire, the Commission has examined all relevant factors in order to determine whether the expiry of the anti-dumping duty would lead to a situation likely to develop into actual injury.

- (14) In this regard the following facts were considered to be pertinent:

- The low-price offers made by the Romanian exporter in October to November 1986 to Community importers would have undercut Community producers' prices by about 19 % if no anti-dumping duty had been in force. This conclusion was contested by the exporter who argued that, in the absence of an anti-dumping duty, the offer price would have been correspondingly higher. It was claimed also by Danubiana that the offers were solicited by importers on behalf of Community producers with the intent of providing supporting evidence for the reopening of the anti-dumping proceeding. As such they were not genuine inquiries regarding possible purchase of Romanian product.

With regard to the argument that export prices would have been higher in the absence of an anti-dumping duty, the evidence shows that Danubiana was prepared to supply product at the same low price if the anti-dumping duty had expired. As to the claim that the requests for offers were not genuine, the Commission considers that the evidence does not support

this view. What is clear, however, is that Danubiana responded as if the requests were genuine, and it is this fact which is the only relevant one in the circumstances.

- With regard to the export capacity of Danubiana, the facts showed this to be not inconsiderable, particularly in view of the closure of the United States market from October 1986 (previously a significant sales outlet) and the underutilization of capacity in 1986. *Ceteris paribus*, the potential export capacity which could have been employed for sales in the Community would have represented as much as 35 % of the Community market.

Danubiana argued that part of the surplus capacity was being utilized in increased trade within Eastern Europe and hence was not available for export sales to the Community. However, even if this were the case, the Commission still considers that an important part of remaining capacity could have been used for Community sales and could, if necessary, have been expanded through more intensive use of plant.

- Since contracts for sale of Dinoseb are typically concluded by manufacturers with formulators for an entire growing season (April to September) and in substantial amounts, the loss of one major contract can mean a substantial reduction of market share for a Community manufacturer. The Romanian offer to a Community importer represented about 10 % of the Community market. In addition, because sales are seasonal, loss of market share can only be recovered by producers in the following year. Loss of sales of this order of magnitude to dumped imports would have an immediate effect on Community producers' profitability. A similar effect on profits would have occurred also if Community producers had attempted to match low prices offered in the market by Danubiana.

- Toxicological studies carried out in the United States and elsewhere have cast certain doubts on the future of DNB technical as an agricultural herbicide. In the light of this, and the possibility that the Community market may contract significantly in the near future, it is evident that the loss of a large part of a declining market to low-priced sales would be a severe blow to Community producers and may inhibit them from liquidating stocks and readapting production facilities as necessary.

— Finally, the Commission observes that there is a history of dumping of this product by Romanian exporters, evidenced by the high dumping margins found in the original investigation in 1979 and its subsequent review in 1982.

- (15) In conclusion, and taking account of all facts and considerations, the Commission considers that there is evidence that the elimination of the anti-dumping duty would lead to a situation likely to develop into actual injury to the Community producers.

G. Community interest

- (16) In view of the threat of injury to Community producers if dumped imports from Romania were to resume on the Community market, the Commission has come to the conclusion that it is in the Community's interest that action be taken.

H. Undertaking

- (17) The Romanian exporter, having been informed of the main findings of the review investigation, agreed, without prejudice to its view that there was no threat of injury to Community producers, to offer an undertaking to respect a minimum price, expressed in ECU per kilogram, at the Community frontier. The effect of the said undertaking will be to ensure that export prices to the Community will be at prices which will not cause injury to Community producers, i.e. that the threat of injury is eliminated. The minimum export price to be observed was established on the basis of the selling price necessary to provide an adequate return to

Community producers, particular account being taken of the profitability and cost price structure of the two producers concerned in the most recent period.

The Commission, after consultation, considers that the undertaking is acceptable and therefore the investigation may be terminated without imposition of anti-dumping duties.

HAS ADOPTED THIS DECISION:

Article 1

The anti-dumping proceeding concerning imports of DNB Technical (Dinoseb) corresponding to combined nomenclature codes 2908 90 10 and ex 3808 30 10, originating in Romania is hereby terminated.

Article 2

The undertaking offered by Danubiana, Bucharest, Romania in connection with the reopened anti-dumping proceeding concerning imports of DNB technical as referred to as referred to in Article 1 is hereby accepted.

Done at Brussels, 26 January 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission