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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 629/88**of 8 March 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 7 March 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 9 March 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

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

Done at Brussels, 8 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 8 March 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	12,29	170,59
0712 90 19	12,29	170,59
1001 10 10	68,97	254,08 ⁽¹⁾ ⁽²⁾
1001 10 90	68,97	254,08 ⁽¹⁾ ⁽²⁾
1001 90 91	7,16	187,56
1001 90 99	7,16	187,56
1002 00 00	47,51	165,81 ⁽⁶⁾
1003 00 10	41,19	174,74
1003 00 90	41,19	174,74
1004 00 10	97,72	139,55
1004 00 90	97,72	139,55
1005 10 90	12,29	170,59 ⁽²⁾ ⁽³⁾
1005 90 00	12,29	170,59 ⁽²⁾ ⁽³⁾
1007 00 90	35,81	176,84 ⁽⁴⁾
1008 10 00	41,19	97,74
1008 20 00	41,19	154,53 ⁽⁴⁾
1008 30 00	41,19	60,93 ⁽⁵⁾
1008 90 10	(⁷)	(⁷)
1008 90 90	41,19	60,93
1101 00 00	26,15	278,27
1102 10 00	81,28	247,68
1103 11 10	120,58	408,07
1103 11 90	26,31	298,60

⁽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 630/88
of 8 March 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 7 March 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 9 March 1988.

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

Done at Brussels, 8 March 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 8 March 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	3,61	3,61	3,61
1001 10 90	0	3,61	3,61	3,61
1001 90 91	0	0,36	0,36	0,36
1001 90 99	0	0,36	0,36	0,36
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0,50	0,50	0,50

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0,64	0,64	0,64	0,64
1107 10 19	0	0,48	0,48	0,48	0,48
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 631/88
of 8 March 1988

amending Regulation (EEC) No 379/88 increasing to 60 000 tonnes the quantity of barley held by the Irish intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3989/87 ⁽²⁾, and in particular Article 7 (5) thereof,

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

Whereas Commission Regulation (EEC) No 379/88 ⁽⁵⁾, opened a standing invitation to tender for the export of 30 000 tonnes of barley held by the Irish intervention agency; whereas, in a communication of 3 March 1988, Ireland informed the Commission of the intention of its intervention agency to increase by 30 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the Irish intervention agency, for which a standing invitation to tender for export has been opened, should be increased to 60 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 379/88 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 379/88 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 60 000 tonnes of barley to be exported to all third countries.
2. The regions in which 60 000 barley are stored are listed in Annex I hereto.'

Article 2

Annex I to Regulation (EEC) No 379/88 is replaced by the Annex hereto.

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, 8 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 38, 11. 2. 1988, p. 8.

*ANNEX**ANNEX I**(tonnes)*

Place of storage	Quantity
Leinster	53 000
Munster	7 000'

COMMISSION REGULATION (EEC) No 632/88

of 8 March 1988

abolishing customs duties on table olives imported from Spain and Portugal into the Community as constituted at 31 December 1985

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 75 (4) and 243 (4) thereof,

Whereas one Member State is authorized by the Council to maintain national aids for table olives until 31 December 1989 ; whereas from 1 January 1990, the remaining customs duties on table olives imported from Spain and Portugal will be negligible ; whereas certain third countries enjoy an exemption from customs duties on imports of table olives into the Community as constituted at 31 December 1985 ; whereas, for all these reasons, those customs duties should be abolished ;

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 customs duties pursuant to Articles 75 (1) and 243 (1) of the act of Accession on imports of the following products from Spain and Portugal into the Community as constituted at 31 December 1985 are hereby abolished :

CN code	Description
0709	Other vegetables, fresh or chilled :
0709 90	– Other :
	– – Olives :
0709 90 31	– – – For use other than the production of oil (!)
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen :
0710 80	– Other vegetables :
0710 80 10	– – Olives
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :
0711 20	– Olives :
0711 20 10	– – For use other than the production of oil (!)
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared :
0712 90	– Other vegetables, mixtures of vegetables :
ex 0712 90 90	– – Other :
	– Olives

CN code	Description
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:
2001 90	— Other:
ex 2001 90 90	— — Other: — Olives
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen:
2004 90	— Other vegetables and mixtures of vegetables:
ex 2004 90 30	— — Sauerkraut, capers and olives: — Olives
2005	Other vegetables prepared or preserved or preserved otherwise than by vinegar or acetic acid, not frozen:
2005 70 00	— Olives

(¹) Entry under this subheading is subject to conditions laid down in the Community provisions adopted in this area.

Article 2

Commission Regulation (EEC) No 4153/87 (¹) is hereby repealed.

Article 3

This Regulation shall enter into force on 15 March 1988.

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

Done at Brussels, 8 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

(¹) OJ No L 392, 31. 12. 1987, p. 17.

COMMISSION REGULATION (EEC) No 633/88

of 8 March 1988

on a special intervention measure for common wheat of breadmaking quality in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3989/87 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas production of common wheat of breadmaking quality in Germany exceeds that country's requirements;

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

Whereas the German market can be relieved by the export of part of this surplus quantity of common wheat of breadmaking quality to third countries; whereas, in view of world market prices for common wheat of bread-making quality, export is possible only with the aid of a refund;

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

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

Whereas the purpose of the measure is such that refunds should be granted only on wheat of the quality required

for acceptance for intervention, as defined in Commission Regulation (EEC) No 1570/77 ⁽³⁾, as last amended by Regulation (EEC) No 2258/87 ⁽⁴⁾; whereas the competent agency must make certain that wheat exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽⁵⁾ and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals ⁽⁶⁾, as last amended by Regulation (EEC) No 2944/78 ⁽⁷⁾;

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

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 208, 30. 7. 1987, p. 10.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁵⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁶⁾ OJ No L 351, 15. 12. 1978, p. 16.

HAS ADOPTED THIS REGULATION:

Article 5

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 100 000 tonnes of common wheat of breadmaking quality exported from Germany.

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

2. The German intervention agency shall be responsible for implementing the measure provided for in paragraph 1.

Article 2

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

2. The invitation to tender shall relate to the quantity of common wheat of breadmaking quality referred to in Article 1 (1) for export to Poland.

3. The invitation shall remain open until 31 March 1988. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 10 March 1988.

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

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

Article 3

A tender shall be valid only if:

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

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

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

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

Article 6

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

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

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

3. Where the quality does not meet that defined in the second subparagraph of Article 4a (1) of Regulation (EEC) No 1570/77, the refund shall be reduced by 10 ECU per tonne, provided however that the quality meets at least the conditions laid down for common wheat in the Annex to Commission Regulation (EEC) No 1569/77⁽²⁾. No refund shall be granted where the quality does not meet the latter conditions either.

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

Sampling and analysis costs shall be met by the tenderer.

Article 7

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

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽²⁾ OJ No L 174, 14. 7. 1977, p. 15.

If no tenders are received, the German intervention agency shall inform the Commission of this by the time limit indicated in the first paragraph.

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

Article 8

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

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

Done at Brussels, 8 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Weekly tender for the refund for the export of common wheat of breadmaking quality to Poland

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 22 December 1987

amending Directive 87/94/EEC on the approximation of the laws of the Member States relating to procedures for the control of characteristics of, limits for and resistance to detonation of straight ammonium nitrate fertilizers of high nitrogen content

(88/126/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 80/876/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilizers of high nitrogen content⁽¹⁾, and in particular Article 8 thereof,

Having regard to Council Directive 76/116/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to fertilizers⁽²⁾, and in particular Article 9 (2) thereof,

Whereas the length and the technical complexity of Commission Directive 87/94/EEC⁽³⁾ — the various methods of analysis and test are taken from different technological disciplines — and the number of languages to be made to correspond reveal, after adoption of the Directive by the Commission, that a linguistic revision and some technical corrections are necessary⁽⁴⁾;

Whereas this linguistic revision and the technical corrections necessitate an extension of the time limit for complying with this Directive in the Member States, and a postponement of the date appears essential;

Whereas the amendments provided for in this Directive are in accordance with the opinion of the Committee on

the Adaptation to Technical Progress of the Directives for the removal of technical barriers to trade in fertilizers,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 87/94/EEC is hereby amended as follows:

In Article 2 (1), '31 December 1987' is replaced by '30 November 1988'.

Article 2

1. Member States shall take the measures necessary to comply with this Directive not later than 30 November 1988 and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 22 December 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 250, 23. 9. 1980, p. 7.

⁽²⁾ OJ No L 24, 30. 1. 1976, p. 21.

⁽³⁾ OJ No L 38, 7. 2. 1987, p. 1.

⁽⁴⁾ See page 16 of this Official Journal.

COMMISSION DECISION

of 12 February 1988

authorizing certain Member States temporarily to take additional measures to protect themselves against the introduction of *Corynebacterium sepedonicum* as regards the Federal Republic of Germany

(Only the Dutch, English and French texts are authentic)

(88/127/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 80/665/EEC of 24 June 1980 on the control of potato ring rot⁽¹⁾, and in particular Article 9 (2) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of potato ring rot from another Member State, it may temporarily take any additional measures necessary to protect itself from that danger;

Whereas a Member State may also take such measures where another Member State informs it of confirmed contamination by potato ring rot;

Whereas the Federal Republic of Germany informed the other Member States and the Commission on 13 September 1985 that samples of potatoes originating in Niedersachsen were suspected to be contaminated by potato ring rot; whereas complementary reports supplied by Germany indicated that five samples of the 1986 potato production of that Land showed a confirmed contamination by potato ring rot;

Whereas Belgium, France, Ireland, Luxembourg, the Netherlands and the United Kingdom notified the other Member States and the Commission that, on the basis of the abovementioned information from Germany, they were laying down certain additional measures applicable to potatoes originating in Germany, with a view to strengthening protection against the introduction of potato ring rot from Germany;

Whereas these additional measures are of different types, and include special testing requirements as well as the banning of potatoes originating in Germany;

Whereas it has not yet been possible to identify the source of contamination nor to determine the extent thereof in the Land concerned;

Whereas it is therefore justified for the Member States to adopt additional measures to protect themselves against that danger;

Whereas these additional measures have to take into account the production and distribution structures in Germany, as well as the reduced risk involved in potatoes for which it is ensured that they are not planted and that they do not come directly or indirectly into contact with potatoes to be planted; and finally also the fact that hitherto no findings of potato ring rot have been confirmed in other Länder of Germany; whereas they would be without prejudice to the phytosanitary inspections which may be carried out by the introducing Member States under the Community plant health regime;

Whereas the additional measures adopted by the abovementioned Member States should be brought into line with these principles at least in respect of the main types of potato commodities such as seed potatoes, ware potatoes for consumption and ware potatoes for industrial processing;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States mentioned in Article 4 are hereby authorized, for a period expiring on 30 June 1990, to require that the conditions laid down in paragraph 2 are met, in addition to those laid down in Directive 80/665/EEC in particular Articles 2, 5 (4) and (5) thereof, if tubers of potatoes (*Solanum tuberosum* L.) originating in the Federal Republic of Germany are to be introduced into their territories.

2. For the purposes of paragraph 1, the following conditions shall be met:

(a) The tubers:

(aa) in the case of seed potatoes originating in the Land where potato ring rot was confirmed:

(¹) OJ No L 180, 14. 7. 1980, p. 30.

- shall have derived in direct line from officially approved disease-free tubers obtained under an appropriate programme, and
 - shall not have been in contact with potatoes of other kinds or with fields, stores or machinery which have been in contact with potatoes of such other kinds since 1986, and
 - shall not have derived from material of any stage subsequent to the aforementioned disease-free tubers that has failed to meet the requirements specified in the previous indent in the relevant year, and
 - shall have been subjected to official or officially supervised independent testing in accordance with the Community established method for the detection and diagnosis of *Corynebacterium sepedonicum*, on a sample of at least 200 tubers per 25 tonnes maximum drawn officially per grower from each lot before any possible blending with tubers from other growers and removal from the premises of the growing/packing station and preferably before cleaning and packing, and shall have been found free, in this testing, from potato ring rot;
- (bb) in the case of seed potatoes originating in Länder other than that referred to in (aa):
- shall not have derived from, nor been in contact with potatoes originating in the Land referred to in (aa) or with fields, stores or machinery which have been in contact with potatoes originating in that Land since 1986, or
 - shall have been subjected to official or officially supervised independent testing as described in (aa), and shall have been found free, in this testing, from potato ring rot;
- (cc) in the case of ware potatoes for consumption:
- shall be packed in closed packages that are ready for direct delivery to retailers or to final consumers, and that do not exceed a weight common in the Member State of destination for that purpose, to the maximum of 25 kilograms, and
 - shall be intended for such direct delivery, and
 - if they originate in the Land referred to in (aa) or if it cannot be established that they either have not derived from, or have not been in contact with potatoes originating in that Land, shall have derived directly from material which has been subjected to official or officially supervised independent testing in accordance with the Community established method for the detection and diagnosis of *Corynebacterium sepedonicum*, on a sample officially drawn of at least 200 tubers per lot, and which has been found free in this testing from potato ring rot and shall have been subjected themselves to such a testing and found free in this testing, from potato ring rot,
 - in all other cases, shall have been produced and stored in a zone in which samples officially drawn at random have been subjected to such testing and found free, in this testing from potato ring rot, and
 - shall be subjected in the Member States of destination to official monitoring to ensure that the packages are not opened before the intended delivery and that the tubers will not be in contact with fields, potato stores or any machinery for potato handling;
- (dd) in the case of ware potatoes for industrial processing:
- belong to varieties suitable for that purpose,
 - shall be intended for direct and immediate delivery to a processing plant with officially approved facilities for waste disposal, and
 - shall be subjected, in the Member State of destination, to official monitoring to ensure such direct and immediate delivery.
- (b) The phytosanitary certificate required under Council Directive 77/93/EEC⁽¹⁾, shall indicate, under the headings:
- 'Additional Declaration':
'Compliance with provisions according to Article 1 (2) of Commission Decision 88/126/EEC ensured', completed by the precise reference to the appropriate cases, as well as the name of the variety and the Land of production; in the case of testing of samples drawn from lots intended to be introduced into the other Member States concerned, the reference number of the lot sample and the station where the testing was carried out shall also be indicated,
 - 'Distinguishing marks':
'Number of the consignment and the bag identification mark'.

(¹) OJ No L 26, 31. 1. 1977, p. 20.

If the organization responsible for the issuing of the phytosanitary certificate is officially informed of any circumstances constituting a serious reason to believe that for an individual consignment or individual consignments the available guarantees are not no longer sufficient to prevent the risk referred to in this Decision, that organization shall withhold or withdraw the certificate until such time as the matter has been fully investigated.

- (c) The Member States mentioned in Article 4 shall notify the other Member States and the Commission of the type of facilities officially approved for the purposes of the second indent of (a) (dd).

Article 2

The Member States mentioned in Article 4 shall adjust the additional measures, which they adopted with a view to protecting themselves against the introduction of *Corynebacterium sepedonicum* as regards Germany, in such a manner that they comply with the provisions of Article 1.

Article 3

This Decision shall be repealed or amended if and when a case of potato ring rot is detected on potatoes originating in Germany either in surveys carried out in other Länder pursuant to Directive 80/665/EEC or on potatoes introduced into other Member States pursuant to this Decision.

Article 4

This Decision is addressed to the Kingdom of Belgium, the French Republic, Ireland, the Grand-Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom.

Done at Brussels, 12 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Commission Directive 87/94/EEC of 8 December 1986 on the approximation of the laws of the Member States relating to procedures for the control of characteristics of, limits for and resistance to detonation of straight ammonium nitrate fertilizers of high nitrogen content

(Official Journal of the European Communities No L 38 of 7 February 1987)

ANNEX II

METHOD 1

‘2.2. Principle and definition

In an Erlenmeyer flask, heat the sample from ambient temperature to 50 °C and maintain at this temperature for a period of two hours (phase at 50 °C). Thereupon cool the sample until a temperature of 25 °C is achieved and maintain at that temperature for two hours (phase at 25 °C). The combination of the successive phases at 50 °C and 25 °C forms one thermal cycle. After being subjected to two thermal cycles, the test sample is held at a temperature of 20 ± 3 °C for the determination of the oil retention value.’

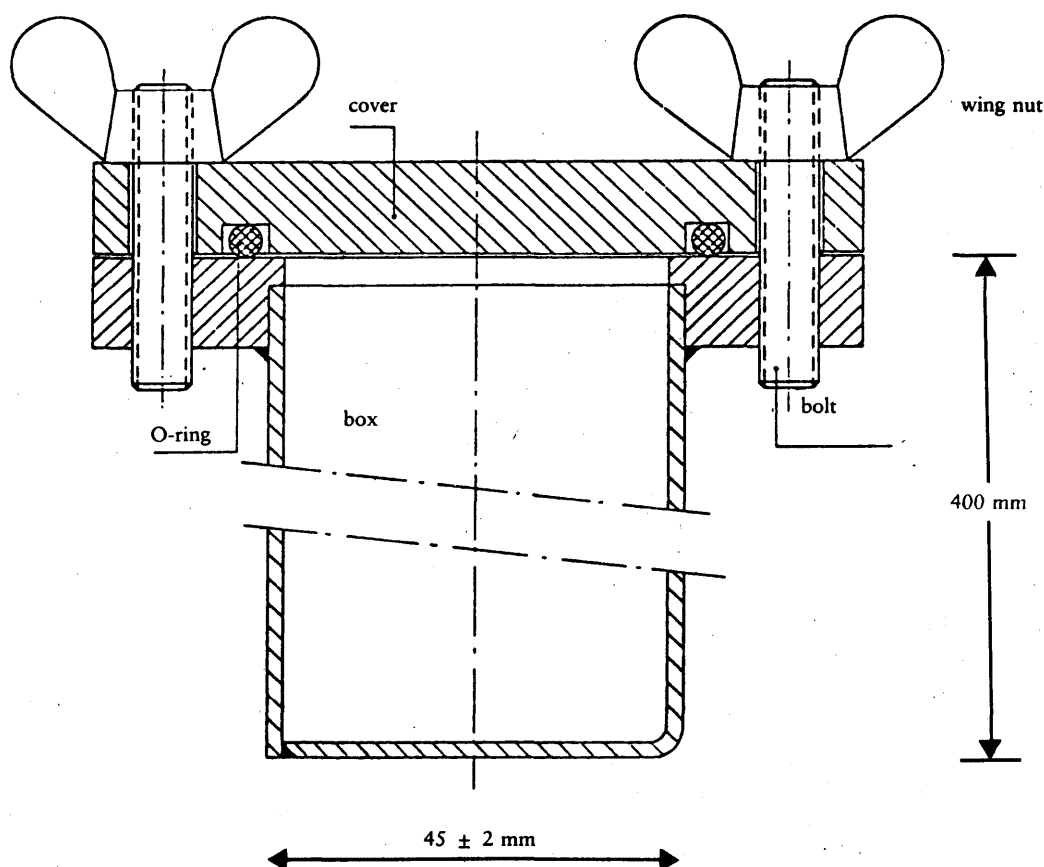
‘3.2. Principle and definition

In a watertight box, heat the sample from ambient temperature to 50 °C and maintain at this temperature for a period of one hour (phase at 50 °C). Thereupon, cool the sample until a temperature of 25 °C is achieved and maintain at that temperature for one hour (phase at 25 °C). The combination of the successive phases at 50 and 25 °C forms one thermal cycle. After being subjected to the required number of thermal cycles, the test sample is held at a temperature of 20 ± 3 °C pending the execution of the detonability test.’

3.4. Procedure

‘... One hour after the temperature at the centre has reached 25 °C heat the water to start the second cycle. In the case of two water baths, transfer the box to the other bath after each heating/cooling period.’

Figure 1



METHOD 3

- 3.1. Analytical-grade chromium (VI) trioxide CrO_3 .
- 3.2. Sulphuric acid, diluted to 60 % by volume — pour 360 ml of water into a one-litre beaker and carefully add 640 ml of sulphuric acid (density at $20^\circ\text{C} = 1,83 \text{ g/ml}$)
- 5.2. *Removal of carbonates*
- '... At the end of this time there should be no more effervescence; if effervescence is seen, continue heating for 30 minutes. Allow solution to cool for at least 20 minutes with the nitrogen flowing through it.
- ...
- Bubble a stream of nitrogen through for about 10 minutes. The solution must remain clear in the absorbers. If this does not happen, the carbonate removal process must be repeated.'
- 5.3. *Oxidation and absorption*
- '... Place the crucible in the 600 ml beaker and add about 100 ml of boiled water (3.10). Introduce 50 ml of boiled water into each of the absorbers and pass nitrogen through the distributors for five minutes. ...'
- 5.4. *Measurement of the carbonates originating from organic material*
- '... Add hydrochloric acid (3.5) drop by drop until the pink colour just disappears. Stir the solution well in the crucible to check that the pink colour does not reappear. ...'

METHOD 5

6. **Expression of results**
- 'Report the mean of the two values obtained for A on the one hand and for A + B on the other.'

METHOD 6

- 3.1. Acetone AR.'

METHOD 7

- 5.3.2. Preparation of the calibration solutions
- By diluting the standard solution (3.6.1) with 0,5 M hydrochloric acid solution (3.3), prepare at least five standard solutions corresponding to the optimal measuring range of the spectrophotometer (0 to $5,0 \mu\text{g/mlCu}$). Before making up to the mark, add to every solution ammonium nitrate (3.4) to give a final concentration of 100 mg per ml.'
- 5.4. *Measurement*
- 'Set up the spectrophotometer (4) at a wavelength of 324,8 nm. Use an oxidizing air-acetylene flame. Spray successively, in triplicate, the calibration solutions (5.3.2), the sample solution and the blank solution (5.3.1), washing the instrument through with distilled water between each spraying. ...'

ANNEX III

2. Principle

The test sample is confined in a steel tube and subjected to detonation shock from an explosive booster charge. Propagation of the detonation is determined from the degree of crushing of lead cylinders on which the tube rests horizontally during the test.'

- 3.6. Six lead cylinders
- Diameter: $50 (\pm 1) \text{ mm}$
- Height: 100 to 101 mm
- Materials: soft lead, at least 99,5 % purity'

'3.10. Wooden disc

Diameter: 92 to 96 mm. diameter to be matched to the internal diameter of the plastic or cardboard cylinder (3.8)

Thickness: 20 mm'

'3.12. Dressmaking pins (maximum length 20 mm)'

4.1.1.2. '... Then insert a small dressmaking pin (3.12) transversally into the textile sleeve of each length of cord 5 to 6 mm from the end and apply adhesive around the outside of the lengths of cord in a band 2 cm wide adjacent to the pin. ...'

4.1.1.3. '... Adjust the height of the cylinder (64 to 67 mm) so that its top edge does not extend beyond the level of the wood. Finally, fix the cylinder to the wooden disc, for instance with staples or small nails, around its entire circumference.'

'4.1.2.2. Preparing the booster charge

Place the plastic explosive (3.1) into the cylinder (3.8) standing upright on a level surface, then press it down with a wooden die to give the explosive a cylindrical shape with a central recess. Insert the compressed pellet into this recess. Cover the cylindrically shaped explosive containing the compressed pellet with a wooden disc (3.10) having a central hole 7,0 to 7,3 mm in diameter for insertion of a detonator. Fix the wooden disc and the cylinder together with a cross of adhesive tape. Ensure that the hole drilled in the disc and the recess in the compressed pellet are coaxial by inserting the wooden rod (3.11).'

'4.3. *Filling and charging the steel tube*

(See figures 1 and 2)'

4.3.2. '...'

Repeat this charging method with another portion of the test sample. Finally, a further addition shall be made such that, after compaction by raising and dropping the tube 10 times and a total of 20 intermittent hammer blows, the charge fills the tube to a distance of 70 mm from its orifice.

...'

'4.4. *Positioning of the steel tube and lead cylinders (see figure 3)'*

4.4.2. '...'

Note: Make sure that the tube is in contact with all six lead cylinders; a slight curvature of the tube surface can be compensated for by rotating the tube about its longitudinal axis; if any of the lead cylinders is too tall, tap the cylinder in question carefully with a hammer until it is the required height.'

4.6. '...'

Record, for each of the marked lead cylinders, the degree of crushing expressed as a percentage of the original height of 100 mm. If the cylinders are crushed obliquely, record the highest and the lowest values and calculate the average.'

'4.7. A probe for continuous measurement of the detonation velocity can be used; the probe should be inserted longitudinally to the axis of the tube or along its side wall.'

5. **Test report**

'...'

- the temperature of the tube and the sample shortly before firing,
- the packing density (kg/m³) of the sample in the steel tube,

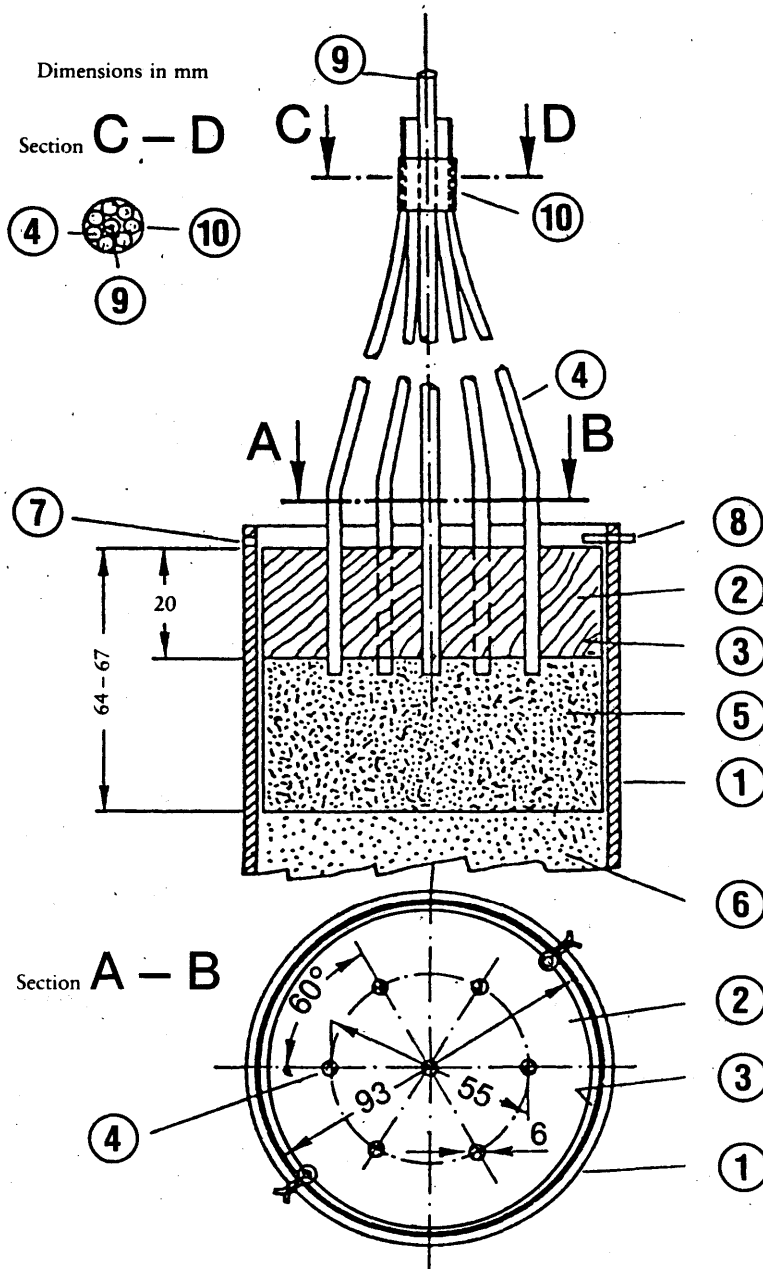
...'

'5.1. *Evaluation of test results*

If, in each firing, the crushing of at least one lead cylinder is less than 5 %, the test shall be considered conclusive and the sample in conformity with the requirements of Annex II to Directive 80/876/EEC.'

Figure 1

Booster charge with seven-point initiation



① Steel tube

② Wooden disc with seven holes

③ Plastic or cardboard cylinder

④ Detonating cords

⑤ Plastic explosive

⑥ Test sample

⑦ 4-mm-diameter hole drilled to receive split pin ⑧

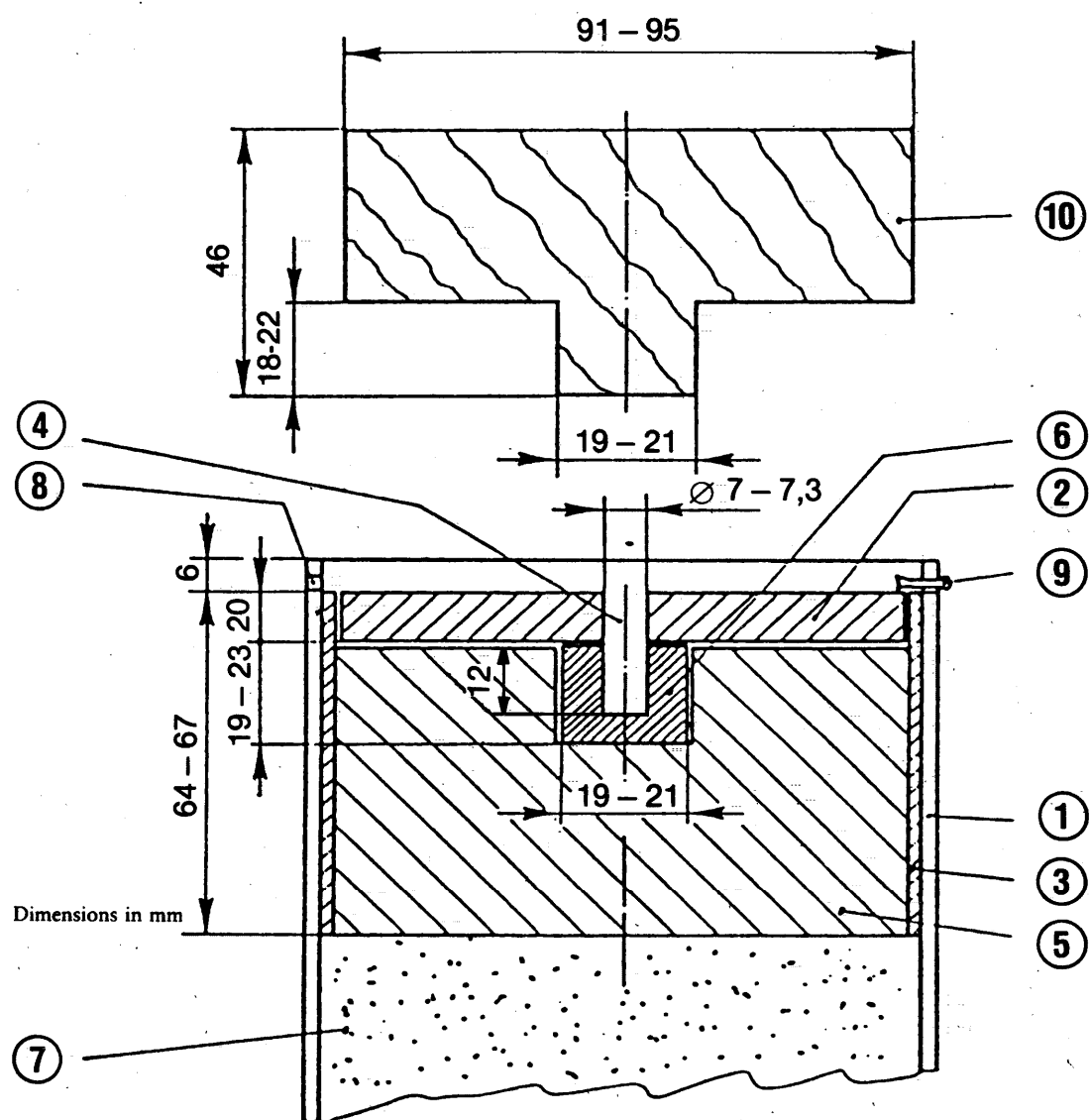
⑧ Split pin

⑨ Wooden rod surrounded by ④

⑩ Adhesive tape for securing ④ around ⑨

Figure 2

Booster charge with central initiation



- | | |
|---------------------------------|---|
| ① Steel tube | ⑥ Compressed pellet |
| ② Wooden disc | ⑦ Test sample |
| ③ Plastic or cardboard cylinder | ⑧ 4-mm-diameter hole drilled to receive split pin ⑨ |
| ④ Wooden rod | ⑨ Split pin |
| ⑤ Plastic explosive | ⑩ Wooden die for ⑤ |