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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 744/88
of 21 March 1988**

**amending Regulation (EEC) No 804/68 on the common organization of the
market in milk and milk products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the supplementary levy system introduced by Article 5c of Regulation (EEC) No 804/68 ⁽³⁾, as last amended by Regulation (EEC) No 3904/87 ⁽⁴⁾, provides under Formula B that where the reference quantity of the purchaser is not exceeded, the levy may nevertheless be collected where the producer has exceeded his own reference quantity above certain thresholds; whereas below the said thresholds, the producer may qualify for a redistribution of quantities by way of compensation; whereas, in view of the continuing high scale of figures for deliveries, there should be a possibility of further reducing the effects of compensation within the dairy,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5c (1), under Formula B, of Regulation (EEC) No 804/68, the second, third and fourth indents are hereby replaced by the following:

— Should the quantities delivered exceed the purchaser's reference quantity, he shall pass on the burden of the

levy in the price paid to those producers who contributed towards exceeding the said reference quantity, after he has allocated to them, in proportion to their individual reference quantities, the quantities available for redistribution. Where the quantities delivered are equal to or less than the purchaser's reference quantity, the Member State may nevertheless provide that the levy is payable in full by all the producers who have exceeded their reference quantity by at least 10 %, or at least 20 000 kilograms.

— However, Member States may provide that the quantities available for redistribution shall be reallocated as a matter of priority to certain producers supplying that purchaser or another purchaser according to objective criteria.

— The second indent and, where the quantities delivered are greater than the purchaser's reference quantity, the third indent may apply for the first time when the final accounts are drawn up for the 1986/87 period. The third indent, where the quantities delivered are equal to or less than the purchaser's reference quantity, may apply for the first time when the final accounts are drawn up for the 1987/88 period.'

Article 2

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

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

Done at Brussels, 21 March 1988.

For the Council

The President

K. TÖPFER

⁽¹⁾ OJ No C 40, 12. 2. 1988, p. 9.

⁽²⁾ Opinion delivered on 11 March 1988 (not yet published in the Official Journal).

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 370, 30. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 745/88

of 22 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 21 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 23 March 1988.

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

Done at Brussels, 22 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. 99.

ANNEX

to the Commission Regulation of 22 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	170,67
0712 90 19	12,29	170,67
1001 10 10	68,97	258,63 ⁽¹⁾ ⁽²⁾
1001 10 90	68,97	258,63 ⁽¹⁾ ⁽²⁾
1001 90 91	7,92	186,93
1001 90 99	7,92	186,93
1002 00 00	47,51	166,61 ⁽³⁾
1003 00 10	41,19	173,02
1003 00 90	41,19	173,02
1004 00 10	97,72	146,92
1004 00 90	97,72	146,92
1005 10 90	12,29	170,67 ⁽³⁾ ⁽²⁾
1005 90 00	12,29	170,67 ⁽³⁾ ⁽²⁾
1007 00 90	35,81	175,52 ⁽³⁾
1008 10 00	41,19	97,37
1008 20 00	41,19	143,37 ⁽³⁾
1008 30 00	41,19	59,81 ⁽³⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	41,19	59,81
1101 00 00	26,15	276,47
1102 10 00	82,12	247,01
1103 11 10	120,58	414,55
1103 11 90	26,31	296,66

⁽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 746/88

of 22 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 21 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 23 March 1988.

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

Done at Brussels, 22 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 22 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	0	0	0
1001 10 90	0	0	0	0
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	10,76	10,76	10,76
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 747/88
of 15 March 1988
on the supply of refined sunflower oil to Angola 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, by its Decision of 30 November 1987 on the supply of food aid to Angola, the Commission allocated to the latter country 500 tonnes of refined sunflower oil;

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

A tendering procedure is hereby initiated for the award of a contract for the supply of refined sunflower oil to Angola in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

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, 15 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽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

1. Operation No (1): 118/88
2. Programme: 1987
3. Recipient: Edimba U.E.E. Ministério do Comércio Interno
4. Representative of the recipient (2) S.E. Mme Távira, Ambassade d'Angola, rue Franz Merjay, 182, B-1180 Bruxelles; tel. 344 49 86, telex 63170 EMBRUX B)
5. Place or country of destination: Angola
6. Product to be mobilized: refined sunflower oil
7. Characteristics and quality of the goods (3):
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III. A. 2)
8. Total quantity: 500 tonnes net
9. Number of lots: one (in two parts: A: 400 tonnes; B: 100 tonnes)
10. Packaging and marking:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III. B):
 - metal cans, with an anticorrosive covering of 10 litres or 10 kilograms
 - the cans must be packed in cartons, with two cans per carton
 - shipment to take place in containers
 - the cans must carry the following wording:
'ACÇÃO Nº 118/88 / ÓLEO VEGETAL / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA A ANGOLA'
11. Method of mobilization: Community market
12. Stage of supply: free at port of landing — landed
13. Port of shipment: —
14. Port of landing specified by the recipient: —
15. Port of landing: A: Lobito; B: Namibe
16. Address of the warehouse and, if appropriate, port of landing: —
17. Period for making the goods available at the port of shipment stage: 1 to 30 June 1988
18. Deadline for the supply: 31 July 1988
19. Procedure for determining the costs of supply (4): tendering
20. Date of expiry of the period allowed for submission of tenders: 12 April 1988, not later than 12 noon. Tenders shall be valid until 12 midnight on 13 April 1988
21. In the case of a second invitation to tender:
 - (a) deadline for the submission of tenders: 26 April 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 27 April 1988
 - (b) period for making the goods available at the port of shipment: 15 June to 15 July 1988
 - (c) deadline for the supply: 15 August 1988
22. Amount of the tendering security: 15 ECU/tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ECU
24. Address for submission of tenders (5): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, rue de la Loi, 200, B-1049 Bruxelles, Telex: AGREC 22037 B.
25. Refund payable on request by the successful tenderer: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer:
M. O'Cuneen, Délégation CEE, 6 Rua Rainha Ginga, Luanda, tel. 39 30 38, telex 3397 PROQUIM AN).
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) 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.
-

COMMISSION REGULATION (EEC) No 748/88**of 15 March 1988****on the supply of refined rape seed oil to non-governmental organizations (NGOs) 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, by its Decision of 19 March 1987 on the supply of food aid to NGOs the Commission allocated to the latter organizations 678 tonnes of refined rape seed oil to be supplied free at port of shipment;

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

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rape seed oil to NGOs in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexes hereto.

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, 15 March 1988,

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽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

1. Operation No (1): 70 831; 34 to 41/88
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: see Annex II
6. Product to be mobilized: refined rape seed oil
7. Characteristics and quality of the goods (3) (4) (5):
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. Total quantity: 678 tonnes net
9. Number of lots: one (in two parts: A: 223 tonnes; B: 455 tonnes)
10. Packaging and marking:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - metal cans of 10 litres or 10 kilograms,
 - the cans must be packed in cartons, with two cans per carton
 - the cans must carry the following wording: see Annex II
11. Method of mobilization: Community market
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 May to 15 June 1988
18. Deadline for the supply: —
19. Procedure for determining the costs of supply (6): tendering
20. Date of expiry of the period allowed for submission of tenders: 12 April 1988 not later than 12 noon. Tenders shall be valid until 12 midnight on 13 April 1988
21. In the case of a second invitation to tender:
 - (a) deadline for the submission of tenders: 26 April 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 27 April 1988
 - (b) period for making the goods available at the port of shipment: 1 to 30 June 1988
 - (c) deadline for the supply: —
22. Amount of the tendering security: 15 ECU/tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ECU
24. Address for submission of tenders (7):
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: —

Notes :

- (1) The operation number is to be quoted in all correspondence.
- (2) 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.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate for Action 70 831 must be endorsed by the Sudanese Embassy in the country of origin and must indicate the levels of caesium-134 and caesium-137.

(4) Part B :

- Shipment to take place in 20-foot containers ; conditions FLC/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 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.

(5) The supplier should send a duplicate of the original invoice to :

MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.

- (6) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
- (7) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
- (8) 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

(9) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.

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

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação da parte	Cantidad total de la partida (en toneladas) Totalmængde (i tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegnig Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
(1)	(2)	(3)	(4)	(5)	(6)
A	233	105 118	Oxfam B Concern	Sudan Ethiopia	Sudan / 70831 / Port Sudan Action No 34/88 / Vegetable oil / Ethiopia / Concern 75400 / Assab / For free distribution / Gift of the European Economic Community
B	455	75 60 15 100 100 90 15	Concern GFSS AATM WCC WCC Caritas Neerlandica Caritas Belgica	Bangladesh India Uruguay Angola Angola Haiti Paraguay	Action No 35/88 / Vegetable oil / Bangladesh / Concern 75402 / Chittagong / For free distribution / Gift of the European Economic Community Action No 36/88 / Vegetable oil / India / GFSS / 73503 / Bombay / For free distribution / Gift of the European Economic Community Acción N° 37/88 / Aceite vegetal / Uruguay / AATM / 71761 / Montevideo / Destinado a la distribución gratuita / Donación de la Comunidad Económica Europea Acção N° 38/88 / Óleo vegetal / Angola / WCC / 70725 / Luanda / Destinado a distribuição gratuita / Donativo da Comunidade Económica Europeia Acção N° 39/88 / Óleo vegetal / Angola / WCC / 70724 / Lobito / Destinado a distribuição gratuita / Donativo da Comunidade Económica Europeia Action N° 40/88 / Huile végétale / Haiti / Caritas Neerlandica / 70361 / Port-au-Prince / Pour distribution gratuite / Don de la Communauté économique européenne Acción N° 41/88 / Aceite vegetal / Paraguay / Caritas Belgica / 70228 / Asunción / Destinado a la distribución gratuita / Donación de la Comunidad Económica Europea

COMMISSION REGULATION (EEC) No 749/88**of 21 March 1988****on the supply of refined rape seed oil to the World Food Programme (WFP) 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, by its Decision of 17 December 1987 on the supply of food aid to WFP, the Commission allocated to the latter organization 320 tonnes of refined rape seed oil to be supplied free at port of shipment;

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

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rape seed oil to WFP in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

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, 21 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽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

1. Operation No (1): 125/88
2. Programme: 1987
3. Recipient: World Food Programme, Via delle Terme di Caracalla, I-00100 Rome, telex 626675 WFP
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: Uganda
6. Product to be mobilized: refined rape seed oil
7. Characteristics and quality of the goods (3):
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. Total quantity: 320 tonnes net
9. Number of lots: one
10. Packaging and marking:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - metal cans of 5 litres or 5 kilograms
 - the cans must be packed in cartons, with four cans per carton
 - the cans must carry the following wording:
'ACTION No 125/88 / UGANDA 0353400 / COLZA OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / MOMBASA IN TRANSIT TO UGANDA'
11. Method of mobilization: Community market
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 May to 15 June 1988
18. Deadline for the supply: —
19. Procedure for determining the costs of supply (4): tendering
20. Date of expiry of the period allowed for submission of tenders: 12 April 1988 not later than 12 noon. Tenders shall be valid until 12 midnight on 13 April 1988
21. In the case of a second invitation to tender:
 - (a) deadline for the submission of tenders: 26 April 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 27 April 1988
 - (b) period for making the goods available at the port of shipment: 1 to 30 June 1988
 - (c) deadline for the supply: —
22. Amount of the tendering security: 15 ECU/tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ECU
24. Address for submission of tenders (5):
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: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer:
Délégation Ouganda Mr Dijckmeester, Uganda Commercial Bank Building, Plot 12, Kampala Road, 5th Floor, PO Box 5244, Kampala, tel.: 23 33 03/04, telex: 61139 DELEUR-UGA-KAMPALA.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- certificate of origin,
 - health certificate.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) 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.
-

COMMISSION REGULATION (EEC) No 750/88**of 18 March 1988****amending Regulations (EEC) No 1983/87, (EEC) No 3308/87 and (EEC) No 633/88
on the opening of invitations to tender for the refund for the export of cereals**

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⁾,

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⁾, and in particular Article 5
thereof,

Whereas Commission Regulations (EEC) No 1983/87 ⁽⁴⁾,
(EEC) No 3308/87 ⁽⁵⁾ and (EEC) No 633/88 ⁽⁶⁾ opened
invitations to tender for the refund for the export of
cereals;

Whereas, in the present situation, it is appropriate to
extend the period during which these invitations to
tender remains open;

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 (3) of Regulations (EEC) No 1983/87, (EEC) No
3308/87 and (EEC) No 633/88 are hereby amended as
follows:

'3. The invitation shall remain open until 28 April
1988.'

Article 2

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

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

Done at Brussels, 18 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 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 187, 7. 7. 1987, p. 9.
⁽⁵⁾ OJ No L 313, 4. 11. 1987, p. 17.
⁽⁶⁾ OJ No L 63, 9. 3. 1988, p. 9.

COMMISSION REGULATION (EEC) No 751/88

of 18 March 1988

amending Regulations (EEC) No 1705/87, (EEC) No 2497/87 and (EEC) No 3208/87 on the opening of invitations to tender for the refund for the export of cereals

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⁾,

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⁾, and in particular Article 5 thereof,

Whereas Commission Regulations (EEC) No 1705/87⁽⁴⁾, (EEC) No 2497/87⁽⁵⁾ and (EEC) No 3208/87⁽⁶⁾ opened invitations to tender for the refund for the export of cereals;

Whereas, in the present situation, it is appropriate to extend the period during which these invitations to tender remain open;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (3) of Regulations (EEC) No 1705/87, (EEC) No 2497/87 and (EEC) No 3208/87 is hereby amended as follows:

'3. The invitation shall remain open until 28 April 1988'.

Article 2

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

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

Done at Brussels, 18 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 159, 19. 6. 1987, p. 12.

⁽⁵⁾ OJ No L 232, 19. 8. 1987, p. 9.

⁽⁶⁾ OJ No L 306, 28. 10. 1987, p. 15.

COMMISSION REGULATION (EEC) No 752/88

of 18 March 1988

on the sale at prices fixed at a standard rate in advance of certain boneless beef
from intervention stocks for processing in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 3905/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas certain intervention agencies are holding stocks
of relatively old boneless beef; whereas an extension of
the period of storage for the meat should be avoided on
account of the ensuing high costs; whereas, in the
present market situation, there are outlets for such meat
for processing in the Community;

Whereas such sales should be made in accordance with
Commission Regulation (EEC) No 2173/79 ⁽³⁾, as
amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, Com-
mission Regulation (EEC) No 1687/76 ⁽⁵⁾, as last amended
by Regulation (EEC) No 727/88 ⁽⁶⁾, and Commission
Regulation (EEC) No 2182/77 ⁽⁷⁾, as last amended by
Regulation (EEC) No 3988/87 ⁽⁸⁾, subject to special excep-
tions provided for by this Regulation;

Whereas in order to ensure the economic management of
stocks, it should be laid down that the intervention
agencies should first sell meat which has been in storage
longest;

Whereas in order to ensure equal economic treatment
between operators the application of monetary compensa-
tory amounts should be suspended;

Whereas Commission Regulation (EEC) No 182/88
should be repealed ⁽⁹⁾;

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

Article 1

1. Approximately 1 100 tonnes of boneless beef held
by the Irish intervention agency and bought in before 1
April 1987 shall be put up for sale for processing within
the Community.
2. The intervention agency referred to in paragraph 1
shall sell first the meat which has been stored the longest.
3. The prices, quality and quantities of this meat are
set out in Annex I hereto.
4. Subject to the provisions laid down in this Regu-
lation, the sales shall be conducted in accordance with
Regulation (EEC) No 2173/79 together with Regulations
(EEC) No 1687/76 and (EEC) No 2182/77.
5. Notwithstanding the second subparagraph of Article
2 (2) of Regulation (EEC) No 2173/79, purchase appli-
cations shall not name the coldstore or stores where the
products applied for are stored.
6. Information concerning the quantities available and
the places where the products are stored may be obtained
by prospective purchasers from the address listed in
Annex II hereto.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation
(EEC) No 2182/77, applications to purchase:
 - (a) shall be valid only if presented by a natural or legal
person who for at least 12 months has been engaged
in the processing of products containing beef and who
is entered in a public register of a Member State;
 - (b) must be accompanied by:
 - a written undertaking by the applicant to process
the meat purchased into products specified in
Article 1 (1) of Regulation (EEC) No 2182/77
within the period referred to in Article 5 (1) of
Regulation (EEC) No 2182/77,
 - a precise indication of the establishment or
establishments where the meat which has been
purchased will be processed.
2. The applicants referred to in paragraph 1 may
instruct an agent to take delivery, on their behalf, of the
products which they purchase. In this case the agent shall
submit the applications to purchase of the purchasers
whom he represents.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 74, 19. 3. 1988, p. 64.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁹⁾ OJ No L 19, 23. 1. 1988, p. 14.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

The guarantee provided for in Article 4 (1) of Regulation (EEC) No 2182/77 shall be:

- 150 ECU per 100 kg for products as defined in Annex I (a),
- 100 ECU per 100 kg for products as defined in Annex I (b).

Article 4

For products which are sold under this Regulation the removal order referred to in Article 6 (1) of Commission Regulation (EEC) No 1687/76 and the documents referred to in Article 12 thereof shall bear one of the following endorsements:

- ningún montante compensatorio monetario se aplicará a (identificación y cantidad de los productos correspondientes)
- intet monetært udligningsbeløb finder anvendelse (betegnelse for og mængde af de pågældende produkter)
- kein Währungsausgleichsbetrag findet Anwendung (Kennzeichnung und Menge der betreffenden Produkte)

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

Done at Brussels, 18 March 1988.

- Κανένα νομισματικό εξισωτικό ποσό δεν εφαρμόζεται στα (εξακρίβωση και ποσότητες των σχετικών προϊόντων)
- no monetary compensatory amount shall apply to (identification and quantities of the products concerned)
- aucun montant compensatoire monétaire s'applique à (identification et quantité des produits concernés)
- nessun importo compensatorio monetario si applica a (designazione e quantità dei prodotti in questione)
- geen enkel monetair compenserend bedrag is van toepassing op (omschrijving en hoeveelheid van de betrokken produkten)
- nenhum montante compensatório monetário se aplica a (identificação e quantidades dos produtos em causa).

This endorsement shall be entered in Section 106 of control copy T 5.

Article 5

Commission Regulation (EEC) No 182/88 is hereby repealed.

Article 6

This Regulation shall enter into force on 23 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio de venta (ECU/tonelada) Salgspris (ECU/ton) Verkaufspreise (ECU/t) Τιμές πώλησεως (ECU/τόνο) Selling prices (ECU/tonne) Prix de vente (Écus/t) Prezzi di vendita (ECU/t) Verkoopprijzen (Ecu/ton) Preço de venda (ECUs/tonelada)
Ireland	a) Outsides Insides Knuckles Rumps Cube rolls b) Shins and/or shanks Plate and flank Brisket Forequarter	150 150 30 100 100 50 100 40 380	2 500 2 500 2 500 2 500 2 500 1 500 1 350 1 350 1 600

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

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção

IRELAND: Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

COMMISSION REGULATION (EEC) No 753/88

of 18 March 1988

on the sale at prices fixed at a standard rate in advance of certain beef from intervention stocks for processing in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas the application of intervention measures in respect of beef has created large stocks in certain Member States;

Whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made subject to the rules laid down by Commission Regulation (EEC) No 2173/79 ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, should also be governed by the rules laid down by Commission Regulation (EEC) No 1687/76 ⁽⁵⁾, as last amended by Regulation (EEC) No 727/88 ⁽⁶⁾, and by those laid down by Commission Regulation (EEC) No 2182/77 ⁽⁷⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁸⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Council Regulation (EEC) No 1055/77 ⁽⁹⁾ provides that, in the case of products stored by an intervention agency outside the territory of the Member State within whose jurisdiction it falls, a different selling price from that for products stored on that territory may be fixed; whereas Commission Regulation (EEC) No 1805/77 ⁽¹⁰⁾ fixed the method for calculating the selling prices for such products; whereas, to avoid all confusion, it should be expressly stated that the prices fixed by this Regulation are subject to adjustment in the case of those products;

Whereas it seems appropriate to waive the second subparagraph of Article 2 (2) of Regulation (EEC) No 2173/79, taking into account the administrative difficult-

ies which the application of this rule raises in certain Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 23 March to 11 May 1988, the following approximate quantities of beef products shall be put up for sale for processing within the Community:

- 500 tonnes of bone-in beef held by the Spanish intervention agency and bought in before 1 January 1986,
- 2 000 tonnes of bone-in beef held by the German intervention agency and bought in before 1 September 1986,
- 920 tonnes of bone-in beef held by the Irish intervention agency and bought in before 1 January 1986,
- 2 500 tonnes of bone-in beef held by the Italian intervention agency and bought in before 1 January 1986,
- 10 tonnes of bone-in beef held by the Danish intervention agency and bought in before 1 September 1986,
- 1 700 tonnes of bone-in beef held by the Dutch intervention agency and bought in before 1 September 1986,
- 2 000 tonnes of bone-in beef held by the United Kingdom intervention agency and bought in before 1 July 1986,
- 800 tonnes of boned beef held by the French intervention agency and bought in before 1 October 1986,
- 85 tonnes of boned beef held by the Dutch intervention agency and bought in before 1 August 1986,
- 1 050 tonnes of boned beef held by the United Kingdom intervention agency and bought in before 1 November 1986,
- 900 tonnes of boned beef held by the Danish intervention agency and bought in before 1 January 1987.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 74, 19. 3. 1988, p. 64.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁹⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽¹⁰⁾ OJ No L 198, 5. 8. 1977, p. 19.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The prices, quality and quantities of this meat are set out in Annex I hereto.

4. The sales shall be conducted in accordance with Regulation (EEC) No 2173/79 together with Regulations (EEC) No 1687/76, (EEC) No 2182/77 and this Regulation.

5. Notwithstanding the second subparagraph of Article 2 (2) of Regulation (EEC) No 2173/79, purchase applications shall not name the coldstore or stores where the products applied for are stored.

6. Information concerning the quantities available and the places where the products are stored may be obtained by prospective purchasers from the addresses listed in Annex II hereto.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, applications to purchase:

(a) shall be valid only if presented by a natural or legal person who for at least 12 months has been engaged in the processing of products containing beef and who is entered in a public register of a Member State;

(b) must be accompanied by:

— a written undertaking by the applicant to process the meat purchased into products specified in Article 1 (1) of Regulation (EEC) No 2182/77

within the period referred to in Article 5 (1) of the abovementioned Regulation,

— a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

The security provided for in Article 4 (1) of Regulation (EEC) No 2182/77 shall be:

— 40 ECU per 100 kilograms for unboned forequarters,
— 85 ECU per 100 kilograms for boned meat.

Article 5

This Regulation shall enter into force on 23 March 1988.

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

Done at Brussels, 18 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio de venta (ECU/100 kg) ⁽¹⁾ Salgspris (ECU/100 kg) ⁽¹⁾ Verkaufspreise (ECU/100 kg) ⁽¹⁾ Τιμές πώλησας (ECU/100 kg) ⁽¹⁾ Selling prices (ECU/100 kg) ⁽¹⁾ Prix de vente (Ecu/100 kg) ⁽¹⁾ Prezzi di vendita (ECU/100 kg) ⁽¹⁾ Verkoopprijzen (Ecu/100 kg) ⁽¹⁾ Preço de venda (ECUs/100 kg) ⁽¹⁾
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a) Carne sin deshuesar — Ikke udbenet kød — Fleisch mit Knochen — Κρέας μη αποσσωμένο — Unboned beef — Viande avec os — Carni con osso — Vlees met been — Carne com osso

Bundesrepublik Deutschland	— <i>Vorderviertel, auf 5 Rippen geschnitten, mit Dünung am Vorderviertel eingeschlossen, stammend von:</i> Kategorie A	2 000	115,000
España	— <i>Delantero recto con 7 costillas:</i> animales jóvenes machos	500	100,000
Ireland	— <i>Forequarters, straight cut at 10th rib from:</i> Steers 1 and 2 / Category C, class U, R, O	920	100,000
Italia	— <i>Quarti anteriori, taglio a 8 costole, il pancettone fa parte del quarto anteriore, provenienti da:</i> Categoria A, classe U, R, O	2 500	100,000
United Kingdom :	— <i>Forequarters, straight cut at 10th rib from:</i> Category C, class U, R, O	2 000	100,000
Nederland	— <i>Voorvoeten, afgesneden op 5 ribben, waarbij de flank, de platte ribben en de naborst aan de voorvoet vastzitten, afkomstig van:</i> Stieren 1e kwaliteit / categorie A, klasse R	1 700	115,000
Danmark	— <i>Forfjerdinger, udskåret, med 5 ribben, idet slag og bryst bliver siddende på forfjerdinger af:</i> Kategori A, Klasse R, O	10	115,000

b) Carne deshuesada⁽²⁾ — Udbenet kød⁽²⁾ — Fleisch ohne Knochen⁽²⁾ — Αποσσωμένο κρέας⁽²⁾ — Boned beef⁽²⁾ — Viande désossée⁽²⁾ — Carni senza osso⁽²⁾ — Vlees zonder been⁽²⁾ — Carne desossada⁽²⁾

France	— <i>Catégorie A / Catégorie C:</i> Caisse A Bavette Boule de gîte Jarret Caisse B Caisse C	150 200 120 130 50 150	200,000 200,000 180,000 180,000 155,000 155,000
Nederland	— <i>Afkomstig van categorie A, klasse R:</i> Nek en onderrib Borst	57 27	150,000 130,000

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio de venta (ECU/100 kg) ⁽¹⁾ Salgspris (ECU/100 kg) ⁽¹⁾ Verkaufspreise (ECU/100 kg) ⁽¹⁾ Τιμές πώλησεως (ECU/100 kg) ⁽¹⁾ Selling prices (ECU/100 kg) ⁽¹⁾ Prix de vente (Ecu/100 kg) ⁽¹⁾ Prezzi di vendita (ECU/100 kg) ⁽¹⁾ Verkoopprijzen (Ecu/100 kg) ⁽¹⁾ Preço de venda (ECUs/100 kg) ⁽¹⁾
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b) Carne deshuesada⁽²⁾ — Udbenet kød⁽²⁾ — Fleisch ohne Knochen⁽²⁾ — Αποσσεωμένο κρέας⁽²⁾ — Boned beef⁽²⁾ — Viande désossée⁽²⁾ — Carni senza osso⁽²⁾ — Vlees zonder been⁽²⁾ — Carne desossada⁽²⁾

United Kingdom	— <i>From steers / Category C, class U, R, O:</i>		
	Pony	15	200,000
	Clod and sticking	120	200,000
	Hindquarter skirt	120	110,000
	Shins and shanks	250	155,000
	Thin flanks	400	130,000
	Flanks (Plate)	65	130,000
	Briskets	55	145,000
	Pony parts	15	155,000
Danmark	— <i>Kategori A / Kategori C:</i>		
	Bryst og slag	750	145,000
	Skank og muskel	150	160,000

(¹) En caso de que los productos estén almacenados fuera del Estado miembro al que pertenezca el organismo de intervención, estos precios se ajustarán de acuerdo con lo dispuesto en el Reglamento (CEE) n° 1805/77.

(²) I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

(³) Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

(⁴) Σε περίπτωση που η αποθεματοποίηση των προϊόντων αυτών πραγματοποιείται εκτός του κράτους μέλους στο οποίο υπάρχει ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

(⁵) In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

(⁶) Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

(⁷) Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

(⁸) Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

(⁹) No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) n° 1805/77.

(¹⁰) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

(¹¹) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(¹²) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(¹³) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(¹⁴) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(¹⁵) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

(¹⁶) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.

(¹⁷) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(¹⁸) Estes preços aplicam-se a peso líquido conforme o disposto no n.º 1 do artigo 17.º do Regulamento (CEE) n.º 2173/79.

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

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως —
Addresses of the intervention agencies — Adresses des organismes d'intervention —
Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços
dos organismos de intervenção

- DANMARK:** Direktoratet for Markedsordningerne
BF-Direktoratet
Frederiksborggade 18
1360 København K
Tlf. (01) 92 70 00, telex 151 37 DK
- BUNDESREPUBLIK
DEUTSCHLAND:** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
600 Frankfurt am Main 18
Tel. (069) 1 56 40 App. 772/773, Telex: 04 11 56
- ESPAÑA:** Servicio Nacional de Productos Agrarios (SENPA)
c/o Beneficencia, 8
28003 Madrid
Tel. 222 29 61
Télex 23427, SENPA E
- FRANCE:** OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 4538 84 00, télex 26 06 43
- IRELAND:** Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- ITALIA:** Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Roma, via Palestro 81
Tel. 49 57 283 — 49 59 261
Telex 61 30 03
- NEDERLAND:** Voedselvoorzienings In- en Verkoopbureau
Ministerie van Landbouw en Visserij
Postbus 960
6430 AZ Hoensbroek
Tel. (045) 23 83 83
Telex 56 396
- UNITED KINGDOM:** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berks.
Tel. (0734) 58 36 26
Telex 848 302
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COMMISSION REGULATION (EEC) No 754/88

of 22 March 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 696/88⁽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 692/88⁽¹⁰⁾;

Whereas it follows from applying the detailed rules contained in 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 1988/89 marketing year for colza and rape will be confirmed or replaced as from 23 March 1988 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 23 March 1988.

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

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 30.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 72, 17. 3. 1988, p. 5.

⁽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 71, 17. 3. 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, 22 March 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 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period (1) 8 (1)
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	22,729	23,844	23,961	24,439	21,161	21,938
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	55,35	57,96	58,27	59,48	50,40	52,51
— Netherlands (Fl)	61,38	64,33	64,66	66,02	56,70	59,02
— BLEU (Bfrs/Lfrs)	1 088,79	1 142,54	1 148,10	1 170,54	1 012,85	1 045,68
— France (FF)	163,63	172,23	172,74	176,02	151,30	158,13
— Denmark (Dkr)	196,06	205,95	206,92	211,19	182,41	187,59
— Ireland (£ Irl)	18,185	19,142	19,225	19,610	16,863	17,464
— United Kingdom (£)	13,234	14,037	14,086	14,448	12,247	12,709
— Italy (Lit)	34 154	36 025	36 039	36 695	31 386	32 544
— Greece (Dr)	1 940,63	2 099,43	2 089,18	2 145,53	1 693,58	1 772,78
(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)	3 425,76	3 599,41	3 587,60	3 650,99	3 143,02	3 263,73
(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)	4 375,66	4 574,42	4 585,76	4 632,42	4 058,62	4 163,89

(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 II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (')	5th period (') 8 (')
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	25,229	26,344	26,461	26,939	23,661	24,438
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	61,31	63,92	64,23	65,44	56,31	58,42
— Netherlands (Fl)	68,06	71,02	71,34	72,71	63,32	65,64
— BLEU (Bfrs/Lfrs)	1 208,95	1 262,70	1 268,27	1 290,71	1 133,02	1 165,85
— France (FF)	182,32	190,92	191,43	194,71	169,99	176,82
— Denmark (Dkr)	217,95	227,84	228,81	233,08	204,29	209,48
— Ireland (£ Irl)	20,263	21,221	21,303	21,689	18,941	19,543
— United Kingdom (£)	14,874	15,678	15,726	16,088	13,887	14,350
— Italy (Lit)	38 147	40 018	40 031	40 688	35 379	36 536
— Greece (Dr)	2 261,48	2 420,28	2 410,03	2 466,38	2 014,43	2 093,63
(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)	3 811,30	3 984,94	3 973,13	4 036,52	3 528,55	3 649,26
(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)	4 804,97	5 003,73	5 015,07	5 061,73	4 487,94	4 593,20

(') 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)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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	34,040	34,442	34,629	34,486	34,215
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	82,34	83,30	83,78	83,56	82,93
— Netherlands (Fl)	91,63	92,70	93,22	92,95	92,24
— BLEU (Bfrs/Lfrs)	1 632,42	1 651,73	1 660,65	1 653,04	1 639,95
— France (FF)	248,12	251,10	252,11	250,46	248,32
— Denmark (Dkr)	295,06	298,57	300,15	298,88	296,46
— Ireland (£ Irl)	27,581	27,913	28,053	27,893	27,655
— United Kingdom (£)	20,639	20,895	20,989	20,881	20,676
— Italy (Lit)	52 197	52 828	52 944	52 507	52 034
— Greece (Dr)	3 382,58	3 402,29	3 400,16	3 335,85	3 284,09
(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)	3 979,79	4 041,62	4 037,83	4 001,20	3 958,08
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 740,85	6 804,22	6 827,96	6 749,70	6 695,69
— in another Member State (Esc)	6 545,74	6 607,27	6 630,33	6 554,34	6 501,89
3. Compensatory aids:					
— in Spain (Pta)	3 933,91	3 995,55	3 991,77	3 955,13	3 909,98
4. Special aid:					
— in Portugal (Esc)	6 545,74	6 607,27	6 630,33	6 554,34	6 501,89

(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 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
DM	2,069910	2,064790	2,059840	2,054640	2,054640	2,039760
Fl	2,325190	2,320680	2,316470	2,311920	2,311920	2,298910
Bfrs/Lfrs	43,326400	43,317400	43,311500	43,298900	43,298900	43,264900
FF	7,040000	7,050490	7,060820	7,074240	7,074240	7,110280
Dkr	7,917540	7,935810	7,952350	7,968360	7,968360	8,020090
£Irl	0,775090	0,775845	0,776707	0,777843	0,777843	0,781560
£	0,672783	0,674254	0,675736	0,677324	0,677324	0,681976
Lit	1 533,89	1 540,32	1 546,34	1 551,91	1 551,91	1 568,90
Dr	165,90100	167,74000	169,43800	171,30900	171,30900	177,05800
Esc	169,87100	171,27000	172,54600	173,96300	173,96300	177,02100
Pta	139,19100	139,76200	140,31800	140,81800	140,81800	142,25500

COMMISSION REGULATION (EEC) No 755/88

of 22 March 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 Regula-
tion (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
734/88 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ intro-
duced 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;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2054/87 to the infor-
mation 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 Regula-
tion (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 23 March 1988.

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

Done at Brussels, 22 March 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. 23.

⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.

⁽⁴⁾ OJ No L 74, 19. 3. 1988, p. 81.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 22 March 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	41,25 ⁽¹⁾
1701 11 90	41,25 ⁽¹⁾
1701 12 10	41,25 ⁽¹⁾
1701 12 90	41,25 ⁽¹⁾
1701 91 00	50,08
1701 99 10	50,08
1701 99 90	50,08

⁽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 756/88
of 22 March 1988
altering the export refunds on milk and milk products

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 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 the export refunds on milk and milk products were fixed by Commission Regulation (EEC) No 508/88⁽³⁾, as amended by Regulation (EEC) No 616/88⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 508/88 to the

information known to the Commission that the export refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EEC) No 508/88 amended are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 23 March 1988.

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

Done at Brussels, 22 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 1.

⁽³⁾ OJ No L 52, 26. 2. 1988, p. 21.

⁽⁴⁾ OJ No L 60, 5. 3. 1988, p. 29.

ANNEX

to the Commission Regulation of 22 March 1988 altering the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Notes	Amount of refund
0405 00 10 100		(10)	—
0405 00 10 200		(10)	157,27
0405 00 10 300		(10)	197,85
0405 00 10 500		(10)	202,93
0405 00 10 700		(10)	208,00
0405 00 90 100		(10)	208,00
0405 00 90 900		(10)	258,50

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 December 1987

relating to a proceeding under Article 85 of the EEC Treaty

(IV/31.503 — Konica)

(Only the English and German texts are authentic)

(88/172/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles (1) and 15 (2) thereof,

Having regard to the Commission Decision of 5 December 1986 to initiate proceedings *ex officio* in this case,

Having given the undertakings concerned, Konica UK Ltd, Konica Europe GmbH and Konishiroku Photo Industry Co., the opportunity to make known their views on the objections raised by the Commission, pursuant to Article 19 (1) of Regulation No 17 and to Commission Regulation (EEC) No 99/63/EEC of 25 July 1963 on the hearings provided for in Article 19 (1) and (2) of Regulation No 17⁽²⁾,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

I. FACTS

- (1) This Decision concerns practices of Konica UK Ltd and Konica Europe GmbH, both subsidiaries of Konishiroku Photo Industry Co. Ltd., Tokyo, Japan, aimed at preventing the export of Konica colour films from the United Kingdom to other EC Member States and the resale of parallel imported Konica colour film on the German market.

A. The companies

- (2) Konishiroku Photo Industry Co. Ltd, Tokyo (Konishiroku), is a major manufacturer of photographic goods and equipment. It also manufactures video tapes and video cameras and office equipment. The firm has many overseas subsidiaries, including some in the EC.
- (3) Konica UK Ltd, Feltham, Middlesex, United Kingdom (Konica UK), is a wholly-owned subsidiary of Konishiroku. The business of Konica UK is the import and sale of photographic goods and equipment, video tapes and video cameras manufactured by the parent company.

Konica UK has only been a legally independent company since 1 February 1985. Before that it was a branch — albeit enjoying management autonomy — of Konishiroku Photo Industry (Europe) GmbH, Hamburg (now Konica Europe GmbH).

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

Konica UK has stated that it does not receive directives from the Japanese parent company, although the parent company suggests some guidelines for its sales policy and it keeps the parent company regularly informed about its sales, profits and general market situation.

- (4) Konica Europe GmbH, Hohenbrunn, Federal Republic of Germany (Konica Europe) is a majority (92 %) owned subsidiary of Konishiroku. The business of Konica Europe is importing and distributing photographic goods and equipment, video tapes and video cameras manufactured by the parent company. The present company is a product of the merger of Konishiroku Photo Industry (Europe) GmbH, Hamburg, with Konica Europe GmbH (formerly Sakura Film Leo Hirschberg GmbH), Höhenkirchen/Siegersbrunn, which in early 1984 was completely taken over by Konishiroku Photo Industry (Europe) which changed its name to Konica Europe GmbH.

The merger between Konishiroku Photo Industry (Europe) and Konica Europe GmbH, originally planned for 30 June 1984, did not take legal effect until 1 February 1985, but according to Konica Europe for practical purposes the two companies were merged from 1 July 1984.

Konica Europe has stated that it does not receive instructions on the day-to-day running of the business from Konishiroku; the parent company limits its intervention in the subsidiary's affairs to the exercise of its rights as shareholder. Otherwise Konica Europe's relationship to its parent company is a purely commercial one of customer and supplier. There is no interference in its marketing policy. Nor is the parent company kept informed of sales and prices decisions.

- (5) The turnover of the parent company Konishiroku in the financial year to 20 April 1984/85 was the equivalent of (...) ⁽¹⁾.

The turnover of Konica UK in the financial year to 31 January 1986, its first year as a legally

independent company, was (...). Sales of colour film in the financial year 1984/85 amounted to (...); in the period from 1 February to 30 June 1985, they came to (...).

In the first 10 months after the merger with Konishiroku Photo Industry (Europe) GmbH (February to November 1985) Konica Europe GmbH's turnover was (...). Sales of Konica colour film between 1 October 1984 and 31 January 1985 totalled (...); between 1 February and 30 June 1985 they came to (...).

B. The product

- (6) This Decision is concerned with Konica brand colour negative film. Colour film made by Konishiroku has only been sold on the European market under the Konica trade mark since 1983. Before that it was known mainly under the Sakura brand. Konica colour film was introduced on the United Kingdom market in November 1983 and on the German market in October 1984.

C. The distribution of Konica film in the EEC (as constituted on 31 December 1985) and neighbouring non-EEC countries

- (7) Konishiroku has three subsidiaries in the EC which import and distribute Konica film, namely Konica Europe in the Federal Republic of Germany, Konica UK in the United Kingdoms and Konica France in France.
- (8) Konica Europe markets Konica film in the Federal Republic of Germany. In the Netherlands Konica film is distributed by a subsidiary of the Federal Republic of Konica Europe, Konica Netherlands BV. For Belgium/Luxembourg, Denmark, Greece and Italy, Konica Europe has appointed sole distributors, with the same one covering Belgium and Luxembourg. An Austrian subsidiary of Konica Europe handles distribution of Konica film in Austria.
- (9) Konica UK markets Konica film in the United Kingdom. In Ireland and the Channel Islands the film is distributed by a local wholesaler in each case who is under contract to Konica UK.
- (10) Konica France markets Konica films in France.

⁽¹⁾ Certain figures have been omitted in the published version of the Decision pursuant to Article 21 of Regulation No 17 concerning the protection of business secrets.

D. The marketing policy for Konica film in Germany and the United Kingdom

- (11) As a new entrant to the German market, Konica Europe tried to gain a foothold by establishing its film as a brand and therefore decided to sell it exclusively through specialist photographic dealers. Competition with other brands is based mainly on promoting the film's quality image.

It announced this policy of marketing Konica film in the Federal Republic of Germany solely through specialist dealers when launching the film at the Photokina exhibition in October 1984 and made the point that Konica film was only available from good photo dealers a focus of its advertising.

Konica Europe has its own sales force in the Federal Republic of Germany with which photo dealers place their orders for Konica film and other products. As a rule, any photo dealer is supplied. A written 'bonus contract' is signed with each dealer which sets out his entitlement to an annual rebate on a sliding scale related to his total net sales of Konica amateur products over the year. The rebate is credited to the dealer at the end of the year and deducted from the following year's invoices. No other dealership agreement is signed with dealers.

- (12) In the United Kingdom, Konica film is supplied not only to specialist dealers but to other customers as well. Competition with other brands is based mainly on price. Films are supplied to retailers (photo dealers, chemists and processing laboratories) both directly by Konica UK and through to supply retailers as far as possible direct and to keep down the number of wholesalers. Retailers and wholesalers are here given an immediate discount off the basic prices on the price list varying with the quantity ordered. There are no written dealership agreements; however, Konica UK's terms and conditions of sale are printed on the back of its price lists.

Konica UK also supplies wholesalers for export to certain third world countries.

E. Market shares of Konica colour film in the Federal Republic of Germany and the United Kingdom

- (13) The market share of Konica colour film in the Federal Republic of Germany in 1985 is estimated

by Konica Europe to have been around (...). In comparison, the market shares of major competitors are: Kodak about (...), Agfa about (...), Forst about (...), Revue about (...), and minor brands and private labels about 13 %. In the United Kingdom its 1985 market share is put by Konica UK at around (...), in comparison the market shares of major competitors are: Kodak about (...), Fuji about (...), Ilford about (...), Agfa about (...) and private labels 30 %.

F. The price differential between the Federal Republic of Germany and the United Kingdom

- (14) From October 1984 to mid-February 1985 the basic prices for Konica colour film to dealers in the Federal Republic of Germany were on average about 20 % higher than to dealers in the United Kingdom. The price differential was smaller or larger than this average for different types or presentations of film and also varied somewhat with fluctuations in the DM/£ exchange rate.
- (15) Konica Europe grants dealers end-of-year rebates of from 7 to 15 % off basic prices. To obtain the maximum rebate of 15 %, however, the dealer must have annual net sales of Konica amateur products of at least DM 80 000. In the United Kingdom, by contrast, dealers receive an immediate discount of 15 % for order of a mix of at least 1 000 films. Large customers are given discounts of from (...) off the basic prices.
- (16) On 16 February 1985 Konica UK raised its basic prices to dealers by approximately 10 %. Konica Europe's basic prices to dealers in the Federal Republic of Germany remained unchanged. With the pound at first continuing to fall against the mark, there remained quite considerable differences between the German and United Kingdom basic prices. Between April and July 1985, while basic prices moved back broadly into line due to a strong recovery of the pound, the different discount terms in the two countries could still lead to substantial variation in the final prices paid by dealers, especially for large orders.

- (17) Thus, especially in late 1984 and early 1985, the price differential between the Federal Republic of Germany and the United Kingdom was large enough to provide a strong incentive for parallel exports to the Federal Republic of Germany, even if the goods had to be shipped via a third country.
- (18) Konica's explanation for the price differential is the difference between market structures and marketing methods in the Federal Republic of Germany and the United Kingdom. Owing to consumer habits in the Federal Republic of Germany, competition in the field of amateur films is based mainly on quality, price being a minor consideration. Konica Europe has, moreover, spent substantial sums on advertising to create a brand image for Konica film suggestive of quality in which cheapness plays no role; this advertising expenditure is reflected at least partly in the prices paid by dealers.

In the United Kingdom, on the other hand, consumer habits are such that competition on the amateur film market is pure price competition, British consumers having no particular brand loyalty. The successful introduction of a new brand depends entirely on the price being correctly situated in relation to the two clear market leaders.

G. The evidence of restriction of competition in the distribution of Konica colour film

- (19) The documents found in the course of the Commission's investigations provide evidence that Konica Europe and Konica UK pursued a policy aimed at (a) isolating the German market from competition from parallel imports of Konica colour film from other EEC and neighbouring non-EEC countries and (b) preventing dealers in the United Kingdom, Ireland and the Channel Islands from exporting Konica colour film to other EEC and non-EEC European countries.
- (20) In December 1984, when Konica films had been on the German market no more than two months and according to Konica Europe's declared marketing policy were sold to final consumers only by photo dealers, Konica colour negative film appeared on the shelves of Metro cash-and-carry stores at prices far (some 30 %) below the basic prices Konica Europe was charging German photo dealers.
- (21) On 14 December 1984 Konica Europe sent a telex to Konica UK informing it that Metro had begun offering Konica colour film at its 32 cash-and-carry

stores in the Federal Republic of Germany. The emulsion number of the film showed that it had been exported from Japan only to the United Kingdom and Canada. The telex went on, 'our tel-lines are almost occupied by calls from Konica dealers cancelling bonus-contracts for 1985 and/or informing of the return of films purchased. We are now exerting all our efforts to buy those films up without having confidence of success, but believing that you can take those films again.'

- (22) On 5, 14 and 29 November 1984 Konica Europe had already bought several consignments of Konica colour film from a German wholesaler, (...) ⁽¹⁾. On 3 January 1985 it bought another consignment. Altogether these consignments were worth over (...). A certain amount of this film, which had originally been exported from Japan to the United Kingdom, although this was not known until the film was actually delivered to Konica Europe, was in fact bought back by Konica UK for a total of approximately (...), some being sent back to Konica Europe in February 1985.
- (23) Between December 1984 and July 1985 Konica Europe regularly bought up Konica film that was on sale in the Federal Republic of Germany from non-specialist outlets, and particularly at Metro cash-and-carry stores, or had various persons do so, with the advertising agency GSK accounting for a large volume of these purchases.

Konica Europe's explanation for this is that the purchases from Metro cash-and-carry stores, where shortly after its introduction Konica film was on the shelves in large quantities and at give-away prices, were necessary in order to protect the marketing strategy for Konica film in the Federal Republic of Germany and so as not to have to write off the advertising.

Altogether over (...) worth of film was bought up from Metro stores. The emulsion numbers of the film showed that it had originally been exported from Japan to the United Kingdom, France and Austria.

- (24) A major part of the film bought up in the Federal Republic of Germany probably came from the United Kingdom. This is shown by the following evidence:

⁽¹⁾ The names of some undertakings are not stated in the published version of this Decision but are shown as (...), neither the Decision nor the statement of objections being addressed to them.

— a telex from Konica Europe to Konica France dated 11 December 1984 urged: 'I strongly ask you to consider price increase by at least 15 pct. both for films and paper. ... For your information Konica UK will increase film price by 10 pct. from next February on and expect another increase by about 15 pct. from August. It means that their price level will be soon higher than yours and your films are supposed to be re-exported to the Federal Republic of Germany instead of UK films.'

— a telex sent by Konica Europe to Konica UK in March 1985 said '...while we had clear evidence of grey imports from UK ...',

— Konica Europe's sales manager stated in an interview reported in 'markt intern' on 8 May 1985: 'We do not supply Metro or any comparable outlets. ... The origin of the film is not known for certain, but I suspect it is from neighbouring countries, especially England.'

— on an invoice from a firm of accountants dated 28 June 1985, Konica Europe was invoiced for, among other items, 'day-to-day advice and reporting services in connection with settlement of repurchased grey imports from England.'

- (25) Konica Europe made the buying-up operations in the Federal Republic of Germany public. On 1 February 1985 it placed an advertisement in the trade journals *Foto-Contact*, *Foto-Wirtschaft* and *Info des Fotomarktes* with the headline 'Sometimes we buy more of our film than we sell.' The text explained: 'The simple reason is that we have promised you that Konica film will only be sold through good photo dealers. We have also promised that any of our customers can buy up Konica film that appears in cut-price shops and will be reimbursed by us.'

And that is exactly what happened in December 1984. A cash-and-carry chain had managed to get hold of our film through grey channels. Konica and its customers reacted swiftly. We bought the stocks out of circulation. Now Konica film is once again only on sale where it belongs — at good photo dealers. For we know that the successful long-term establishment of the brand and, with it, market success are only possible in partnership with the specialist photographic trade. For Konica that means taking a long-term view and marketing exclusively through the specialist trade. It means resisting pressure for volume in our sales to the trade and its resale to the public. And naturally it means an appropriate bonus scheme. Only then

will photo dealers be left with an above-average margin.'

After being reprimanded for the advertisements by the Fair Trading Association (Verein zur Wahrung des lauterer Wettbewerbs eV), Konica Europe gave an undertaking to stop referring to the buying-up policy in its advertising, though it did not promise to abandon the buying-up policy as such.

- (26) Konica UK on 1 February 1985 sent the following circular, headed 'Grey exports of Konica film', to 12 dealers in the United Kingdom, Ireland and the Channel Islands who it thought might be involved in such operations: 'In the past six months we have been experiencing a high level of grey exports of Konica film to Europe.'

We have therefore been told by Konica Japan, that all United Kingdom shipments will be individually coded so that any exports from the United Kingdom can be traced by batch number without any difficulty. In addition, all shipments of film to individual dealers will from now onwards be monitored by a new invisible marking system in order to stop this unnecessary business practice.

I would therefore ask you to cooperate with us as much as possible in order that we are not forced to increase our United Kingdom prices and therefore affect our growing market position within the United Kingdom.'

Konica UK has said, however, that the statement to the effect that products were coded was written as a 'bluff', that film was not marked in any way to identify either consignments to individual dealers or shipments to different countries and that there had been no instructions from the parent company in Japan to engage in such practices. Film only bore an emulsion number, and this was so that quality control inspectors could tell which emulsion had been used. Several countries could be supplied simultaneously with the same emulsion.

- (27) An internal memorandum of the same date by Konica UK's marketing and sales manager stated with reference to this circular: '...we know that there is a United Kingdom source who is collecting film parcels together in quantities of 5 to 10 000 rolls from each dealer and transshipping these, mainly to the Federal Republic of Germany. ... If you are aware, or suspect, any dealer with grey exporting, please do not sell any goods, for the simple reason that each time we are caught out we have to buy back the film from the country of export and pay delivery cost and perhaps a compensation element. As you can imagine, it costs a small fortune and is easily traced because each country in Europe has a separate film code on the box which indicates the original importing

country.'

- (28) A telex sent to Konica Europe on 15 March 1985, in which Konica UK names suspected 'grey exporters', ended with the sentence: 'Let me assure you that we will do our utmost to prevent sales into Europe but you should investigate these other grey importers/exporters.' Konica Europe's reply to this telex began, 'Thank you very much for your information and I appreciate your efforts in preventing grey exports, and went on, 'We in fact suspected Jersey. That was because you were so confident that none of your wholesalers, including Jersey, had been involved in grey business, while we had clear evidence of grey imports from the United Kingdom. ... If Jersey is not, then someone else among those who insist that they have never grey exported must be the one. Anyway, ... is a quite new name for us. We will start investigations!'

- (29) A number of wholesalers in the UK were asked by Konica UK even after 1 February 1985 not to engage in grey exporting. A letter dated 26 February 1985 to a British wholesaler (...), who was not one of the addresses of the circular of 1 February, concluded with the sentence: 'May I also take this opportunity of asking you not to deal with customers who specialize in "grey exporting" our products to overseas markets as this is the cause of disorderly marketing and, in the long run, there is no benefit to you from this.'

A letter dated 17 May 1985 to another wholesaler (...), who had received the 1 February circular and who had complained to the Commission at the beginning of 1985 about Konica UK's refusal to supply him, finally contained an offer to supply Konica film but closed with the words: 'May I remind you of our grey export policy which we discussed at the meeting and state that all film sales to your company will be monitored and should we find that product supplied to your company has been grey exported then any business relationship will have to be terminated.'

Another British wholesaler (...), who was also one of the addresses of the 1 February circular, was unable to get any more Konica film supplies from Konica UK after December 1984. He claimed that Konica UK refused to supply film for export and had telephoned him to say that they would do their utmost to stop the flow of film from the United Kingdom to the continent of Europe.

- (30) Several dealers to whom the circular of 1 February 1985 about 'grey exports' was sent, however, carried on their previous business relationship with Konica UK and continued purchasing Konica film from the company, without explicitly reacting to the circular; after receiving the circular they did not export Konica film to other EEC countries.
- (31) Konica UK maintains that, of the dealers circularized, two had no business relationship with

it (one of them was, however, the abovementioned dealer who had tried in vain to obtain supplies), another ordered Konica film for the first time in May 1985, two others ceased ordering Konica film in June 1984 and yet another dealt in Konica products other than films; moreover, three of the dealers who still bought Konica film on a regular basis were not involved in exporting. Konica UK also denies having refused to supply the dealer referred to above after December 1984 with film for export or having received any inquiries on the subject over the telephone.

Furthermore Konica states that the circular, which contained an empty threat which dealers could easily see through, was the over-hasty reaction of an employee.

- (32) Konica UK's contention that the number of circularized dealers who might have been interested in exporting Konica film to the EC during the period in question was very small is not at variance with the Commission's findings. Konica UK itself clearly did not think that many dealers were involved in such export business as a written request to refrain from exporting was after all sent to only 13 out of some 2 500 dealers.

Moreover, if they had supplied, as Konica UK suspected, a 'collector' in the United Kingdom (see point 27 above), the British dealers circularized by Konica UK were not wrong in telling the Commission that they had not exported before they received Konica UK's letter.

- (33) As far as the attitude of the parent company is concerned, the Commission takes the view that, under the circumstances, it can be assumed that Konishiroku was informed in general terms about the measures taken by Konica UK and Konica Europe. However, there is no firm evidence that Konishiroku knew about or even instigated the measures taken by its subsidiaries in the United Kingdom and the Federal Republic of Germany.

II. LEGAL ASSESSMENT

A. Article 85 (1)

Agreements and concerted practices between undertakings

- (34) Konica UK, Konica Europe and the dealers supplied by them in the United Kingdom, Ireland, the Channel Islands and the Federal Republic of Germany are undertakings within the meaning of Article 85 (1).

- (35) In its circular of 1 February 1985 to wholesalers in the United Kingdom, Ireland and the Channel Islands whom it believed to be involved in re-exporting film to Europe and in subsequent letters to individual wholesalers, Konica UK asked the wholesalers to cooperate with it by not engaging directly or indirectly in such export business. Should they fail to cooperate, Konica UK threatened to stop supplying them or to raise its prices, which would have reduced their possible sales in the United Kingdom.
- (36) In the Commission's opinion, this circular, to which only one dealer expressly reacted, was not, as Konica UK maintains, a unilateral measure by Konica UK, but the offer of an agreement which was accepted by several dealers.

The Commission considers that it would be unusual in business for a dealer to expressly react to such a letter from a manufacturer. As a rule he will take such a letter, especially where it gives voice to the business policy pursued by the supplier, as establishing the supplier's conditions for doing business with him, namely in the present case that the goods supplied are not for export. If the dealer does not contradict such a letter, it can by implication be taken as an essential term of his contract with the supplier. This can be said to be the case especially where the dealer continues to order the goods from the supplier and only sells them on his home market, but it is also the case where the dealer stops reselling the goods to a 'collector' who in turn exports them.

The circumstances point, in the Commission's opinion, at least to a concerted practice between Konica UK and the dealers falling within Article 85 (1).

- (37) Konica Europe distributes Konica colour film in the Federal Republic of Germany only through specialist photo dealers, with whom it has so-called bonus contracts. It has promised its German dealers, and has publicly repeated this promise on numerous occasions, that it will not supply supermarkets or similar outlets. It does not, however, require its dealers to undertake only to sell the goods to final consumers or other specialist dealers.
- (38) The public declaration of Konica Europe in its advertisement of 1 February 1985 (see point 25 above), that it would buy up as far as possible any Konica film that a cash-and-carry chain managed to obtain through 'grey channels', in order to protect the German market against competition from parallel imported Konica film and to prevent erosion of photo dealers' prices and margin was made and carried out — amid considerable

publicity — at the wish and in the interests of the specialist photo dealers. This is clear from the fact that the advertisement invited them to buy up any Konica film they noticed in cut-price outlets and pass it on to Konica Europe, which would refund them whatever they had paid for it. In the event, two specialist photo dealers bought up Konica film in this way, even if the quantities were not very large. The fact that the buying-up operation was aimed at stopping parallel imports can be seen from the telex in which Konica Europe thanks Konica UK for its efforts in preventing 'grey exports' and at the same time announces that it will start investigations to trace the 'grey exporter' (see point 28 above), and from the buying-back by Konica UK of a certain amount of the film bought up by Konica Europe (see point 22 above). The purpose of the buying-up operation was therefore to put a stop to the parallel trade. In the Commission's opinion, this policy of Konica Europe is to be regarded, at least from 1 February 1985, as a term of its supply contracts with German dealers whereby Konica Europe undertakes to protect its German dealers against competition from parallel imported Konica film by buying it up. This commitment is an agreement within the meaning of Article 85 (1).

The circumstances point at least to a concerted practice between Konica Europe and its dealers.

- (39) Konica Europe has argued that the buying-up operation was not aimed at preventing parallel imports but that it was necessary to counter a deliberate attempt to interfere with its marketing methods.

The advertisement placed in photo trade journals on 1 February 1985 had been a publicity stunt and could not be regarded as an undertaking by Konica Europe to supply only specialist photo dealers and to counter the marketing of parallel imported goods so as to uphold that marketing method. Konica Europe would have had nothing to gain from entering into a unilateral commitment towards the specialist photo trade as, in the event of failure of the specialist dealer method, it would have made a speedy change-over to other forms of marketing more difficult if not impossible. On no account could it be said that specialist photo dealers had tacitly accepted an exclusivity of the specialist trade as a term of their supply contracts. The specialist photo trade likewise had nothing to gain from preventing the marketing of parallel imported Konica film as it might itself have been interested in obtaining Konica film more cheaply from abroad. The buying-up operation and Konica Europe's advertisement had been a unilateral measure which had not formed the subject matter of any agreement whatsoever or of any concerted practice.

- (40) A restrictive agreement pursuant to Article 85 (1) does not, however, in the Commission's opinion, require the written assent of the other party but can consist in the continuing business relationship between the parties, which in the present case takes the form of the actions and public declarations of Konica Europe and the at least, tacit acceptance thereof by its customers. Moreover, as Konica Europe itself admits, two dealers in fact participated actively in the buying-up operation. It is immaterial that the quantities bought up by these dealers were not very large.

Restriction of competition

- (41) The export ban imposed on a number of dealers by Konica UK had the object and effect of restricting competition within the common market. Its aim was to restrain dealers in the United Kingdom, Ireland and the Channel Islands from selling to customers in other Member States, so that these would not compete with dealers under contract to Konica Europe. Such a ban leads to artificial divisions in the common market and impedes the establishment of a single market between the Member States, which is a basic objective of the EEC Treaty.
- (42) The buying-up undertaking given by Konica Europe to prevent the resale of parallel imported Konica film in the Federal Republic of Germany had the same aim, namely to protect the dealers supplied by Konica Europe against competition from parallel imported Konica film so that their margins were not eroded.
- (43) The intention of Konica UK and Konica Europe to restrict competition within the common market is clear from their joint efforts to identify the dealers who were 'grey' exporting or importing Konica film.
- (44) Konica UK's export ban had the intended effect of restricting competition. Konica UK made it perfectly clear to its dealers that parallel exporting would place their business relations with Konica UK in jeopardy, or even be an absolute bar to such relations. Several dealers can be assumed to have refrained from exporting Konica film as a result.
- (45) As far as Konica Europe's buying-up undertaking is concerned, this largely eliminated intra-brand competition and its impact on the prices of Konica film in the Federal Republic of Germany which would have benefited the German consumer. The buying-up commitment was also inextricably linked to the action taken by Konica UK ; it was part of a deliberate policy in the Konica group to isolate national markets from one another.
- Effect on trade between Member States*
- (46) An export ban is inherently likely to affect trade between Member States. The purpose of such an arrangement is to prevent trade between Member States or to keep it within channels determined by the firm imposing the ban. In the present case, the arrangements impeded trade between the United Kingdom and other Member States, particularly the Federal Republic of Germany, created or at least encouraged artificial divisions in the common market, and operated to prevent the establishment of a single market between the Member States.
- (47) Through its export ban Konica UK prevented trade, particularly between the United Kingdom and the Federal Republic of Germany, from developing in the way it would probably otherwise have done in view of the scope that existed for such trade. Wholesale prices in the United Kingdom were below those in the Federal Republic of Germany throughout the period October 1984 to March 1985 and in certain cases thereafter, so that exporting and importing Konica film between the two countries was worthwhile even if some of the goods had to be shipped via the Channel Islands. The particular status of these islands as regards the European Community does not exclude the application of Article 85 (1) to practices of Konica UK aimed at preventing parallel trade between Member States.
- (48) Konica Europe's buying-up commitment related to imported goods and was likely to influence the volume of imports. It was also likely to contribute to artificial divisions in the market.
- B. Article 85 (3)**
- (49) The agreements or concerted practices cannot be considered for exemption under Article 85 (3) as they were not notified to the Commission and are not among those exempt from notification under Article 4 (2) of Regulation No 17. In any case, they do not fulfil the conditions for exemption laid down in Article 85 (3). Export bans within the common market do not contribute to improving

the distribution of goods; nor are the other conditions for application of Article 85 (3) satisfied. The same goes for the buying-up commitment.

C. Article 3 of Regulation No 17

- (50) Konica has assured the Commission that the infringements established have been terminated. Parallel imports into the Federal Republic of Germany from other Member States take place and are tolerated. Konica UK will in future take care that its sales personnel do not oblige or try to oblige customers, either orally or in writing, to refrain from exporting or reselling to exporters. An order pursuant to Article 3 (1) of Regulation No 17 that the infringements be brought to an end does not therefore seem necessary.

D. Article 15 (2) of Regulation No 17

- (51) This Decision is addressed only to Konica UK and Konica Europe, as these firms are alone responsible for the infringement of Article 85 (1). Although the measures complained of, namely the export ban and the prevention of the resale of parallel imported Konica film, cannot be regarded as unilateral acts of the two firms, these measures were prepared and carried out primarily in their interest. The customers of Konica UK and Konica Europe are therefore not being held responsible for the infringements.
- (52) The Commission has reason to believe that Konica UK deliberately contravened Article 85 (1) when it banned wholesalers in the United Kingdom, Ireland and the Channel Islands from exporting. Those responsible knew that an export ban constituted a serious violation of the Treaty. This is confirmed by evidence found during the investigation at Konica UK in the form of a letter which Konica UK had sent to the British Photographic Importers' Association in 1980 warning it that refusal to carry out guarantee work on parallel imported cameras might be against the EEC competition rules; the letter was captioned 'EEC Anti-trust Law and "Grey Imports"'.
- (53) The Commission also has reason to believe that Konica Europe deliberately contravened Article 85 (1) when it undertook to prevent the resale in the Federal Republic of Germany of parallel imported Konica film from other EEC and neighbouring non-EEC countries by buying up such film. The behaviour of Konica Europe was consciously directed at a measure intended to ensure the dividing-up of the common market in order to

prevent intra-brand competition on the German market and avoid the impact such competition would have on prices. Moreover, Konica Europe specifically asked the British Konica sales subsidiary to help prevent exports to the Federal Republic of Germany. A similar call was incidentally made to Konica France (see point 24 above).

- (54) The commitments in restraint of competition entered into or brought about by Konica Europe and Konica UK are only explicable as part of a common policy on the part of the Konica group in Europe aimed at maintaining separate national markets with different prices. It is clear from the above exposition that Konica Europe turned to Konica UK in the hope of preventing or at least limiting imports from the United Kingdom and that Konica UK actively acceded to that request.
- (55) In view of this, the Commission considers it appropriate to impose fines of the same amount on Konica Europe and Konica UK.
- (56) The Commission regards conduct that deliberately obstructs the objective of establishing a genuine common market as a very serious infringement.
- (57) As to the duration of the infringements, there is evidence that these lasted from 1 February until the beginning of July 1985.
- (58) In deciding the size of the fines, the Commission has had regard in this case on the one hand to the clear infringement of Community law that preventing the creation of a common market constitutes. On the other hand, it has taken into account the fact that, according to the evidence, the infringement lasted only about five months and that the actual economic impact on trade between Member States was not particularly great, as well as the fact that at the time of the infringement Konica film was still being introduced in the Federal Republic of Germany where it had a very small market share,

HAS ADOPTED THIS DECISION:

Article 1

Konica UK Ltd has infringed Article 85 (1) of the EEC Treaty by banning its dealers in the United Kingdom, Ireland and the Channel Islands from exporting Konica film to Member States of the Community.

Article 2

Konica Europe GmbH has infringed Article 85 (1) of the EEC Treaty by entering into a commitment towards German specialist photographic dealers to prevent the resale of parallel imported Konica film in the Federal Republic of Germany by buying up such film, and by in fact doing so.

Article 3

A fine of 75 000 ECU is hereby imposed on Konica UK Ltd. This fine shall be paid into account No 59 000 204 of the Commission of the European Communities, Brussels — ECU at Lloyds Bank Ltd, the Manager Payments Section, Overseas Centre Birmingham, PO Box 63, 38a Paradise Street, Birmingham B1 2AB, United Kingdom, within three months of the date of notification of this Decision.

A fine of 75 000 ECU is hereby imposed on Konica Europe GmbH. This fine shall be paid into account No 262 00 64910 of the Commission of the European Communities, Brussels — ECU at Sal. Oppenheim Jr & Cie, Unter Sachsenhausen 4, D-5000 Cologne, within three months of the date of notification of this Decision.

On expiry of that period interest shall automatically be payable at the rate charged by the European Monetary

Cooperation Fund on its ECU operations on the first working day of the month in which this Decision was adopted, plus 3,5 percentage points, i.e. 10,25 %. Should payment be made in the national currency of the addressees, the exchange rate applicable shall be that prevailing on the day preceding payment.

Article 4

This Decision is addressed to:

- Konica UK Ltd,
Plane Tree Crescent,
Feltham,
UK-Middlesex TW13 7HD,
- Konica Europe GmbH,
Industriecenter X11,
D-8011 Hohenbrunn.

This Decision is enforceable pursuant to Article 192 of the EEC Treaty.

Done at Brussels, 18 December 1987.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 20 January 1988

on the Belgian Government's aid proposal in favour of Roger Vanden Berghe NV, a polypropylene yarn and carpet producer located in Desselgem, Belgium

(Only the French and Dutch texts are authentic)

(88/173/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

Whereas :

I

By letter dated 23 March 1987 and with reference to the synthetic fibres and yarn aid code, the Belgian Government notified the Commission of a proposal to grant financial assistance to Roger Vanden Berghe NV, a producer of polypropylene yarn and carpets located in Desselgem. Additional information was provided by telex of 13 May 1987.

The aid which would be granted under the Economic Reform Act of 4 August 1978 is intended to facilitate investments of Bfrs 47,98 million for the purpose of increasing polypropylene yarn production capacity and would take the form of a grant amounting to Bfrs 6 812 450.

Following an initial scrutiny, the Commission considered that the proposed aid would not meet the conditions which must be fulfilled in order to benefit from any of the exceptions set out in Article 92 (3) of the EEC Treaty and, in particular, that it would not be in line with the synthetic fibres and yarn aid discipline introduced by the Commission in 1977, notified to the Member States by letter of 19 July 1977 and published in the *Bulletin of the European Communities* of July/August 1977 under point 1.5.3 and of November under point 2.1.47 and prolonged in 1979, 1981, 1983, 1985 and 1987.

Under this discipline aid has to be avoided if it has the effect of increasing production capacity in the sector concerned. In the present case the aid is intended for an extension of polypropylene yarn production capacity by 100 %.

The Commission also considered that this investment had been undertaken as early as 1985 without the use of State

aid which was proposed retrospectively in 1987. Thus, the aid was and is not necessary for the development of the economic activities at issue and, consequently, would give an unfair advantage to the undertaking concerned, the financial position of which would merely be bolstered. The aid would allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest as set out in Article 92 (3).

Therefore, the Commission initiated the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty.

By letter of 26 June 1987, it gave the Belgian Government notice to submit its comments. The other Member States were informed on 4 August and third parties on 8 October 1987.

II

By letter dated 21 September 1987, the Belgian Government informed the Commission that it had no comments to make under the procedure thus initiated.

In commenting under this procedure, four other Member States and two federations of firms in the sector supported the Commission's view as stated at the opening of the procedure.

III

There is a high volume of trade in synthetic yarn and particularly in polypropylene yarn with approximately 60 % of total EC-production of this product being traded within the Community. The company in question, the production capacity of which has risen from 2,95 % to 5,9 % of total EC capacity by way of the investment at issue here, participates actively in this intra-Community trade by exporting 30 % of its production to other Member States.

The relevant market in this case is the market for polypropylene yarn for the purpose of carpet production, which takes approximately two-thirds of total polypropylene yarn production in the EC. Despite growing consumption, considerable over-capacity persists in this market as new capacities are being installed at a very fast rate. From 1985 to 1986, for example, production and

consumption in the EC increased by 3,8 % while capacity rose by 9,0 %. The present capacity-utilization rate in the EC is 82 %, down from 86 % in 1985, which, particularly in view of considerable and growing pressure from third countries, is insufficient.

As a result there is heavy competition amongst the 47 polypropylene yarn producers in the EC. The firm at issue here ranked 18th in this group before the investment; now it is amongst the 10 most important polypropylene yarn producers in the EC.

The proposed assistance of Bfrs 6 812 450 to be granted under the Economic Reform Act of 4 August 1978 is State aid within the meaning of Article 92 of the Treaty (1). This amount, even if relatively small in absolute terms, contains an important advantage because the aid would reduce the investment costs by 8,1 % net grant equivalent and would allow the firm to increase its capacity by 100 % without having to support all the costs related to this increase as unaided competitors would have, if they wished, to undertake such investments. Therefore, the aid would strengthen the firm's position compared to its competitors in intra-Community trade and the latter would be affected by this aid. As there is considerable trade in polypropylene yarn in the EC, because competition is very keen and as the firm in question participates actively in intra-EC trade, the proposed assistance is liable to affect trade and distort or threaten to distort competition within the meaning of Article 92 (1) of the Treaty. Article 92 (1) lays down the principle that aid having the features there described is incompatible with the common market.

The exceptions from this principle set out in Article 92 (2) are not applicable in this case because of the character of the aid and as the act under which the aid is to be granted is not intended for such purposes.

Article 92 (3) sets out which aid may be considered to be compatible with the common market. The compatibility with the Treaty must be determined in the context of the Community and not of a single Member State. In order to safeguard the proper functioning of the common market and taking into account the principles of Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1) of the Treaty as set out in Article 92 (3) must be

construed narrowly when an aid scheme or any individual award is scrutinized.

In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective or where an aid is not necessary to that end would be to give unfair advantages to certain Member States' industries or undertakings, the financial positions of which would merely be bolstered, and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest.

The Belgian Government has been unable to give, or the Commission to discover, any justification for a finding that the proposed aid falls within one of the categories of exceptions in Article 92 (3).

With regard to the exemptions provided for in Article 92 (3) (a) and (c) relating to aid intended to promote or facilitate the development of certain areas, it must be observed that the standard of living in Belgium is not abnormally low nor is there serious underemployment within the meaning of the exemption specified in (a). Furthermore, the exemption set out in subparagraph (a) has not been put forward by the Belgian Government. Because the proposed aid applies to an individual firm in a given economic sector irrespective of where it is located, it is not intended for or suited to the development of certain areas as provided for in the exemption specified in (c).

As regards the exemptions provided for in Article 92 (3) (b), it is evident that the aid is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the Belgian economy. A specific aid in favour of only one polypropylene and carpet producer is not suited to remedying the kind of situation described in Article 92 (3) (b).

With regard to the exemption provided for in Article 92 (3) (c) in favour of 'aid to facilitate the development of certain economic activities', it must be observed that in synthetic fibres and yarns in general and particularly in polypropylene yarn there is a high level of trade between

Member States and competition is very keen, because of persistent and uncontested over-capacity as documented above. For these reasons, synthetic fibres and yarns are subject to the synthetic fibre aid discipline, introduced by the Commission in 1977 and prolonged in 1979, 1981, 1983 and 1985.

In its letter of 7 July 1987, by which it extended the system of control of aid for a further two-year period ending on 19 July 1989, the Commission pointed out to Member States that it will express an unfavourable *a priori* opinion with regard to proposed aid, be it sectoral, regional or general, which has the effect of increasing the net production capacity of companies in this sector. It also reminded Member States that it will continue to give sympathetic consideration only to proposals to grant aid for the purpose of speeding up or facilitating the process of conversion away from synthetic fibres into other activities or restructuring leading to reductions in capacity.

Polypropylene carpet yarn belongs to the group of products which is subject to the synthetic fibres and yarn aid code and the investment at issue here, which took place in 1985, concerned the expansion of polypropylene yarn production capacity by 100 %.

Any artificial lowering of the expansion costs of a polypropylene yarn producer would in the situation described above weaken the competitive position of other producers and would have the effect of reducing capacity utilization and depressing prices, to the detriment and possible withdrawal from the market of producers, not only of polypropylene but also of substitutable yarns such as polyamide, which have hitherto survived owing to restructuring and productivity improvements undertaken from their own resources.

For the same or similar reasons, the Commission has had to prohibit State aid to other polypropylene yarn producers in the EC in the past (Decisions No 84/428/EEC of 27 June 1984 and No 85/471/EEC of 10 July 1985).

Therefore, the proposed aid does not meet the conditions which must be fulfilled in order for one of the exceptions of the synthetic fibres and yarn aid discipline to apply.

Furthermore, the aid is proposed retrospectively for an investment carried out in 1985 without the use of State

aid. Thus, the aid was and is not necessary for the development of the firm at issue and would merely give unfair advantages to this undertaking.

It is therefore concluded that the aid proposed for the benefit of Roger Vanden Berghe NV as notified to the Commission, by retrospectively favouring, in a sector facing severe over-capacity problems, a capacity expansion undertaken by this firm, the market position of which would no longer be solely determined by its own efficiency, merits and powers, while contributing to the development of a given economic activity must be considered as adversely affecting trading conditions to an extent contrary to the common interest.

Consequently, the proposed aid does not meet the conditions which must be fulfilled in order for one of the exceptions of Article 92 (2) and (3) of the EEC Treaty to apply,

HAS ADOPTED THIS DECISION:

Article 1

The proposed aid amounting to Bfrs 6 812 450 to be granted to Roger Vanden Berghe NV and notified to the Commission by letter of 23 March 1987 is incompatible with the common market within the meaning of Article 92 of the EEC Treaty.

The Belgian Government shall therefore refrain from implementing this proposal.

Article 2

The Belgian Government shall inform the Commission within two months of the date of notification of this Decision of the measures taken to comply herewith.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 20 January 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission