

Official Journal

of the European Communities

ISSN 0378-6978

L 102

Volume 31

21 April 1988

English edition

Legislation

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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 1030/88****of 21 March 1988****amending Regulation (EEC) No 1820/80 for the stimulation of agricultural development in the less-favoured areas of the West of Ireland**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

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

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

Whereas, pursuant to Regulation (EEC) No 1820/80⁽³⁾, as last amended by Regulation (EEC) No 3768/85⁽⁴⁾, Ireland is implementing an agricultural development programme in the West of Ireland in order to stimulate the development of agriculture for the purpose of bringing about a significant improvement in agricultural structures and in scope for agricultural production in the areas concerned;

Whereas the programme has been reviewed after its first four years of implementation in accordance with Article 2 (4) of Regulation (EEC) No 1820/80;

Whereas good progress has been reported on measures to improve agricultural infrastructures and land; whereas other measures, such as forestry and the orientation of production, have shown disappointing results; whereas it is clear that all the funds allocated cannot be disbursed in the time available; whereas savings are assured in the overall cost of the measure;

Whereas it is appropriate to extend the measure to all of the less-favoured areas of Ireland within the meaning of Council Directive 85/350/EEC of 27 June 1985 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Ireland)⁽⁵⁾;

Whereas, in order to ensure the continued development of the less-favoured areas of Ireland and to take account

of the modification of less-favoured areas, it is necessary to amend the measure and the limits of the European Agricultural Guidance and Guarantee Fund (EAGGF) contribution; whereas it is appropriate to allow some measure of flexibility in these limits at the discretion of the Commission without, however, increasing the overall cost of the common measure;

Whereas, with the introduction of the farm improvement plan under Title I of Regulation (EEC) No 797/85⁽⁶⁾, as last amended by Regulation (EEC) No 1760/87⁽⁷⁾, the farm improvement plan under Regulation (EEC) No 1820/80 can no longer play a useful role in the development of agriculture in the less-favoured areas of Ireland; whereas nevertheless there is a need for complementary measures aimed at improving farm families' living standards through improved living conditions and the development of their incomes through activities other than traditional farming;

Whereas, owing to the chronic problems of wintering grazing livestock on farms in the region, there is a need for investment in basic livestock housing including fodder storage buildings and associated works to control pollution from animal waste and silage effluent;

Whereas there is a need for closer coordination of the programme, which can best be provided by setting up a monitoring committee to follow the implementation of the programme;

Whereas experience has shown the need to set the rate of Community participation in the cost of these measures at between 50 and 70 % in order to ensure their utmost efficiency;

Whereas the net result of these modifications and the savings in the first period of application will give a reduction in the overall cost of the measure of 20 million ECU,

⁽¹⁾ OJ No C 16, 21. 1. 1988, p. 8.

⁽²⁾ Opinion delivered on 10 March 1988 (not yet published in the Official Journal).

⁽³⁾ OJ No L 180, 14. 7. 1980, p. 1.

⁽⁴⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽⁵⁾ OJ No L 187, 19. 7. 1985, p. 1.

⁽⁶⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁷⁾ OJ No L 167, 26. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1820/80 is hereby amended as follows:

1. In the title, 'of the west' is deleted.

2. Article 1 is amended as follows:

(i) paragraph 2 is replaced by the following:

'2. The common measure shall apply to the less-favoured areas of Ireland within the meaning of Directive 85/350/EEC (*).

(*) OJ No L 187, 19. 7. 1985, p. 1.;

(ii) the following is added to paragraph 3:

'(g) improvement of farm families' living conditions and the development of their incomes through activities other than traditional farming.;

(iii) paragraph 4 is replaced by the following:

'4. The measures referred to in paragraph 3 (a), (b), (c), (e), (f) and (g) shall be undertaken within the framework of a programme to be drawn up by the Irish Government and approved by the Commission.'

3. Article 2 is amended as follows:

(i) in paragraph 1 (a), VI is replaced by VIa;

(ii) paragraph 1 (c) is replaced by the following:

'(c) the provisions for coordination with any other programmes or measures which may influence the development of agriculture in less-favoured areas.;

(iii) in paragraph 2 the first sentence is replaced by the following:

'2. The programme shall also include the information referred to in Articles 5, 7, 8 (4), 9, 13, 15, 18 and 18b.;

(iv) paragraph 3 is replaced by the following:

'3. All measures referred to in the common measure must fall within the framework of the regional development programme when Ireland is obliged to forward it to the Commission under Article 2 (3) (a) of Council Regulation (EEC) No 1787/84 of 19 June 1984 establishing a European Regional Development Fund (*).

(*) OJ No L 169, 28. 6. 1984, p. 1.;

(v) paragraph 4 is replaced by the following:

'4. The duration of the programme shall be at least the same as that of the common measure. It shall be reviewed every four years. It may relate

to the less-favoured areas as a whole or to any area within those areas.'

4. In the first subparagraph of Article 6, (b) is replaced by the following:

'(b) the fencing and pasture improvement of mountain and hill pasture held in individual ownership, without prejudice to the provisions concerning the joint use of pastures set out in Article 17 of Regulation (EEC) No 797/85 (*);

(*) OJ No L 93, 30. 3. 1985, p. 1.'

5. Article 8 is amended as follows:

(i) in 2 (a) the words 'in the western region, with a particular emphasis on meat production' are deleted;

(ii) the following subparagraph is added to paragraph 3:

'The Fund may contribute to the cost of publicity programmes encouraging farmers to participate in the programme.;

(iii) the following paragraph is added:

'4. The Fund may contribute to activities aiming at the encouragement of new farm products or new systems of production, particular priority being given to non-food products. The programme shall include information on the application of this measure and the new farm products or systems to be aided. In approving the programme in accordance with Article 3 (2), the Commission shall decide on the eligibility of these activities taking account of the orientations of the common agricultural policy.'

6. The following paragraph is added to Article 11:

'4. Article 10 and this Article shall apply to improvement plans approved before 1 March 1988.'

7. The following Article is inserted:

Article 11a

Within the framework of the specific action referred to in Article 8 (1), aid for investments shall be granted to farmers without an improvement plan under Regulation (EEC) No 797/85 for:

(a) basic winter housing for grazing animals;

(b) the storage of fodder, including appropriate silage effluent tanks; and

(c) the storage of animal wastes.

The aid provided shall not exceed that available to farmers with an improvement plan not providing a labour income in excess of 120 % of the reference income under Article 2 of Regulation (EEC) No 797/85. The limits to investment eligible for aid as laid down in that Regulation shall not be modified by this Regulation.'

8. In Article 12, (a) is replaced by the following:

'(a) the afforestation of agricultural land suitable for forestry';

9. In (a) of Article 13 'marginal' is deleted.

10. Article 14 (2) is replaced by the following:

'2. The main objective of the training centres shall be to organize training courses for the improvement of agricultural skills as defined in Title VII of Regulation (EEC) No 797/85.'

11. The following title is inserted:

TITLE VIa

Complementary measures

Article 18a

1. The measures referred to in Article 1 (3) (g) shall aim at improving farm families' living standards through improved living conditions and the development of their incomes through activities other than traditional farm enterprises.

2. (a) Measures aimed at improved living conditions for farm families may include:

- investment for improving farm dwelling houses or in new farm dwelling houses where the improvement of the existing dwelling house is not appropriate; priority shall be given to farms where succeeding adult generations are living on the farm,
- investment in energy-producing and energy-saving projects,
- investment in individual drinking water supplies and sewerage outflow systems where economically justified;

(b) Measures aimed at the development of farm families' incomes through non-farm enterprises may include:

- investments in such enterprises carried out by farmers,
- investment by farmers to provide services for other farmers.

3. Agriculture shall remain the principal economic activity, within the meaning of Regulation (EEC) No 797/85, of the beneficiaries of the individual measures referred to under this Title.

Article 18b

The programme referred to in Article 1 (4) shall contain the following information:

(a) a description of the living conditions for farm families and the measures proposed for their improvement;

(b) a description of the level of non-farming activities on farms and the opportunities for farmers, on their own account, to develop their incomes from these activities;

(c) a description of the services required by the farming population and the opportunities available for farmers to provide these services for their neighbours and a description of the provisions taken to avoid over-equipment.'

12. Article 20 is amended as follows:

(i) paragraph 1 is replaced by the following:

'1. The period of time envisaged for the implementation of the common measure shall be 10 years from the date of approval of the first programme.'

(ii) in paragraph 2, '240 million ECU' is replaced by '220 million ECU'.

13. Article 22 (2) is replaced by the following:

'2. The Fund shall reimburse the Irish Government the following percentage of its actual expenditure:

(a) 50 % for the measures under Article 4; however, this amount may not exceed 40 % of the total cost, with a maximum eligible amount of:

- 24,2 million ECU for electricity supplies,
- 83,2 million ECU for drinking water supplies,
- 72,6 million ECU for farm roads and local roads.

However, for expenditure disbursed after 31 December 1987, the rate of reimbursement shall be increased to 70 % for these measures, while not exceeding 60 % of the total cost;

(b) 50 % for the other measures or, for expenditure disbursed after 31 December 1987, 60 % in the case of the measures referred to in Articles 6, 14 and 16 and 70 % in the case of the measures referred to in Articles 8, 11a and 12, with a maximum eligible amount of:

- 560 ECU per hectare under Article 6 (a) and (b),
- 600 ECU per hectare under Article 6 (c); however, this amount may be increased up to 1 000 ECU per hectare up to a total area of 45 000 ha,
- 0,85 million ECU under Article 8 (3),
- 0,70 million ECU under Article 8 (4),

- 10 million ECU under Articles 14 and 16; as regards Article 16, the eligible amount shall relate only to the creation of the development centre,
- 3 million ECU under Article 11 (1),
- 0,70 million ECU under Article 11 (3),
- 11,75 million ECU under Article 11a, with a maximum eligible investment of 25 000 ECU per farm,
- 1 400 ECU per hectare up to a maximum total expenditure of 27,2 million ECU under Article 12,
- 5,0 million ECU under Article 18a, with a maximum eligible investment of 40 000 ECU per farm.

However, should it prove necessary at a later stage, the Commission may, at the request of the Member State concerned, adjust the above maximum amounts under the procedure defined

in Article 25 provided that the total amount of eligible expenditure does not exceed 300 million ECU.

14. The following Article is inserted:

Article 23a

For the purposes of the common measure, a Monitoring Committee shall be set up by mutual agreement between the Commission and the Irish Government.

The Monitoring Committee shall lend its services to the Irish Government or, where applicable, the authority appointed by the latter, in the implementation of the common measure.

Article 2

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

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

Done at Brussels, 21 March 1988.

For the Council

The President

K. TÖPFER

COUNCIL REGULATION (EEC) No 1031/88

of 18 April 1988

determining the persons liable for payment of a customs debt

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt ⁽⁴⁾ defined, *inter alia*, the various situations whereby a customs debt on importation or exportation is incurred;

Whereas the rules governing the persons liable for payment of a customs debt are particularly important for the smooth functioning of the customs union in order to ensure that the abovementioned Regulation has identical legal and economic effects throughout the Community;

Whereas simple rules must be laid down in this field which enable the authorities responsible for assessing and recovering customs debts to act with maximum efficiency; whereas the same principles should be adopted both for customs debts on importation and for customs debts on exportation;

Whereas, in the case of a customs debt resulting from acceptance by the competent authority of a customs declaration for release for free circulation or temporary importation with partial relief from import duties or a declaration for export, the person liable for payment of such debt should be the person in whose name the declaration was made; whereas this principle makes it possible to take account of the various types of representation available for completing customs formalities; whereas, where the person making the declaration has stated that he was acting in his own name but on behalf of another person under Article 3 (2) of Council Regulation (EEC) No 3632/85 of 12 December 1985 defining the conditions under which a person may be permitted to make a customs declaration ⁽⁵⁾, it is nevertheless justifiable to hold the latter also liable for payment of the customs debt insofar as the person who

made the declaration had been granted the necessary authority;

Whereas, in the case of a customs debt resulting from the unlawful introduction of goods into the customs territory of the Community, the removal of goods from customs supervision of the unlawful export of goods from the customs territory of the Community, the person who committed the act which gave rise to the customs debt and any other persons who are also liable, under the provisions in force in the Member States, by reason of such an act having been committed should be held liable for payment of such debt;

Whereas, in the case of a customs debt resulting from the non-fulfilment of a special obligation stemming from the application of the provisions concerning a special customs procedure or arrangements, the person who, through the operation of the provisions governing the customs procedure or arrangements in question, was personally responsible for performing the obligation which was not complied with should be liable for payment of such customs debt;

Whereas in all cases in which the same legal situation gives rise to a customs debt payable by several persons, the latter should be liable jointly and severally for payment of such debt in order to enable the competent authorities to ensure the recovery of customs debts under the most favourable conditions;

Whereas it is necessary to safeguard the uniform application of this Regulation and to provide to that end for a Community procedure enabling the rules for its application to be adopted within an appropriate period; whereas the Committee on General Customs Rules set up by Article 24 of Council Directive 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation ⁽⁶⁾ as last amended by Directive 81/853/EEC ⁽⁷⁾ is the appropriate body to organize close and effective collaboration between the Member States and the Commission in this field,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation determines the persons liable for payment of a customs debt.

⁽¹⁾ OJ No C 340, 28. 12. 1982, p. 5.

⁽²⁾ OJ No C 127, 14. 5. 1984, p. 24 and Decision of 10 February 1988 (not yet published in the Official Journal).

⁽³⁾ OJ No C 211, 8. 8. 1983, p. 1.

⁽⁴⁾ OJ No L 201, 22. 7. 1987, p. 15.

⁽⁵⁾ OJ No L 350, 27. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 205, 13. 8. 1979, p. 19.

⁽⁷⁾ OJ No L 319, 7. 11. 1981, p. 1.

(2) For the purpose of this Regulation :

(a) 'person' means :

- a natural person,
- a legal person, or
- where this possibility is provided for in the rules in force, an association of persons recognized as having legal capacity but lacking the legal status of a legal person ;

(b) 'customs debt' means the obligation on a person to pay the amount of the import duties (customs debt on importation) or export duties (customs debt on exportation) which apply under the provisions in force to goods liable to such duties ;

(c) 'import duties' means customs duties and charges having equivalent effect and agricultural levies and other import charges laid down under the common agricultural policy or under the specific arrangements which apply to certain goods resulting from the processing of agricultural products ;

(d) 'export duties' means agricultural levies and other export charges laid down under the common agricultural policy or under the specific arrangements which apply to certain goods resulting from the processing of agricultural products.

TITLE I

Persons liable for payment of a customs debt on importation

Article 2

1. Where a customs debt has been incurred pursuant to Article 2 (1) (a) or (f) of Regulation (EEC) No 2144/87, the person liable for payment of such debt shall be the person in whose name the declaration or any other act with the same legal effects was made.

However :

- (a) where, pursuant to Article 3 (1) (c) of Regulation (EEC) No 3632/85, the person who made a declaration or any other act with the same legal effects in his own name stated that he was acting on behalf of another person, the latter shall also be jointly and severally liable for payment of the customs debt, once it has been established, in accordance with the provisions in force in the Member States, that he did in fact authorize the person who made the declaration or any other act with the same legal effects to act accordingly ;
- (b) where the customs declaration was made in the name of another person by a person lacking the necessary

authority, the latter alone shall be liable for payment of the customs debt.

2. Where pursuant to the provisions in force, the customs authorities authorize the release for free circulation of goods previously placed under another customs procedure without requiring the making of a declaration in writing, the person liable for payment of the customs debt arising in this situation shall be the person who, at the time of such release for free circulation, is required to comply with the obligations attaching to the customs procedure in question.

The first subparagraph shall apply, where appropriate, to products resulting from the processing of the goods concerned and to the waste and scrap resulting from their destruction.

Article 3

Where a customs debt has been incurred pursuant to Article 2 (1) (b) of Regulation (EEC) No 2144/87, the person who introduced the goods unlawfully into the customs territory of the Community shall be liable for payment of such debt.

Under the provisions in force in Member States, the following shall also be jointly and severally liable for payment of such debt :

- (a) any persons who participated in the unlawful introduction of the goods and any persons who acquired or held the goods in question ;
- (b) any other persons who are liable by reason of such unlawful introduction.

Article 4

1. Where a customs debt has been incurred pursuant to Article 2 (1) (c) of Regulation (EEC) No 2144/87, the person who removed the goods from customs supervision shall be liable for payment of such debt.

Under the provisions in force in the Member States, the following shall also be jointly and severally liable for payment of such debt :

- (a) any persons who participated in the removal of the goods from customs supervision and any persons who acquired or held them ;
- (b) any other persons who are liable by reason of such removal.

2. The person required to fulfil, in respect of goods liable to import duties, the obligations arising from their temporary storage, or from the use of the customs procedure under which they have been placed, shall also be jointly and severally liable for payment of the customs debt.

Article 5

Where a customs debt has been incurred pursuant to Article 2 (1) (d) of Regulation (EEC) No 2144/87, the person who is required, according to the circumstances, either to fulfil the obligations arising, in respect of goods liable to import duties, from their temporary storage or from the use of the customs procedure under which they have been placed or to comply with the conditions to which the placing of the goods under that procedure is subject, shall be liable for payment of such debt.

Article 6

Where a customs debt has been incurred pursuant to Article 2 (1) (e) of Regulation (EEC) No 2144/87, the person who is required, to fulfil the obligations arising in respect of goods from their being put into free circulation with total or partial relief from import duties because of their intended use for a particular purpose or the compliance with the conditions laid down for granting this exemption, shall be liable for payment of such debt.

TITLE II

Persons liable for payment of a customs debt on exportation*Article 7*

1. Where a customs debt has been incurred pursuant to Article 5 (1) (a) of Regulation (EEC) No 2144/87 and the goods in question have been the subject of an export declaration, the person liable for payment of such debt shall be the person in whose name the declaration was made.

However, where the declaration was made in the name of another person by a person lacking the necessary authority, that person alone shall be liable for payment of the customs debt.

Furthermore, Article 2 (1), second subparagraph, (a) of this Regulation shall apply *mutatis mutandis*, in order to determine, where appropriate, the persons jointly and severally liable, together with the person referred to in the first subparagraph of this paragraph, for payment of the customs debt.

2. Where the goods in question have not been the subject of an export declaration, the person who unlawfully exported the goods from the customs territory of the Community shall be liable for payment of the customs debt.

Under the provisions in force in the Member States, the following shall also be jointly and severally liable for payment of the customs debt:

- (a) any persons participating in the unlawful export of the goods from the Community;

- (b) and any other persons who are liable by reason of such unlawful export.

Article 8

Where a customs debt has been incurred pursuant to Article 5 (1) (b) of Regulation (EEC) No 2144/87, the person liable for payment of such debt shall be determined under the same conditions as those laid down in Article 7 (1).

TITLE III

Special provisions*Article 9*

1. Where a customs debt is incurred pursuant to Article 9 of Regulation (EEC) No 2144/87, Article 2 of this Regulation shall apply *mutatis mutandis*.

2. Where a customs debt is incurred pursuant to Article 10 of Regulation (EEC) No 2144/87, this Regulation shall apply *mutatis mutandis*.

Article 10

Titles I and II shall apply without prejudice to:

- (a) the provisions in force in those Member States which, under certain conditions, require persons additional to those referred to in this Regulation to pay a customs debt, including those who, in pursuit of their activity, make the customs declarations under the conditions defined in Article 6 of Regulation (EEC) No 3632/85;
- (b) the obligations to which guarantors are subject in respect of payment of a customs debt which they have guaranteed.

TITLE IV

Final provisions*Article 11*

1. The Committee on General Customs Rules set up by Article 24 of Directive 79/695/EEC may examine any question concerning the application of this Regulation which is raised by its Chairman either on his own initiative or at the request of a Member State.

2. The measures necessary to implement this Regulation shall be adopted in accordance with the procedure laid down in Article 26 (2) and 3 of Directive 79/695/EEC.

Article 12

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

This Regulation shall apply from 1 January 1989.

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

Done at Luxembourg, 18 April 1988.

For the Council

The President

G. STOLTENBERG

COMMISSION REGULATION (EEC) No 1032/88

of 20 April 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 19 April 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 21 April 1988.

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

Done at Brussels, 20 April 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 20 April 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	14,54	173,36
0712 90 19	14,54	173,36
1001 10 10	71,19	260,58 ⁽¹⁾ ⁽²⁾
1001 10 90	71,19	260,58 ⁽¹⁾ ⁽²⁾
1001 90 91	9,43	191,66
1001 90 99	9,43	191,66
1002 00 00	49,73	168,57 ⁽³⁾
1003 00 10	43,41	175,62
1003 00 90	43,41	175,62
1004 00 10	99,87	147,88
1004 00 90	99,87	147,88
1005 10 90	14,54	173,36 ⁽²⁾ ⁽³⁾
1005 90 00	14,54	173,36 ⁽²⁾ ⁽³⁾
1007 00 90	38,03	184,34 ⁽⁴⁾
1008 10 00	43,41	101,85
1008 20 00	43,41	145,72 ⁽⁴⁾
1008 30 00	43,41	65,06 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	43,41	65,06
1101 00 00	28,19	283,31
1102 10 00	84,61	250,98
1103 11 10	124,11	417,66
1103 11 90	28,27	303,80

⁽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 1033/88

of 20 April 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 19 April 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 21 April 1988.

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

Done at Brussels, 20 April 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 20 April 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 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	12,22	12,22	12,22
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1034/88
of 18 April 1988

laying down to what extent applications for issue of export licences submitted during April 1988 for beef and veal products which may benefit from special import treatment in a third country may be accepted

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

Having regard to Council Regulation (EEC) No 2931/79 of 20 December 1979 on the granting of assistance for export of agricultural products which may benefit from a special import treatment in a third country⁽¹⁾, and in particular Article 1 (2) thereof,

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

Whereas Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁴⁾, as last amended by Regulation (EEC) No 3988/87⁽⁵⁾, lays down, in Articles 14 and 15, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79⁽⁶⁾, as last amended by Regulation (EEC) No 3434/87⁽⁷⁾; whereas Article 15 (6) (c) of Regulation (EEC) No 2377/80 requires the Commission, where the quantities in respect of which licences are applied for exceed the quantities available, to reduce the quantities requested by a fixed percentage;

Whereas Commission Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the second quarter of 1988;

Whereas the quantities for which licence applications have been lodged for the second quarter of 1988 are lower than those available; whereas these applications can, therefore, be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

The applications for export licences lodged for the beef and veal referred to in Regulation (EEC) No 2973/79 for the second quarter of 1988 shall be met in full.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Articles 14 and 15 of Regulation (EEC) No 2377/80 during the first 10 days of the third quarter of 1988 the total quantity available being 2 566 tonnes.

Article 3

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 18 April 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 334, 28. 12. 1979, p. 8.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁵⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁶⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽⁷⁾ OJ No L 327, 18. 11. 1987, p. 7.

COMMISSION REGULATION (EEC) No 1035/88

of 18 April 1988

on a standing invitation to tender to determine levies and/or refunds on exports
of white sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3993/87⁽²⁾, and in particular Articles 13 (2), 18 (5), 19 (4) and (7) and the second subparagraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72 of 23 March 1972 laying down rules to be applied in the case of considerable price rises on the world sugar markets⁽³⁾, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community and world sugar markets, a standing invitation to tender should be issued as soon as possible for the export of white sugar in respect of the 1988/89 marketing year which, having regard to possible fluctuations in world prices for sugar, must provide for the determination of export levies and/or export refunds;

Whereas the general rules governing invitations to tender for the purpose of determining export refunds for sugar were laid down in Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽⁴⁾, as last amended by Regulation (EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transactions involved, special detailed rules should be laid down in this Regulation, and those provided for in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1467/77⁽⁷⁾, should not apply; whereas, for the same reasons, appropriate provisions should be laid down with regard to export licences

issued in connection with the standing invitation to tender and there should be a derogation from Commission Regulation (EEC) No 2630/81 of 10 September 1981 on special detailed rules for the application of the system of import and export licences for sugar⁽⁸⁾, as last amended by Regulation (EEC) No 3819/85⁽⁹⁾; whereas, however, the provisions of Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽¹⁰⁾, as last amended by Regulation (EEC) No 2082/87⁽¹¹⁾, and those of Commission Regulation (EEC) No 645/75 of 13 March 1975 laying down common detailed rules for the application of the export levies and charges on agricultural products⁽¹²⁾, as last amended by Regulation (EEC) No 1607/80⁽¹³⁾ should remain applicable;

Whereas the second subparagraph of Article 3 (1) of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts⁽¹⁴⁾, as amended by Regulation (EEC) No 1002/86⁽¹⁵⁾, provides that, where the levy or refund is fixed in advance by means of tenders, applications to fix the monetary compensatory amount in advance shall be accepted only if the party concerned has declared in writing at the time of submission of the tender that he will also apply to fix the monetary compensatory amount in advance if the tender is accepted in whole or in part; whereas, in such cases, the obligation to lodge an application to fix the levy or refund in advance following acceptance of the tender involves an obligation to request at the same time advance fixing of the monetary compensatory amount; whereas, for reasons peculiar to the market in sugar, when an operator intends to make use of the facility of fixing a monetary compensatory amount in advance in connection with an export levy or refund fixed in advance under a tendering procedure he only makes up his mind to do so at the moment when the application for the export licence is made; whereas it is only after he has been declared successful in respect of a levy or refund for the quantity of sugar indicated in his tender that the said monetary compensatory amount can be fixed in advance; whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that appli-

(¹) OJ No L 177, 1. 7. 1981, p. 4.

(²) OJ No L 377, 31. 12. 1987, p. 24.

(³) OJ No L 75, 28. 3. 1972, p. 5.

(⁴) OJ No L 143, 25. 6. 1968, p. 6.

(⁵) OJ No L 167, 26. 6. 1976, p. 13.

(⁶) OJ No L 50, 4. 3. 1970, p. 1.

(⁷) OJ No L 162, 1. 7. 1977, p. 6.

(⁸) OJ No L 258, 11. 9. 1981, p. 16.

(⁹) OJ No L 368, 31. 12. 1985, p. 25.

(¹⁰) OJ No L 338, 13. 12. 1980, p. 1.

(¹¹) OJ No L 195, 16. 7. 1987, p. 11.

(¹²) OJ No L 67, 14. 3. 1975, p. 16.

(¹³) OJ No L 160, 26. 6. 1980, p. 42.

(¹⁴) OJ No L 310, 21. 11. 1985, p. 22.

(¹⁵) OJ No L 93, 8. 4. 1986, p. 8.

cation for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be possible;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A standing invitation to tender shall be issued in order to determine export levies and/or export refunds on white sugar. During the period of validity of this standing invitation, partial invitations to tender shall be issued.
2. The standing invitation to tender shall remain open until a date to be determined subsequently.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. The notice of the invitation to tender shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.
2. The notice shall indicate in particular the terms of the invitation of tender.
3. The notice may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified during that period.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:
 - (a) shall begin on 22 April 1988;
 - (b) shall end on 4 May 1988 at 10.30 a.m.
2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:
 - (a) shall begin on the first working day following the end of the preceding period;
 - (b) shall end at 10.30 a.m. on the Wednesday of the following week.
3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on
 - Wednesday, 12 October 1988 shall end on Tuesday, 11 October 1988 at 10.30 a.m.,

- Wednesday, 2 November 1988 shall end on Thursday, 3 November 1988 at 10.30 a.m.,
- Wednesday, 9 and 16 November 1988 shall end on Tuesday, 8 and 15 November 1988 respectively at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitations to tender will be issued on Wednesday, 28 December 1988.

5. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, telegram or fax message.
2. An offer must indicate:
 - (a) the reference number of the invitation to tender to which the offer relates;
 - (b) the name and address of the tenderer;
 - (c) the quantity of white sugar to be exported;
 - (d) the amount of the export levy or, where applicable, of the export refund, per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
 - (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.
3. An offer shall be valid only if:
 - (a) the quantity to be exported is not less than 250 tonnes of white sugar;
 - (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
 - (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
 - (d) it includes a declaration by the tenderer that if his tender is successful he will:
 - where the obligation to export resulting from the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4), and
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
 - (e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

(a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;

(b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the present invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of 9 ECU per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (3), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in cases of *force majeure* the security referred to in paragraph 1 will be released:

- (a) to unsuccessful tenderers in respect of the quantity for which no award has been made;
- (b) to successful tenderers who have not applied for the relevant export licence within the period referred to in Article 12 (b), to the extent of 8 ECU per 100 kilograms of white sugar.

However, this part of the releasable security shall be reduced by the amount representing the difference existing, as applicable:

— between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation when the latter amount is higher than the former,

or

— between the minimum amount of the export levy fixed for the partial invitation concerned and the minimum amount of the export levy fixed for the following partial invitation when the latter amount is lower than the former;

- (c) to successful tenderers for the quantity for which they have fulfilled, within the meaning of Article 29 (b) and the first subparagraph of Article 30 (1) (b) of Regulation (EEC) No 3183/80, the export obligation

resulting from the licence referred to under Article 12 (b) in accordance with the terms of Article 33 of that Regulation.

The part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. The persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

— a minimum export levy,

or

— a maximum export refund.

2. Subject to Article 10, where a minimum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

— if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully

covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

- if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to receive in the circumstances referred to under (b), in respect of the quantity awarded, an export licence indicating, as appropriate, the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3183/80, an application for an export licence in respect of that

quantity, the application not being revocable and Article 10 of Regulation (EEC) No 645/75 not applying in such a case. The application shall be lodged in accordance with the relevant provisions of Regulation (EEC) No 3183/80, not later than:

- the last working day preceding the date of the partial invitation to tender to be held the following week,
- or
- if no partial invitation to tender is due to be held that week, the last working day of the following week;

- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However, export licences issued in respect of the partial invitations held after 1 May 1989 will be valid only until 30 September 1989.

3. The export licences issued in respect of the partial invitations held between 4 May 1988 and 31 August 1988 will be usable only from 1 September 1988.

4. Except in cases of *force majeure*, if the obligation to export resulting from the export licence referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence,

or

- (b) the sum of the export levy indicated on the licence and the refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence,

or

- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence,

then, for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6 (1).

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second paragraph of Article 3 (1) of Regulation (EEC) No 3155/85 shall not apply.

Article 15

1. If the terms of Article 12 of Regulation (EEC) No 766/68 apply, the export refunds and export levies fixed in advance under the terms of the present invitation to tender:

- (a) before 1 July 1988, for the sugar exported as from that date;
- (b) before 1 July 1989, for the sugar exported as from that date;

shall be adjusted.

2. For the adjustment referred to in paragraph 1 (a):

- (a) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1988 which is greater than that in force on 30 June 1988, the export refund shall be increased and the export levy shall be reduced by the difference expressed in ECU per 100 kilograms existing between the intervention price for white sugar applicable with effect from 1 July 1988 and the intervention price for that sugar in force on 30 June 1988;

- (b) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1988 which is lower than that in force on 30 June 1988, the export refund shall be reduced and the export levy shall be increased by the difference expressed in ECU per 100 kilograms existing between the intervention price for white sugar in force on 30 June 1988 and the intervention price for that sugar applicable with effect from 1 July 1988.

3. For the calculation of the differences referred to in paragraph 2, the intervention prices in question shall be increased by the corresponding storage levy referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

4. For the purpose of applying this Article, the Member State issuing the relevant export licence shall at the time of issue complete section 18a by adding the following: 'to be adjusted in accordance with adjudication Regulation (EEC) No 1035/88 for exports which take place after 30 June...' (1988 or 1989 as applicable).

5. Upon presentation by the holder of the export licence concerned, or by the assignee when the licence has been transferred, to the Member State that issued it and before the customs formalities for the quantities concerned have been carried out, that Member State shall enter the adjustment to be made in section 18a and shall duly certify and stamp that section.

6. For the adjustment referred to in paragraph 1 (b) the provisions of paragraphs 2 to 5 shall be applicable *mutatis mutandis*.

7. The Member States shall inform the Commission as quickly as possible of the quantities of sugar for which an adjustment under this Article has been made.

Article 16

This Regulation shall enter into force on 22 April 1988.

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

Done at Brussels, 18 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1036/88

of 20 April 1988

on the issuing of a standing invitation to tender for the resale on the internal market of 92 000 tonnes of common wheat held by the Spanish intervention agency

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

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

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 92 000 tonnes of common wheat held by the Spanish intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 92 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 28 April 1988.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 19 May 1988.

3. Tenders must be lodged with the Spanish intervention agency:

Servicio Nacional de Productos Agrarios,
SENPA,
Beneficencia, 8,
E-28004 Madrid,
(telex: 23427 SENPA E; tel.: 232 34 88).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 20 April 1988.

For the Commission

Frans ANDRIESEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1037/88
of 20 April 1988

on the issuing of a standing invitation to tender for the resale on the internal market of 48 000 tonnes of durum wheat held by the Spanish intervention agency

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

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

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 48 000 tonnes of durum wheat held by the Spanish intervention agency should be issued;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 48 000 tonnes of durum wheat held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be on 28 April 1988.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 19 May 1988.
3. Tenders must be lodged with the Spanish intervention agency:

Servicio Nacional de Productos Agrarios,
SENPA,
Beneficencia, 8,
E-28004 Madrid,
(telex : 23427 SENPA E ; tel. : 232 34 88).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 20 April 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 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1038/88**of 20 April 1988****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

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

Whereas Commission Regulation (EEC) No 409/88 of 12 February 1988 laying down detailed rules for the application of import arrangements provided for by Regulations (EEC) No 232/88 and (EEC) No 233/88 in the beef and veal sector⁽²⁾, provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 3988/87⁽⁴⁾;

Whereas Article 1 (1) (d) of Regulation (EEC) No 409/88 fixes the amount of high-quality fresh, chilled or frozen

beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms in 1988 at 10 000 tonnes;

Whereas Article 15 (6) (d) of Regulation (EEC) No 2377/80 lays down that the quantities applied for may be reduced; whereas the applications lodged relate to total quantities which exceed the quantities available; whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences in respect of the second quarter of 1988 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 409/88 are hereby met to the extent of 0,1002 % of the quantity requested.

Article 2

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 20 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 24, 29. 1. 1988, p. 3.

⁽²⁾ OJ No L 40, 13. 2. 1988, p. 17.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

COMMISSION REGULATION (EEC) No 1039/88

of 20 April 1988

abolishing the countervailing charge on tomatoes originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 824/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 915/88⁽³⁾, as amended by Regulation (EEC) No 986/88⁽⁴⁾, introduced a countervailing charge on tomatoes originating in Spain (except the Canary Islands);Whereas the present trend of prices for products originating in Spain (except the Canary Islands) on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price

for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession⁽⁷⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 915/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 20 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 85, 30. 3. 1988, p. 5.⁽³⁾ OJ No L 90, 7. 4. 1988, p. 19.⁽⁴⁾ OJ No L 98, 15. 4. 1988, p. 40.⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1040/88

of 20 April 1988

fixing quantities of imports of dessert apples originating in third countries and amending Regulation (EEC) No 962/88 suspending the issue of import licences for dessert apples originating in Chile

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 824/88⁽²⁾, and in particular Article 29 (2) thereof,

Whereas Council Regulation (EEC) No 2707/72⁽³⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas Commission Regulation (EEC) No 346/88⁽⁴⁾ as amended by Regulation (EEC) No 871/88⁽⁵⁾, introduces special surveillance of imports of dessert apples from third countries;

Whereas Commission Regulation (EEC) No 962/88⁽⁶⁾, as amended by Regulation (EEC) No 984/88⁽⁷⁾, suspends the issue of import licences for dessert apples originating in Chile from 18 to 29 April 1988;

Whereas, since the existence of substantial stocks and withdrawals and of prices considerably lower than those in the previous marketing year on the markets of the main producer countries is a feature of the market for dessert apples in the Community, quantities imported from third countries and in particular from southern hemisphere countries substantially exceeding the traditional quantity of imports into the Community threaten to cause serious disturbance of the market such as to jeopardize the objectives of Article 39 of the EEC Treaty and in particular to cause serious injury to Community producers; whereas, on account of those critical circumstances, protective measures must urgently

be taken in respect of imports from such countries by providing for the suspension of the issue of licences once applications for licences for dessert apples originating in various countries exceed an overall quantity which takes account of a reasonable increase in imports over the average quantity imported in the last three years;

Whereas that quantity must be divided fairly between the various countries concerned;

Whereas quantities in import licences applied for in respect of Chile exceed the reference quantity; whereas the issue of import licences for dessert apples from that country should accordingly continue to be suspended until the end of the 1988 importing year,

HAS ADOPTED THIS REGULATION:

Article 1

The issue of import licences for dessert apples covered by CN codes 0808 10 91, 0808 10 93 and 0808 10 99 is hereby suspended until the end of August 1988 where the quantities in respect of which import licences are applied for exceed the following, less the quantities for import licences not used or partly used:

South Africa:	166 000 tonnes,
New Zealand:	115 000 tonnes,
Australia:	11 000 tonnes,
Argentina:	70 000 tonnes,
Chile:	142 131 tonnes,
Other countries:	17 600 tonnes.

Article 2

In Article 1 of Regulation (EEC) No 962/88, '29 April 1988' is hereby replaced by '31 August 1988'.

Article 3

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 85, 30. 3. 1988, p. 5.

⁽³⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁴⁾ OJ No L 34, 6. 2. 1988, p. 21.

⁽⁵⁾ OJ No L 87, 31. 3. 1988, p. 73.

⁽⁶⁾ OJ No L 95, 13. 4. 1988, p. 10.

⁽⁷⁾ OJ No L 98, 15. 4. 1988, p. 37.

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

Done at Brussels, 20 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1041/88
of 20 April 1988
fixing the import levy on molasses

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

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

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

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2569/87 ⁽³⁾, as last amended by Regulation (EEC) No 914/88 ⁽⁴⁾;

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

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ introduces from 1 January 1988 a new combined nomenclature

meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within subheadings 1703 10 00 and 1703 90 00 of the combined nomenclature, 0,93 ECU/100 kg.

Article 2

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 20 April 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 243, 27. 8. 1987, p. 48.

⁽⁴⁾ OJ No L 90, 7. 4. 1988, p. 18.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1042/88
of 20 April 1988

fixing the maximum export refund for white sugar for the 49th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1092/87

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

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 49th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 49th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1092/87 the maximum amount of the export refund is fixed at 43,263 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 20 April 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 106, 22. 4. 1987, p. 9.

COMMISSION REGULATION (EEC) No 1043/88**of 20 April 1988****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 965/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 965/88 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 965/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 20 April 1988.

For the Commission

Frans ANDRIESSEN

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 96, 14. 4. 1988, p. 5.

ANNEX

to the Commission Regulation of 20 April 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	38,68 ⁽¹⁾	0,4205
1701 11 90 300		
1701 11 90 500	36,90 ⁽¹⁾	
1701 11 90 900	⁽²⁾	0,4205
1701 12 90 100	38,68 ⁽¹⁾	
1701 12 90 300		
1701 12 90 500	36,90 ⁽¹⁾	0,4205
1701 12 90 900	⁽²⁾	
1701 91 00 000		
1701 99 10 100	42,05	
1701 99 10 900	41,20	

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

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

COMMISSION REGULATION (EEC) No 1044/88
of 20 April 1988
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 1020/88 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ introduced from 1 January 1988 a new combined nomenclature meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 21 April 1988.

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

Done at Brussels, 20 April 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 100, 19. 4. 1988, p. 29.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 20 April 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	41,07 ⁽¹⁾
1701 11 90	41,07 ⁽¹⁾
1701 12 10	41,07 ⁽¹⁾
1701 12 90	41,07 ⁽¹⁾
1701 91 00	49,67
1701 99 10	49,67
1701 99 90	49,67

⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 February 1988

concerning the conclusion of an Agreement of participation in the International Thermonuclear Experimental Reactor (ITER) Conceptual Design Activities, by the European Atomic Energy Community, with Japan, the Union of Soviet Socialist Republics, and the United States of America, by the Commission for and on behalf of the Community

(88/229/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101 (2) thereof,

Whereas the Council, in its decision of 8 February 1988, approved the conclusion of the Agreement of participation by the European Atomic Energy Community in the International Thermonuclear Experimental Reactor (ITER) Conceptual Design Activities, with Japan, the Union of Soviet Socialist Republics, and the United States of America,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement of participation by the European Atomic Energy Community in the International Thermonuclear Experimental Reactor (ITER) Conceptual Design Activities, with Japan, the Union of Soviet Socialist Republics, and the United States of America shall be concluded on behalf of the Community.

The text of the Agreement is appended to this Decision.

Article 2

The President of the Commission is empowered to designate the person authorized to reply to the Director-General of the International Atomic Energy Agency (part B of the Agreement of participation) for the purpose of committing the European Atomic Energy Community.

Done at Brussels, 26 February 1988.

For the Commission

Karl-Heinz NARJES

Vice-President

AGREEMENT OF PARTICIPATION

by the European Atomic Energy Community in the International Thermonuclear Experimental Reactor (ITER) Conceptual Design Activities, together with Japan, the Union of Soviet Socialist Republics, and the United States of America

The Agreement consists of:

- A. The letter by the Director General of the International Atomic Energy Agency addressed on 2 November 1987, to the Head of the Delegation of the Commission of the European Communities to the International Organizations in Vienna, with Enclosure 1 (Terms of Reference concerning Conceptual Design Activities for an ITER and its annexes) and Enclosure 2 (Record of the Meeting of the ITER QIC, IAEA, Vienna, 18 and 19 October 1987);
- B. The reply to the above letter by the Commission of the European Communities.

The above documents A and B are annexed hereto.

A. Letter from the International Atomic Energy Agency

2 November 1987

Sir,

I have the honour to refer to the recent discussions on fusion held in Vienna and to their positive outcome.

The attractions offered by a fusion power source are many. Fusion energy relies on an essentially inexhaustible, uniformly distributed and comparatively cheap fuel source. It is, in addition, more benign from an environmental point of view, presenting fewer problems in this area than many other technologies. The ultimate achievement of a commercially viable fusion based power plant is therefore universally recognized as a benefit to all of mankind.

Since 1958 fusion research has enjoyed a level of international cooperation unusual in other scientific areas, and since its inception the International Atomic Energy Agency has maintained a fusion programme which has been instrumental in facilitating this collaborative work. I believe that the Agency can continue to play the useful role in international fusion research it has played in the past.

Because of these considerations the IAEA has taken a keen interest in the high level agreements reached in 1985 to expand international cooperation in fusion research, and has been glad to make available its services to the prospective partners in the organizational phase of the new and important international venture entitled the International Thermonuclear Experimental Reactor (ITER) Conceptual Design Study. We are further pleased to learn of the successful culmination of this work in that recommendations to embark on the ITER Activity, in conformity with the agreed Terms of Reference, will now be made to the appropriate authorities.

The Activity is to be conducted by four Parties: the European Atomic Energy Community (Euratom), Japan, the Union of Soviet Socialist Republics, and the United States of America.

The IAEA will be ready to provide the services and discharge the functions outlined in the Terms of Reference, subject to the conditions defined in Annex IV of this document. In addition, the Agency will undertake necessary consultations with the European Community and the host country to define privileges and immunities that the Parties to the ITER project would enjoy at the site of the Conceptual Design Activities.

I now have the honour of inviting the European Atomic Energy Community to participate in the aforementioned Activity in conformance with the Terms of Reference (Enclosure 1) and the recommendations contained in the Record of the Second ITER Quadripartite Initiative Committee Meeting held in Vienna on 18 and 19 October 1987 (Enclosure 2).

Accept, Sir, the assurances of my highest consideration.

*For the International Atomic
Energy Agency*

Hans BLIX

Director General

*ENCLOSURE 1***TERMS OF REFERENCE****concerning Conceptual Design Activities for an International Thermonuclear Experimental Reactor***Article 1***Parties to the Cooperation**

The Cooperation will be conducted under the auspices of the International Atomic Energy Agency (IAEA) by four Parties having equal status and making equal contributions. The Parties will be the European Atomic Energy Community (Euratom)⁽¹⁾, Japan, the Union of Soviet Socialist Republics (USSR) and the United States of America (USA), hereinafter referred to as 'the Parties'.

*Article 2***Subject-matter of the Cooperation**

The subject-matter of the Cooperation (hereinafter referred to as 'the Conceptual Design Activities') will be :

Design activities :

- (a) to define a set of technical characteristics of an International Thermonuclear Experimental Reactor (ITER) and subsequently to carry out the design work necessary to establish its conceptual design ;
- (b) to define future research and development needs and to draw up cost, manpower and schedule estimates for the realization of such a device ;
- (c) to define the site requirements for ITER and to perform a safety and environmental analysis ;

R&D activities :

- (d) to carry out in a coordinated manner specific validating research and development work supportive of the design activities,

with the objective of providing a design that is then available for all Parties to use either in their own national programme or as part of a larger international collaborative programme.

*Article 3***Schedule and reporting**

3.1. The conceptual Design Activities will be conducted in two phases :

- a definition phase,
- and a design phase.

3.2. During the definition phase, an ITER concept with a single set of technical characteristics will be defined in accordance with the Guidelines outlined in Article 4. This work will be documented by the Definition Phase Report which, after approval by the ITER Council, will be available to the Parties in November 1988.

3.3. As part of the definition phase, a preliminary programme of work for the design and R&D activities will be developed in accordance with the provisions of Articles 6 and 7. This programme, after approval by the ITER Council (Article 5), will be available to the Parties by mid-1988. Implementation of the R&D activities by the Parties will commence as soon as the programme has been approved by the ITER Council.

3.4. The design phase will commence as soon as the Definition Phase Report has been approved. The result of the design phase will be a Final Report containing the conceptual design of ITER and describing all the work carried out for the implementation of the Conceptual Design Activities. It will cover and document all areas defined in Article 2.

3.5. The Conceptual Design Activities will be completed by 31 December 1990.

⁽¹⁾ Including countries associated with the Euratom Fusion Programme.

*Article 4***Guidelines for the conceptual design of ITER**

The overall objective of ITER is to demonstrate the scientific and technological feasibility of fusion power. ITER would accomplish this objective by demonstrating controlled ignition and extended burn of deuterium-tritium plasmas, with steady state as an ultimate goal, by demonstrating technologies essential to a reactor in an integrated system, and by performing integrated testing of the high-heat-flux and nuclear components required to utilize fusion power for practical purposes.

More detailed objectives and main characteristics of ITER are given in Annex I.

*Article 5***Organizational structure**

The Conceptual Design Activities will be directed and managed by:

- the ITER Council (IC),
- the ITER Management Committee (IMC).

The IC will be advised by:

- the ITER Scientific and Technical Advisory Committee (ISTAC).

*5.1. ITER Council**5.1.1. Composition and procedure*

Each party will nominate two members to the ITER Council. The members may be accompanied by experts.

The IC will:

- act by unanimity,
- meet at least twice a year; extraordinary meetings will be convened either at the request of one Party or at the request of the ITER Management Committee; the meetings will normally take place in Vienna; the members of the IMC will normally attend the meetings,
- elect its Chairman from among its members,
- adopt its rules of procedure.

5.1.2. Functions

The IC will have the responsibility for the overall direction of the Conceptual Design Activities and will exercise overall supervision of their execution.

In particular, the IC will:

- (a) approve the programme of work to be executed for the implementation of the Conceptual Design Activities, and make suggestions on how the Parties may explore ways and means to comply with the objective of the cooperation set out in Article 2;
- (b) approve the Definition Phase Report, other intermediate reports and the Final Report;
- (c) ensure equal contributions of the Parties to the execution of the Conceptual Design Activities;
- (d) inform regularly the Parties and the Director General of the IAEA on the progress of the Conceptual Design Activities.

*5.2. ITER Management Committee**5.2.1. Composition and procedure*

Each party will nominate one member to the ITER Management Committee. Each member will be responsible for the contribution to the Conceptual Design Activities by the nominating Party.

The IMC will:

- act by unanimity,
- meet as frequently as is necessary to exercise its functions and at places to be agreed upon by its members,
- elect its Chairman from among its members,
- adopt its rules of procedure subject to the approval of the IC.

5.2.2. Functions

The IMC will be responsible for the execution of the Conceptual Design Activities within the overall directions established by the IC. It will manage and coordinate the work so as to achieve a coherent and workable conceptual design of the ITER device. The IMC will report to the IC.

In particular, the IMC will :

- (a) develop, regularly update and submit to the IC for approval a programme of work for the design and R&D activities, taking into account the schedule outlined in Article 3;
- (b) assign tasks within the programme of work to provide for equivalence of contribution by each Party;
- (c) draw up and submit to the IC for approval the Definition Phase Report and the Final Report as specified in Article 3.2 and 3.4, and such other intermediate reports as may be requested by the IC;
- (d) evaluate the efforts of the Parties on the basis of performance on the assigned tasks and report thereon to the IC;
- (e) provide the IC and ITER Scientific and Technical Advisory Committee with the information necessary to perform their functions.

5.3. ITER Scientific and Technical Advisory Committee (ISTAC)

5.3.1. Composition and procedure

The ISTAC will be composed of 12 members (three members per Party) nominated *ad personam* by the ITER Council. They will be chosen so as to ensure that all areas of expertise required for the execution of the Conceptual Design Activities are represented at the ISTAC.

The ISTAC will :

- elect its Chairman from among its members,
- meet at the request of the ITER Council ; members of the IMC will normally attend the meetings,
- adopt its own rules of procedure subject to the approval of the ITER Council.

5.3.2. Functions

The Scientific and Technical Advisory Committee will, upon request of the ITER Council, advise on scientific and technical matters.

Article 6

Design activities

The design activities, coordinated by the IMC, are expected to require :

- joint work (about 40 professionals) at one technical site for periods of several months,
- design work conducted at each Party's home site,
- workshops on specific technical issues held at places to be agreed upon.

Each Party will make equal contributions to both joint and domestic design work, anticipated to be equivalent to 80 to 100 man-years over the course of the design activities as defined in Article 2.

The detailed organization of the design activities will be set out in the programme of work to be developed by the INC in accordance with Article 5.2.2 (a).

An outline of the design activities is given in Annex II.

*Article 7***R&D activities**

The R&D activities will focus on the feasibility issues critical to a conceptual design that meets the ITER objectives. The R&D tasks will include the physics and the engineering technology required for the realization of ignition, and also the development of a physics database, the auxiliary current drive technology and the nuclear technology required for the realization of steady-state operating and testing.

The R&D activities will be performed in the laboratories of the Parties and by using existing bilateral and multilateral arrangements, should joint work be necessary.

Each Party will make equal contribution to the R&D activities, anticipated to be equivalent to approximately \$10 million per year.

The R&D activities and the detailed organization of their coordination will be specified in the programme of work to be developed by the IMC in accordance with Article 5.2.2 (a).

An outline of the R&D activities is given in Annex III.

*Article 8***Funding**

Each Party will bear the costs related to its contribution to the conceptual Design Activities.

*Article 9***Participation of other countries**

After consultation with the other Parties, each Party may involve in its contribution to the Conceptual Design Activities other countries which possess specific fusion capabilities.

*Article 10***IAEA support**

The services to be provided by the IAEA for the Conceptual Design Activities are outlined in Annex IV.

*Article 11***Annexes**

The Annexes I, II, III, and IV are integral parts of the Terms of Reference. Technical details are provided in Annexes I, II and III as a firm starting point for the design process.

Annex I

of Terms of Reference

ITER objectives and main characteristics**1. Programmatic objectives**

The overall objective of the ITER is to demonstrate the scientific and technological feasibility of fusion power. The ITER will accomplish this by demonstrating controlled ignition and extended burn of a deuterium and tritium plasma, with steady state as an ultimate objective, by demonstrating technologies essential to a reactor in an integrated system, and by performing integrated testing of the high-heat-flux and nuclear components required to utilize fusion power for practical purposes. The ITER, in accomplishing these objectives, will provide the database in physics and technology necessary for the design and construction of a demonstration fusion power plant.

The basic ITER device should be based on the scientific and technological database that is expected to be available to support a decision, at the end of the present conceptual design phase (1990), to proceed to engineering design and construction (target date for start of construction, 1993). However, to the extent possible, the design should be sufficiently flexible to provide access for the introduction of advanced features and new capabilities, and to allow for optimizing plasma performance during operation. The ITER concept will benefit from international cooperation by combining the technical expertise that exists in the participating countries, and by allowing the introduction into the design of advanced features and new technologies that are developed in the national programmes of any of the participants. The ITER should be designed to meet its objectives with reasonable cost.

1.1. Plasma physics objectives

The ITER shall demonstrate controlled ignition and extended burn of deuterium-tritium plasmas, with steady state as an ultimate objective.

1.2. Engineering objectives

The ITER shall validate design concepts and qualify engineering components for a fusion-power reactor. In addition, the ITER should demonstrate the reliability of its engineering systems and the maintainability of the reactor. The operation of ITER must demonstrate the potential for safe and environmentally acceptable operation of a power-producing fusion reactor.

1.3. Testing programme

The ITER should serve as a test facility for neutronics, blanket modules, tritium production, and advanced plasma technologies. An important objective will be the extraction of high-grade heat from reactor-relevant blanket modules appropriate for the generation of electricity.

2. Technical objectives and characteristics**2.1. Operation plan**

After a period of commissioning and plasma optimization using hydrogen and deuterium plasmas. ITER operation will be carried out in two phases: a physics phase, devoted mainly to achieving the plasma physics objectives, and a technology phase devoted to engineering objectives and the testing programme.

Machine modifications, for example in regard to shield-blanket components and plasma-facing materials, may be needed between various phases of machine operation.

2.2. Mode of plasma operation

In the physics phase, the ITER plasma will first be operated in pulsed mode under conditions of controlled burn, in which any external power input needed for control of the plasma profiles and power balance is insignificant compared with the alpha-particle power. In this phase, the burn pulse will then be extended towards steady state, aiming at as high a Q-value as possible (Q is the ratio between the fusion power and the power injected to drive the burn). In the technology phase, because of the desirability of transient-free nuclear testing, the ITER should be operated in a steady-state mode, even if the efficiency of non-inductive current drive and limitations on the plasma beta-value will only allow a Q-value of about 5.

2.3. Confinement capability

The ITER should be designed to have a confinement capability sufficient for reaching ignition. The considerable uncertainty still present with respect to plasma confinement of reactor-grade tokamak plasmas imposes a careful choice of the ITER confinement characteristics. One way of quantifying these

characteristics is via the plasma current possible in the device. Present large-tokamak experiments, not intended to ignite, are capable of plasma currents in the 3 to 5 MA range, with plans to increase this to 7 MA in JET.

The various scalings which have been proposed for plasma confinement in next-step devices imply that, at the magnetic fields accessible in ITER, the current needed for ignition ranges from just under 10 MA to as much as 20 MA or more. While it is difficult to cover fully this range of projections, it is considered that the current-carrying capability of ITER for ignition experiments will have to be such that it covers most of the above range, implying a current that is about twice the maximum current obtainable in the present generation of large tokamaks. This current-carrying capability will have to be achieved with a safety factor q consistent with the available data base for stable operation at a plasma elongation of up to about 2.

In addition, the ITER design has to be compatible with the requirements of steady-state operation. Since the confinement required for a Q -value of about 5 is reduced relative to that required for ignition, the plasma current may be correspondingly lower in the steady-state mode of operation.

2.4. *Pulse length*

The pulse length must be sufficient for the plasma to reach equilibrium burn, in which the energetic and thermalized alpha particles and impurities have all reached steady-state conditions. The pulse length should also be as large a fraction of the global plasma skin time as possible, so that equilibrium plasma profiles are approached, implying a pulse of at least a few hundred seconds.

The ITER must have the capability in the physics phase for purely inductive ramp-up and maintenance of the plasma current for the minimum pulse length required. Radio-frequency techniques will be employed, e.g. for partially non-inductive current ramp-up, to extend further the inductively-driven burn pulse.

The goal of steady-state operation will be met by fully non-inductive current maintenance, using neutral-beam or rf techniques, or a combination of the two. Non-inductive current drive should be implemented and tested in the physics phase as soon as possible.

2.5. *Neutron wall loading*

To carry out nuclear and high-heat-flux component testing at conditions relevant to a fusion power reactor, it is necessary for the average neutron wall loading to be about 1 MW/m².

2.6. *Neutron fluence*

The ITER should provide a useful lifetime neutron fluence of about 1 MWa/m². However, the design should allow the possibility of a higher neutron fluence, in the range of 3 MWa/m².

2.7. *Breeding capability*

The prescribed neutron fluence of 1 MWa/m² for ITER corresponds to a total tritium consumption in the range 20 to 30 kilograms. During the technology phase, the ITER should have provision for a tritium breeding blanket that aims to achieve a breeding ratio as close to unity as possible without jeopardizing the reliability and availability of the device. For maximum reliability, the breeding blanket may be of non-reactor-relevant design.

The purpose of the breeding blanket is to avoid limitations on device availability due to dependence on external sources of tritium. However, since the achievement of a breeding ratio of unity cannot be assured, it will be necessary to investigate the possibility of an external supply of tritium of typically one kilogram per year. For the physics phase, during which only limited quantities of tritium will be needed, it is expected the external sources will be adequate.

2.8. *Availability*

In order to attain the prescribed neutron fluence of 1 MWa/m² in a reasonable operating lifetime, the overall availability of the ITER in the technology stage must be at least 10 %. During years of peak reliability, the ITER should reach availability levels as high as 25 %. An important requirement of the ITER will be to operate at very high availability (continuous operation) for periods lasting one to two weeks.

Annex II

of Terms of References

Outline of the design activities**1. Schedule**

The project shall consist of a definition and design phases. The definition phase will begin in March 1988 and will be completed by the end of September 1988. This work will be documented by the Definition Phase Report which, after approval by the ITER Council, will be available to the Parties in November 1988. The design phase will commence as soon as the Definition Phase Report has been approved and shall be completed by 31 December 1990. Details of the scheduling are the responsibility of the ITER Management Committee.

2. Major tasks of design activities**2.1. Definition phase**

The purpose of the definition phase shall be :

- to establish the plasma design concept and determine major design constraints,
- to select major design features including impurity control methods, heating and current drive methods, magnetic field coil technology, breeding blanket types, materials, and reactor maintenance approach,
- to determine plasma major parameters, FF coil shape, PF coil locations and currents, and plasma operation scenario,
- to develop a preliminary reactor configuration,
- to identify R&D items necessary for ITER conceptual design and to propose them to the ITER Council,
- to document the conclusions in a report.

2.2. Design phase

The objectives of the design phase shall be :

- to develop an ITER machine conceptual design, including auxiliary systems,
- to perform a safety and environmental analysis,
- to develop site requirements,
- to define future research and development needs,
- to estimate cost, man power and schedule for construction and operation,
- to document the results in a final report.

3. Mode of activity

The ITER design shall be carried out as a single integrated project. This will require a sharing of tasks among the participants and transfer of information between the Parties as well as continuous integration of the effort. In recognition of the intensive integration effort needed to conduct a single design, joint work (approximately 40 professionals or about 10 per Party) will be necessary for periods of up to several months. Many workshops of shorter duration will be required.

Annex III

of Terms of Reference

Outline of R&D activities

The R&D effort specific to ITER should focus on the feasibility issues critical to a conceptual design that meets the ITER objectives.

Such R&D will need to be identified promptly and conducted expeditiously in order to provide the results in time for the design work.

Feasibility issues will include the physics performance and machine engineering features required for the achievement of ignition, and also the non-inductive current-drive and long-pulse nuclear technologies required for steady-state operation and testing.

1. R&D plan

The R&D plan should include :

- a definition of the ITER specific R&D tasks,
- a division/sharing of the tasks between the Parties,
- a specification of R&D milestones, required results and schedule.

The responsibility for executing its portion of the plan rests with each Party or, in appropriate circumstances, combinations of Parties working through existing bilateral or multilateral agreements. In assigning tasks, the IMC should take into account such agreements and also any operative governmental restrictions ; responsibility for assuring that the plan is consistent with such agreements and restrictions rests with the ITER Council.

2. Reporting of information

Written reports will be delivered to the IMC as evidence of the R&D efforts performance. The reports should contain information that is considered published and does not contain proprietary or restricted information. Acceptance of the reports by the IMC would satisfy the responsibilities of the Parties.

Regular workshops should be held to report progress and adjust tasks and plans in accordance with the needs of the design effort. These meetings will be scheduled by the IMC as necessary for close coordination and convenience of travel. Access to other R&D efforts beyond the ITER tasks would be on a voluntary basis.

Annex IV

of Terms of Reference

IAEA support

The ITER Conceptual Design Activities will be conducted under the auspices of the International Atomic Energy Agency.

The individuals nominated by the Parties to the ITER Council and the ITER Management Committee will be accredited by the Director General of the IAEA.

The IAEA will provide administrative support for the ITER Activity. This support will include :

- providing meeting and office space for ITER Activities located in Vienna, together with the required secretarial and other support services,
- providing, if needed, facilities for maintaining in Vienna an office established by the Parties to carry out those functions they deem necessary for properly conducting the Activity,
- providing assistance to the ITER Activities in arranging the following functions : organization of ITER meetings, editing and publishing of ITER technical reports, and maintaining a library of ITER documents,
- providing assistance in ensuring rapid communications between individual teams of the Parties,
- providing a forum for presentation of ITER results at the IAEA Conference on Plasma Physics and Controlled Nuclear Fusion Research.

The expenses incurred by the IAEA in supporting the ITER Activity will not exceed the budget allocated for INTOR. Expenditures required to support the ITER Activity above this amount will be borne by the Parties.

ENCLOSURE 2

RECORD OF THE MEETING OF THE INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR (ITER) QUADRIPARTITE INITIATIVE COMMITTEE (QIC) IAEA

Vienna, 18 and 19 October 1987

At the invitation of the IAEA Director-General Blix, the ITER QIC Delegations from the European Community, Japan, the Union of Soviet Socialist Republics and the United States of America met for a second time under IAEA auspices in Vienna. This second negotiating meeting followed the first exploratory meeting on 15 and 16 March 1987. The four Parties met to consider making recommendations for actions enhancing international collaboration in fusion for peaceful purposes to the benefit of all mankind. Deputy Director-General Ziffero welcomed the four Delegations on behalf of Director-General Blix. The four Parties agreed to a single Chair and asked P. Fasella (EC) to chair the meeting.

At the first meeting, the QIC had established a Technical Working Group for the purpose of developing proposals on the central technical and organizational matters for an ITER activity. The Chairman of the TWG, K. Tomabechi (Japan) presented the TWG Report. The QIC reviewed and accepted the Report with appreciation for the considerable work done. The QIC especially acknowledged the importance of the technical consensus developed and represented in the Annexes to the Report. The QIC then reviewed the draft terms of Reference and agreed upon a final version.

As part of the discussion on the Terms of Reference, the Japanese Delegation asked for a clarification of the legal status of the proposed ITER activity under IAEA auspices. Deputy Director-General Ziffero reported that, as a part of the Agency's 1988 budget process, an ITER activity had been fully considered and approved as an Agency project as defined in Article XI of the Agency Statute.

After careful consideration of the TWG Report, the QIC Delegation decided unanimously to recommend to their authorities participation in the ITER activity under the Terms of Reference.

The QIC then considered as a whole the matters of technical site for joint work and chairmen of the various bodies. The QIC unanimously recommended to the Parties that, in order to initiate the ITER activity as fast as possible, the following actions be taken:

During the Definition Phase:

- (a) the Chairmen of the IC, the IMC and the ISTAC be appointed for the duration of this Phase, J.F. Clarke for the IC, K. Tomabechi for the IMC and B.B. Kadomtsev for the ISTAC;
- (b) the meetings of the IC and ISTAC be normally held at the IAEA in Vienna;
- (c) the technical site for joint ITER work be IPP-Garching.

The decision on the chairmanship, location of the IC and ISTAC meetings and the technical site for the joint work during the Design Phase will be taken by the IC before the end of the Definition Phase.

Pending formal agreement of ITER activities by the four Parties, technical workshops will be held among representatives of the Parties in order to prepare for the initiation of ITER activity in April, 1988. Dr. Tomabechi is charged with the organization of this workshop.

As to the procedure for reaching formal agreement, the QIC decided to ask the Director-General to send a letter to each of the four Parties inviting them to participate in the ITER activity under the proposed Terms of Reference, the acceptance of which would formally initiate the activity.

The Delegations each expressed their satisfaction at the high degree of cooperation evidenced in the meeting which has resulted in the foregoing consensus position.

Signed by the leaders of the delegations of the four Parties.

For the European Community
P. FASELLA

For Japan
T. KAZUHARA

For the Union of Soviet Socialist Republics
E. VELIKHOV

For the United States of America
J. DECKER

B. Letter from the Commission of the European Communities

26 February 1988

Sir,

I have the honour to refer to your letter of 2 November 1987, addressed to the Head of the Delegation of the Commission of the European Communities to the International Organizations in Vienna, inviting the European Atomic Energy Community (Euratom) to participate in the International Thermonuclear Experimental Reactor (ITER) Conceptual Design Activities, in accordance with the Terms of Reference and the recommendations contained in the Record of the Second ITER Quadripartite Initiative Committee Meeting (Vienna, 18 and 19 October 1987), both of which are annexed to your letter, together with Japan, the Union of Soviet Socialist Republics, and the United States of America.

I have the honour to inform you of the agreement by Euratom to participate in the aforementioned Activities on the terms and conditions specified in your letter together with its Annexes.

Accept, Sir, the assurances of my highest consideration.

For the Commission

Michael GOPPEL

Head of Delegation
