

Official Journal

of the European Communities

ISSN 0378-6978

L 121

Volume 31

11 May 1988

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 1261/88 of 3 May 1988 applying supplementary generalized tariff preferences in respect of certain industrial products originating in development countries and sold at the Berlin 'Partners in Progress' fair** 1
- Commission Regulation (EEC) No 1262/88 of 10 May 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal 10
- Commission Regulation (EEC) No 1263/88 of 10 May 1988 fixing the premiums to be added to the import levies on cereals, flour and malt 12
- Commission Regulation (EEC) No 1264/88 of 6 May 1988 on the supply of refined rape seed oil to the International Committee of the Red Cross (ICRC) as food aid ... 14
- Commission Regulation (EEC) No 1265/88 of 6 May 1988 on the supply of milled long-grain rice to Ghana as food aid 17
- Commission Regulation (EEC) No 1266/88 of 6 May 1988 on the supply of common wheat to Honduras as food aid 20
- Commission Regulation (EEC) No 1267/88 of 6 May 1988 on the supply of refined sunflower oil to Pakistan as food aid 23
- Commission Regulation (EEC) No 1268/88 of 6 May 1988 on the supply of refined rape seed oil to the the United Nations High Commissioner for Refugees (UNHCR) as food aid 26
- Commission Regulation (EEC) No 1269/88 of 6 May 1988 amending Regulation (EEC) No 997/88 on the supply of common wheat flour to Guyana as food aid 31
- ★ **Commission Regulation (EEC) No 1270/88 of 6 May 1988 re-establishing the levying of customs duties on gauze and articles of gauze falling within CN code 3005, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply** 34

Contents (continued)

Commission Regulation (EEC) No 1271/88 of 6 May 1988 concerning the closing of the standing invitation to tender for the export of white sugar referred to in Regulation (EEC) No 1092/87	35
★ Commission Regulation (EEC) No 1272/88 of 29 April 1988 laying down detailed rules for applying the set-aside incentive scheme for arable land ...	36
★ Commission Regulation (EEC) No 1273/88 of 29 April 1988 laying down criteria for delimiting the regions or areas which may be exempted from the schemes for the set-aside of arable land, extensification and the conversion of production	41
★ Commission Regulation (EEC) No 1274/88 of 10 May 1988 repealing Regulation (EEC) No 133/88 laying down protective measures on imports of hybrid maize for use as seed	43
Commission Regulation (EEC) No 1275/88 of 10 May 1988 introducing a countervailing charge on fresh lemons originating in Cyprus	44
Commission Regulation (EEC) No 1276/88 of 10 May 1988 introducing a countervailing charge on fresh lemons originating in Israel	46
Commission Regulation (EEC) No 1277/88 of 10 May 1988 applying the duty in the Common Customs Tariff to fresh lemons originating in Israel	48
Commission Regulation (EEC) No 1278/88 of 10 May 1988 abolishing the countervailing charge on tomatoes originating in Spain (except the Canary Islands)	50
Commission Regulation (EEC) No 1279/88 of 10 May 1988 applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus	51
Commission Regulation (EEC) No 1280/88 of 10 May 1988 fixing the import levies on white sugar and raw sugar	53
Commission Regulation (EEC) No 1281/88 of 10 May 1988 altering the import levies on products processed from cereals and rice	55

II Acts whose publication is not obligatory

Commission

88/283/EEC :

- | | |
|---|----|
| ★ Commission Decision of 3 February 1988 on French Government aid to Pechiney, a company producing mainly aluminium | 57 |
|---|----|

88/284/EEC :

- | | |
|--|----|
| ★ Commission Decision of 19 April 1988 fixing the agro-economic trend coefficient to be used for defining the European size unit in connection with the Community typology for agricultural holdings | 65 |
|--|----|

Corrigenda

- | | |
|---|----|
| Corrigendum to Commission Regulation (EEC) No 1185/88 of 28 April 1988 on the supply of various lots of skimmed-milk powder as food aid (OJ No L 111 of 30.4.1988, page 56) | 66 |
|---|----|

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1261/88

of 3 May 1988

applying supplementary generalized tariff preferences in respect of certain industrial products originating in development countries and sold at the Berlin 'Partners in Progress' fair

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the overseas imports fair 'Partners in Progress' is organized every year in Berlin with a view to improving the access to world markets of products originating in developing countries;

Whereas, in view of the specific features of the Berlin Fair and of the unique situation of Berlin, certain measures should be taken in the field of generalized preferences;

Whereas, in accordance with the offer made in the context of the United Nations Conference on Trade and Development (UNCTAD), the Community opened generalized preferences commencing in 1971 and most recently under Regulations (EEC) No 3635/87⁽¹⁾ and (EEC) No 3782/87⁽²⁾, and in particular in respect of finished and semi-finished industrial and textile products originating in developing countries;

Whereas, in the past, certain products covered by the system of quotas, ceilings or other tariff measures, being the subject of contracts for sale in the course of the Berlin Fair, have not been able to benefit from the preferences, the allocated tariff quotas or fixed duty-free amounts having been used up or the collection of customs duties having been re-established for products subject to ceiling limits before the opening date of the fair; whereas it is important to provide additional latitude to developing countries to enable them to benefit from the generalized tariff preference for products being the subject of contracts for sale at the fair; whereas, however, this latitude should be limited to 6 % of the levels of the tariff measures applicable for each product or group of products under the abovementioned annual Regulations, and should be opened;

Whereas, without prejudice to the specific provisions of this Regulation, the application of the provisions of the annual Regulations regarding generalized tariff preferences and, in particular, in respect of the beneficiary countries and the concept of originating products should be applied to the supplementary preferences in question;

Whereas it is appropriate, however, to exclude from the scope of this Regulation certain products originating in particular beneficiary countries;

Whereas declarations of release into free circulation submitted with a view to the importation of the products in question should be accompanied by the certificate of origin and the contract concluded at the Berlin Fair, the latter certified by the competent German authorities;

Whereas the German authorities must ensure that certification of the contracts concluded at the Berlin Fair do not exceed the authorized supplementary quantities;

Whereas the method of administration adopted requires close and particularly rapid cooperation between Member States and the Commission,

Whereas the generalized preferences have been suspended for products originating in the Republic of Korea by Regulation (EEC) No 3912/87⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 30 August 1988 to 30 June 1989 supplementary Community tariff preferences shall be opened subject to Article 4 for the importation of products:

— mentioned in Annex I to Regulation (EEC) No 3635/87, or

— mentioned in Annexes I and II to Regulation (EEC) No 3782/87,

⁽¹⁾ OJ No L 350, 12. 12. 1987, p. 1.

⁽²⁾ OJ No L 367, 28. 12. 1987, p. 1.

⁽³⁾ OJ No L 369, 29. 12. 1987, p. 1.

provided these products originate in one of the countries or territories benefiting from the preferences referred to in the Annexes to those Regulations and have been exhibited by the exporting countries at the Berlin 'Partners in Progress' Fair and they have been the subject of sales contracts, except for products originating in the Republic of Korea.

2. The supplementary preferences referred to in paragraph 1 shall be 6 % of the quota, ceiling or fixed duty-free amounts fixed for each product or group of products in Regulations (EEC) No 3635/87 and (EEC) No 3782/87.

3. Within the framework of the supplementary preferences referred to in paragraph 1, the Common Customs Tariff duties shall be totally suspended. Application of the tariff preferences shall be subject to submission of a certificate of origin, Form A, and the contract.

4. Within the limits of the supplementary preferences referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply customs duties conforming to the relevant provisions of the Act of Accession, and the relevant Regulations.

Article 2

1. Declarations of the release into free circulation of the products in question accompanied by the certificate of origin and by the contract concluded at the Berlin Fair, the latter certified by the competent German authorities.

2. The German authorities shall ensure that the total amount covered by certified contracts does not exceed the limit fixed in Article 1 (2).

Article 3

Those provisions of Regulations (EEC) No 3635/87 and (EEC) No 3782/87 relating to the application of generalized tariff preferences which concern beneficiary countries and the concept of originating products shall be applicable.

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

Done at Brussels, 3 May 1988.

Article 4

This following shall be excluded from the benefits afforded by this Regulation :

- textile products falling within categories 1, 2, 3, 4, 5, 6, 7 and 8 appearing in Annex I to Regulation (EEC) No 3782/87 and originating in countries subject to the Community tariff quotas allocated as indicated in the said Annex,
- products appearing in Annex I to this Regulation and originating in countries indicated in column 4,
- industrial products appearing in Annex II to this Regulation and originating in countries which are subject to a quota for those products under Regulation (EEC) No 3635/87.

Article 5

The German authorities shall forward to the Commission, not more than seven days after the end of the Berlin Fair, a list of certified contracts indicating the nature and value or the quantity, whichever is appropriate, of the goods in question and the names and addresses of the exporters and importers. The Commission shall send a copy of this list to the authorities of the other Member States.

Article 6

Member States shall forward to the Commission, within two weeks following the end of each quarter, the list of the amounts charged during the reference quarter in accordance with the provisions of this Regulation.

Article 7

Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 8

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

For the Council

The President

M. BANGEMANN

ANNEX

List of products/countries excluded from the benefits afforded by this Regulation for industrial products (other than textiles)

Order No	CN code	Description	Countries concerned
10.0120	2905 11 00	Methanol	Libya
10.0240	2921 19 30	Isopropylamine and its salts	Romania
10.0260	2922 42 00	Glutamic acid and its salts	South Korea
10.0400	3102 10 10	Urea containing more than 45 % by weight of nitrogen on the dry anhydrous product	Libya
10.0500	4011 40 00 4011 50 10 4011 50 90 4013 20 00 4013 90 10	New pneumatic tyres and inner tubes of rubber of a kind used on bicycles and motorcycles (including tyre flaps and tyre cases with sewn-in inner tubes for racing bicycles)	South Korea
10.0510	4011 10 00 4011 20 00 4011 30 90 4011 99 00 4012 10 90 4012 90 10 4012 90 90 4013 10 10 4013 10 90 4013 90 90	Other new pneumatic tyres and inner tubes of rubber	South Korea
10.0520	4104 10 95 4104 10 99 4104 31 11 4104 31 19 4104 31 30 4104 31 90 4104 39 10 4104 39 90	Leather of bovine or equine animals, without hair on, other than leather of code 4108 or 4109	Brazil
10.0570	4202 11 10 4202 11 90 4202 12 91 4202 12 99 4202 19 91 4202 19 99 4202 21 00 4202 22 90 4202 29 00 4202 31 00 4202 32 90 4202 39 00 4202 91 10 4202 91 50 4202 91 90 4202 92 91 4202 92 95 4202 92 99 4202 99 10 4202 99 90	Trunks, suit-cases, vanity cases, executive cases, brief cases, school satchels and similar containers: — With outer surface of leather, of composition leather or of patent leather — With outer surface of plastics or of textile materials	South Korea Hong Kong
10.0580	4203 10 00 4203 21 00 4203 29 91 4203 29 99 4203 30 00 4203 40 00	Articles of apparel and clothing accessories, of leather or of composition leather, excluding gloves, mittens and mitts, protective for all trades	South Korea
10.0590	4203 29 10	Articles of apparel and clothing accessories, of leather or composition leather	Hong Kong

Order No	CN code	Description	Countries concerned
10.0660	6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes	South Korea Hong Kong
	6402 (*)(*)	Other footwear with outer soles and uppers of rubber or plastics	
10.0670	6403 (*)(*)	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	Brazil South Korea
10.0680	6404	Footwear with outer soles of rubber, plastics, leather or composition leather, and uppers of textile materials	Hong Kong South Korea
	6405 90 10 (*)(*)	Other footwear with outer soles of rubber, of plastics, of leather or of composition leather	
10.0800	7117 19 10 7117 19 91 7117 19 99 ex 7117 90 00	Imitation jewellery: — Of base metal, whether or not plated with precious metal: — — Others — Others excluding imitation jewellery of leather or composition leather or of wood	Hong Kong
10.0870	7312 10 30	Stranded wire, ropes, cables, plaited bands, slings and the like, of iron or steel, not electrically insulated	South Korea
	7312 10 50		
	7312 10 71		
	7312 10 75		
	7312 10 79		
	7312 10 91		
	7312 10 95		
	7312 10 99		
10.0950	7312 90 90		
	8211 10 00	Knives with cutting blades, serrated or not (including pruning knives) other than knives of code 8208, excluding knives with handles of base metal	South Korea
	8211 91 90		
	8211 92 90		
	8211 93 90		
10.1055	8528 10 40	Television receivers (including video monitors and video projectors) whether or not combined in the same housing, with radio-broadcast receivers or sound on video recording or reproducing apparatus. Colour television receivers, with integral tube	South Korea Hong Kong Singapore
	8528 10 50		
	8528 10 71		
	8528 10 73		
	8528 10 79		
10.1060	8527 11 10	Reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting, whether or not combined in the same housing with recording or reproducing apparatus or a clock	South Korea Singapore Hong Kong
	8527 11 90		
	8527 21 10		
	8527 21 90		
	8527 29 00		
	8527 31 10		
	8527 31 91		
	8527 31 99		
	8527 32 00		
	8527 39 10		
	8527 39 91		
	8527 39 99		
	8527 90 91		
	8527 90 99		
10.1060	8528 10 91	Television receivers (including video monitors and video projectors)	South Korea Singapore Hong Kong
	8528 10 99		
	8528 20 10		
	8528 20 71		
	8528 20 73		
	8528 20 79		
	8528 20 90		
	8529 10 20	Parts suitable for use solely or principally with the apparatus of codes 8525 to 8528 excluding cabinets and cases	
	8529 10 31		
	8529 10 39		
	8529 10 40		
	8529 10 50		
	8529 10 70		
	8529 10 90		
	8529 90 90		

Order No	CN code	Description	Countries concerned	
10.1110	8540 91 00	Thermionic, cold cathode or photocathode valves and tubes : – Parts	Hong Kong Singapore	
	8540 99 00			
	8541 10 10	Diodes, transistors, and similar semiconductor devices, light emitting diodes		
	8541 10 91			
	8541 10 99			
	8541 21 10			
	8541 21 90			
	8541 29 10			
	8541 29 90			
	8541 30 10			
	8541 30 90			
	8541 40 10			
	8541 50 10			
	8541 50 90			
	8541 90 00			
	8542 11 10	Electric integrated circuits and micro-assemblies		
	8542 11 30			
	8542 11 71			
	8542 11 75			
	8542 11 91			
	8542 11 99			
	8542 19 10			
	8542 19 20			
	8542 19 30			
	8542 19 50			
	8542 19 70			
	8542 19 90			
	8542 20 00			
	8542 80 00			
	8542 90 00			
10.1160	ex 9101 11 00		Wrist-watches, pocket-watches and other watches, including stop-watches, with case of precious metal or clad with precious metal : – Wrist-watches, battery or accumulator powered, whether or not incorporating a stop-watch facility : – – Quartz watches – Other : – – Battery or accumulator powered : – – – Quartz watches	Hong Kong
	ex 9101 12 00			
	ex 9101 19 00			
	ex 9101 91 00			
	ex 9102 11 00	Wrist-watches, pocket-watches and other watches, including stop-watches, other than those of heading No 9101 : – Wrist-watches, battery or accumulator powered, whether or not incorporating a stop-watch facility : – – Quartz watches – Other : – – Battery or accumulator powered : – – – Quartz watches		
	ex 9102 12 00			
	ex 9102 19 00			
	ex 9102 91 00			
10.1180	9105	Other clocks	Hong Kong	
10.1200	9111	Watch cases and parts thereof	Hong Kong	
10.1210	9201 10 10	Upright pianos, new	South Korea	
10.1300	9503	Other toys, reduced size (scale) models and similar recreational models, working or not, puzzles of all sorts	Hong Kong	
10.1280	9603 29 10	Shaving brushes, hairbrushes, nailbrushes, eyelash brushes, and other toilet brushes for use on the person, including such brooms constituting parts of appliances	South Korea	
	9603 29 30			
	9603 29 90			
	9603 30 10	Artists' brushes, writing brushes and similar brushes, for the application of cosmetics		
	9603 30 90			
	9603 40 10	Paint, distemper, varnish or similar brushes, road-sweeping brushes, household type brooms and brushes, including shoe brushes, and clothes brushes, and brushes for grooming animals		
	9603 90 91			

(*) The benefit of these preferences is not granted to products marked with an asterisk and originating in Romania.

(**) The benefit of these preferences is not granted to products marked with two asterisks and originating in China.

List of products/countries excluded from the benefits afforded by this Regulation for the textile sector

Order No	Category	Description	Countries concerned
40.0010	1	Cotton yarn not put up for retail sale	Brazil
40.0020	2	Woven fabrics of cotton, other than gauze	China
40.0033	3	Woven fabrics of synthetics fibres (staple)	Hong Kong
40.0040	4	Shirts, T-shirts	Hong Kong
40.0050	5	Jerseys, pullovers, anoraks	South Korea Hong Kong
40.0060	6	Men's or boys' woven breeches, shorts	Hong Kong
40.0070	7	Womens' or girls' blouses, shirts	Hong Kong
40.0080	8	Men's or boys' shirts	South Korea Hong Kong
40.0090	9	Terry towelling and similar woven terry fabrics of cotton	Brazil
40.0100	10	Gloves, mittens and mitts	Hong Kong
40.0120	12	Panty-hose, stockings, under stockings	South Korea
40.0130	13	Men's or boys' underpants	Hong Kong
40.0140	14	Men's or boys' woven overcoats, raincoats	South Korea
40.0150	15	Women's or girls' woven overcoats	South Korea Romania
40.0160	16	Men's or boys' suits	China Hong Kong Romania
40.0180	18	Men's or boys' and women's or girls' singlets and other vests	Hong Kong Macao
40.0190	19	Handkerchiefs	China Macao
40.0210	21	Parkas, anoraks	South Korea Hong Kong
40.0220	22	Yarn of staple or waste synthetic fibres not put up for retail sale	South Korea
40.0230	23	Yarn of staple or waste artificial fibres not put up for retail sale	China
40.0240	24	Nightshirts, nightdresses, pyjamas	Hong Kong
40.0260	26	Women's or girls' dresses	Hong Kong
40.0270	27	Skirts	Hong Kong
40.0280	28	Trousers, bib and brace overalls	Hong Kong
40.0290	29	Women's or girls' suits	Hong Kong
40.0300	31	Brassières	Hong Kong
40.0320	32	Woven pile fabrics and chenille fabrics	Hong Kong
40.0330	33	Woven fabrics of synthetic filament yarn	China

Order No	Category	Description	Countries concerned
40.0350	35	Woven fabrics of synthetic fibres (continuous)	South Korea
40.0370	37	Woven fabrics of artificial staple fibres	China South Korea
40.0390	39	Table linen, toilet and kitchen linen	China
40.0550	55	Synthetic staple fibres	Romania
40.0600	60	Tapestries, hand-made	China
40.0610	61	Narrow woven fabrics	Hong Kong
40.0620	62	Chenille yarn, labels, braids	South Korea
40.0670	67	Knitted or crocheted clothing accessories other than for babies	China
40.0680	68	Babies' garments and clothing accessories	Hong Kong
40.0690	69	Women's and girls' slips and petticoats	South Korea Romania
40.0700	70	Panty-hose, women's stockings	Romania
40.0720	72	Swimwear	Hong Kong
40.0740	74	Women's or girls' suits	Hong Kong Macao
40.0750	75	Men's or boy's suits	Macao
40.0770	77	Ski suits	South Korea Hong Kong
40.0780	78	Garments, other than knitted or crocheted	South Korea Hong Kong
40.0830	83	Overcoats, jackets, blazers	Hong Kong
40.0850	85	Ties	Hong Kong
40.0860	86	Corsets	South Korea Hong Kong
40.0870	87	Gloves	China Hong Kong
40.0880	88	Stockings, socks	Hong Kong
40.0910	91	Tents	South Korea
40.0930	93	Sacks and bags	China
40.0970	97	Nets	South Korea
40.1090	109	Tarpaulins, sails, awnings and sun-blinds	Hong Kong
40.1100	110	Woven pneumatic mattresses	China
40.1110	111	Camping goods	China
40.1130	113	Floor cloths, dish cloths	China

ANNEX II

List of products subject to a quota in Regulation (EEC) No 3635/87 and excluded from the benefits afforded by this Regulation

Order No	CN code	Description	Countries concerned
10.0440	3806 10 10	Rosin obtained from fresh deonesin	China
10.0480	3923 21 00	Sacks and bags (including cases) — Of polymene of ethylene	South Korea, Hong Kong, Singapore
10.0570	4202 11 10 4202 11 90 4202 12 91 4202 12 99 4202 19 91 4202 19 99 4202 21 00 4202 22 90 4202 29 00 4202 31 00 4202 32 90 4202 39 00 4202 91 10 4202 91 50 4202 91 90 4202 92 91 4202 92 95 4202 92 99 4202 99 10 4202 99 90	Trunks, suit-cases, vanity cases, executive cases, brief cases, school satchels and similar containers: — With outer surface of leather, of composition leather or of patent leather — With outer surface of plastics or of textile materials	Brazil, China
10.0630	4412 4420 90 10 (*)	Plywood, veneered panels and similar laminated wood Wood marquetry and inlaid wood	Brazil, South Korea, Indonesia, Singapore, Philippines, Malaysia
10.0670	6403 (*)(**)	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	Hong Kong
10.0690	6405 10 90 6405 20 91 6405 20 99 6405 90 90 (*)	Other footwear with outer soles of other materials	China
10.0700	6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Hong Kong
10.0710	6908	Glazed ceramic flags and paving, hearth or wall tiles; glazed ceramic mosaic cubes and the like, whether or not on a backing	South Korea, Thailand
10.0950	8211 10 00 8211 91 90 8211 92 90 8211 93 90	Knives with cutting blades, serrated or not (including pruning knives), other than knives of code 8208, excluding knives with handles of base metal	Hong Kong

Order No	CN code	Description	Countries concerned
10.0980	8414 10 30	Pumps and compressors	Brazil, Singapore
	8414 10 50	Hand or foot-operated air pumps for cycles and similar articles :	
	8414 10 90	— Other pumps and compressors	
	8414 20 91		
	8414 20 99		
	8414 30 30		
	8414 30 91		
	8414 30 99		
	8414 40 10		
	8414 40 90		
	8414 80 21		
	8414 80 29		
	8414 80 31		
	8414 80 39		
	8414 80 41		
	8414 80 49		
	8414 80 60		
	8414 80 71		
	8414 80 79		
	8414 80 90		
10.0990	8452 10 11	Sewing machines, other than book-sewing machines of code 8440	Brazil
	8452 10 19		
	8452 10 90		
	8452 21 00		
	8452 29 00		
10.1052	8521	Video recording or reproducing apparatus	South Korea
	8528 10 11		
	8528 10 19		
	8528 10 30		
10.1094	8540 11 10	Cathode-ray television picture tubes, including video monitor cathode-ray tubes :	South Korea
	8540 11 30		
	8540 11 90	— Colour	

(*) The benefit of these preferences is not granted to products marked with an asterisk and originating in Romania.

(**) The benefit of these preferences is not granted to products marked with two asterisks and originating in China.

COMMISSION REGULATION (EEC) No 1262/88

of 10 May 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) 1097/88⁽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 9 May 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 11 May 1988.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.
⁽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 10 May 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	16,55	179,86
0712 90 19	16,55	179,86
1001 10 10	73,91	253,24 ⁽¹⁾ ⁽²⁾
1001 10 90	73,91	253,24 ⁽¹⁾ ⁽²⁾
1001 90 91	11,45	193,48
1001 90 99	11,45	193,48
1002 00 00	51,75	168,86 ⁽⁶⁾
1003 00 10	45,43	176,50
1003 00 90	45,43	176,50
1004 00 10	101,89	150,53
1004 00 90	101,89	150,53
1005 10 90	16,55	179,86 ⁽²⁾ ⁽³⁾
1005 90 00	16,55	179,86 ⁽²⁾ ⁽³⁾
1007 00 90	40,05	186,05 ⁽⁴⁾
1008 10 00	45,43	102,10
1008 20 00	45,43	151,64 ⁽⁴⁾
1008 30 00	45,43	64,77 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	45,43	64,77
1101 00 00	31,23	285,22
1102 10 00	87,65	251,61
1103 11 10	128,41	406,37
1103 11 90	31,32	305,63

⁽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 1263/88

of 10 May 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 1097/88 ⁽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 9 May 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 11 May 1988.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽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 10 May 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 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	4,88	4,88	4,88
1001 10 90	0	4,88	4,88	4,88
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	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1264/88

of 6 May 1988

on the supply of refined rape seed oil to the International Committee of the Red Cross (ICRC) as food aid

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

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

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

Whereas, by its Decision of 16 March 1988 on the supply of food aid to the ICRC, the Commission allocated to that organization 150 tonnes of refined rape seed oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No⁽¹⁾** : 251/88
2. **Programme** : 1988
3. **Recipient** : ICRC
4. **Representative of the recipient⁽²⁾** : ICRC Delegation, 35th Street, House No 50, PO Box 1831, Khartoum, Democratic Republic of the Sudan
5. **Place or country of destination** : Sudan
6. **Product to be mobilized** : refined rape seed oil
7. **Characteristics and quality of the goods⁽³⁾** :
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. **Total quantity** : 150 tonnes net
9. **Number of lots** : one
10. **Packaging and marking** :
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B) :
 - metal cans of one litre or one kilogram
 - the cans must be packed in cartons, with 20 or 24 cans per carton
 - to be delivered on standardized pallets wrapped in shrinked plastic/under plastic cover
 - the cans must carry the following wording :
'ACTION No 251/88 / ETS / 91 / COLZA OIL / PORT SUDAN / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY' and must indicate the date of production and the date of expiry
11. **Method of mobilization** : the Community market
12. **Stage of supply** : free at destination
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : Warehouse ICRC, Suakin Street, Plot No 3, Square 13, Port Sudan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage** : 1 to 31 July 1988
18. **Deadline for the supply** : 15 September 1988
19. **Procedure for determining the costs of supply⁽⁴⁾** : tendering
20. **Date of expiry of the period allowed for submission of tenders** : 24 May 1988 not later than 12 noon. Tenders shall be valid until 12 midnight (Belgian time) on 25 May 1988
21. **In the case of a second invitation to tender** :
 - (a) deadline for the submission of tenders : 7 June 1988 not later than 12 noon (Belgian time). Tenders shall be considered valid until 12 midnight on 8 June 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 15 July to 15 August 1988
 - (c) deadline for the supply : 1 October 1988
22. **Amount of the tendering security** : 15 ECU/tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ECU
24. **Address for submission of tenders⁽⁵⁾** :
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex : AGREC 22037 B
25. **Refund payable on request by the successful tenderer** : —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer:
See list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
— certificate of origin,
— health certificate.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels:
235 01 32
236 10 97
235 01 30
236 20 05.
-

COMMISSION REGULATION (EEC) No 1265/88

of 6 May 1988

on the supply of milled long-grain rice to Ghana as food aid

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

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

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

Whereas, by its Decision of 30 July 1987 on the supply of food aid to Ghana, the Commission allocated to that country 10 000 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of milled long-grain rice to Ghana in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No ⁽¹⁾:** 268/88
2. **Programme :** 1987
3. **Recipient :** National Authorizing Officer, Attention Ms Quist, Ministry of Finance and Economic Planning, PO Box M 40 Accra, 63)
4. **Representative of the recipient ⁽²⁾:** Ambassade du Ghana, rue Gachard 44, B-1050 Bruxelles (telex : 22572 Ghana B ; tel. : 649 01 63)
5. **Place or country of destination :** Ghana
6. **Product to be mobilized :** Milled long grain rice (not par-boiled)
7. **Characteristics and quality of the goods ⁽³⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.10)
8. **Total quantity :** 4 167 tonnes (10 000 tonnes of cereals)
9. **Number of lots :** one
10. **Packaging and marking ⁽⁴⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.1 (e))
— marking on the bags in letters at least 5 cm high :
'ACTION No 268/88 / WHITE RICE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO GHANA'
11. **Method of mobilization :** the Community market
12. **Stage of supply :** free at port of landing — landed
13. **Port of shipment :** —
14. **Port of landing specified by the recipient :** —
15. **Port of landing :** Tema
16. **Address of the warehouse and, if appropriate, port of landing :** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** 10 to 30 June 1988
18. **Deadline for the supply :** 15 July 1988
19. **Procedure for determining the costs of supply :** tendering
20. **Date of expiry of the period allowed for submission of tenders :** 24 May 1988 at 12 noon
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 7 June 1988 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 25 June to 15 July 1988
 - (c) deadline for the supply : 30 July 1988
22. **Amount of the tendering security :** 5 ECU/tonne
23. **Amount of the delivery security :** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders ⁽⁵⁾:**
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B-1049 Brussels, telex : AGREC 22037 B
25. **Refund payable on request by the successful tenderer ⁽⁶⁾:**
Refund applicable on 5 May 1988 fixed by Regulation (EEC) No 1179/88 in *Official Journal of the European Communities* No L 111 of 30 April 1988, page 44.

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
Mr M. McGeever, The Round House, 65 Cantonments, Accra, PO Box 9505, Kotoka Airport, Accra ;
telex : 2069 DELCOM Accra.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 level.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2% of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05.
- (⁶) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
-

COMMISSION REGULATION (EEC) No 1266/88

of 6 May 1988

on the supply of common wheat to Honduras as food aid

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

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

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

Whereas, by its Decision of 15 April 1987 on the supply of food aid to Honduras, the Commission allocated to that country 1 000 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No⁽¹⁾:** 207/88
2. **Programme:** 1987
3. **Recipient:** Honduras
4. **Representative of the recipient⁽²⁾:** Ambassade du Honduras (M. Zapata), Avenue des Gaulois 3, B-1040 Bruxelles
5. **Place or country of destination:** Honduras
6. **Product to be mobilized:** common wheat
7. **Characteristics and quality of the goods⁽³⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.1):
Specific characteristics: Hagberg falling number of at least 160
8. **Total quantity:** 1 000 tonnes
9. **Number of lots:** one
10. **Packaging:** in bulk
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 25 June to 10 July 1988
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 24 May 1988 at 12 noon
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 7 June 1988 at 12 noon
 - (b) period for making the goods available at the port of shipment: 10 to 25 July 1988
 - (c) deadline for the supply: —
22. **Amount of the tendering security:** 5 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders⁽⁴⁾:**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁵⁾:**
Refund applicable on 5 May 1988 fixed by Regulation (EEC) No 1179/88 in *Official Journal of the European Communities* No L 111 of 30 April 1988, page 44.

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
M. Cerini, Centro Colon, Apartado 836, 1007 San José, Costa Rica ;
tel. : 33 27 55, telex : 3482 CEEAC CR.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 level.
The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
— certificate of origin,
— phytosanitary certificate.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05.
- (⁵) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
-

COMMISSION REGULATION (EEC) No 1267/88

of 6 May 1988

on the supply of refined sunflower oil to Pakistan as food aid

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

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

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

Whereas, by its Decision of 30 July 1987 on the supply of food aid to Pakistan, the Commission allocated to that country 500 tonnes of refined sunflower oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No** ⁽¹⁾: 227/88
2. **Programme**: 1986
3. **Recipient**: Pakistan
4. **Representative of the recipient** ⁽²⁾: Ministry of Health, Dr M. A. Basit Khan, Assistant Project Director, WFP, Pak Sec Karachi
5. **Place or country of destination**: Pakistan
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.2)
8. **Total quantity**: 500 tonnes net
9. **Number of lots**: one
10. **Packaging and marking**:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - metal cans of 10 litres or 10 kilograms
 - the cans must be packed in cartons, with two cans per carton
 - to be delivered on standardized pallets under plastic cover
 - the cans must carry the following wording (in English and Urdu):
'ACTION No 227/88 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY FOR FREE DISTRIBUTION / PAKISTAN'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Karachi
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15 July to 15 August 1988
18. **Deadline for the supply**: 1 October 1988
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 24 May 1988, not later than 12 noon. Tenders shall be valid until 12 midnight on 25 May 1988
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 7 June 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 8 June 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 31 August 1988
 - (c) deadline for the supply: 15 October 1988
22. **Amount of the tendering security**: 15 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** ⁽⁵⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, rue de la Loi, 200, B-1049 Bruxelles; telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer**: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer:
Mr Falkowski, Delegate, House No 8, Margalla Road, F6/3, Islamabad; tel. 82 18 28/82 26 04, telex: 54044 COMEU PK.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
-

COMMISSION REGULATION (EEC) No 1268/88

of 6 May 1988

on the supply of refined rape seed oil to the the United Nations High
Commissioner for Refugees (UNHCR) as food aid

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

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

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

Whereas, by its Decision of 19 March 1987 on the supply
of food aid to UNHCR, the Commission allocated to that
organization 1 040 tonnes of refined rape seed oil;

Whereas it is necessary to provide for the carrying-out of
this measure in accordance with the rules laid down by
Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in
the Community of products to be supplied as Community
food aid⁽⁴⁾; whereas it is necessary to specify the time
limits and conditions of supply and the procedure to be
followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

LOT A

1. **Operation No ⁽¹⁾:** 261/88
2. **Programme :** 1987
3. **Recipient :** UNHCR
4. **Representative of the recipient ⁽²⁾:** The UNHCR Regional Liaison Representative for Africa, Ground Floor, EEC Building, Bole Road, Higher 18, Kebele 26, House No 519 001, Addis Ababa, Ethiopia
5. **Place or country of destination :** Ethiopia
6. **Product to be mobilized :** refined rape seed oil
7. **Characteristics and quality of the goods ⁽³⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. **Total quantity :** 700 tonnes net
9. **Number of lots :** one
10. **Packaging and marking :**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - metal cans of five litres or five kilograms
 - the cans must be packed in cartons, four cans per carton
 - the cans must carry the following wording:
'ACTION No 261/88 / VEGETABLE OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / UNHCR ASSISTANCE PROGRAMME FOR REFUGEES IN ETHIOPIA / FOR FREE DISTRIBUTION / DJIBOUTI'
11. **Method of mobilization :** the Community market
12. **Stage of supply :** free at port of landing — landed
13. **Port of shipment :** —
14. **Port of landing specified by the recipient :** —
15. **Port of landing :** Djibouti
16. **Address of the warehouse and, if appropriate, port of landing :** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** 15 July to 15 August 1988
18. **Deadline for the supply :** 15 September 1988
19. **Procedure for determining the costs of supply ⁽⁴⁾:** tendering
20. **Date of expiry of the period allowed for submission of tenders :** 24 May 1988 not later than 12 noon. Tenders shall be valid until 12 midnight (Belgian time) on 25 May 1988
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 7 June 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 8 June 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 1 to 31 August 1988
 - (c) deadline for the supply : 1 October 1988
22. **Amount of the tendering security :** 15 ECU/tonne
23. **Amount of the delivery security :** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders ⁽⁵⁾:**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex : AGREC 22037 B
25. **Refund payable on request by the successful tenderer :** —

LOT B

1. **Operation No⁽¹⁾:** 265/88
2. **Programme:** 1987
3. **Recipient:** UNHCR
4. **Representative of the recipient⁽²⁾:** The Representative, UNHCR Branch Office in the Sudan, Kuwaiti Building, Mile Street, PO Box 2560, Khartoum, Sudan
5. **Place or country of destination:** Sudan
6. **Product to be mobilized:** refined rape seed oil
7. **Characteristics and quality of the goods⁽³⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. **Total quantity:** 300 tonnes net
9. **Number of lots:** one
10. **Packaging and marking:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - new drums of 200 litres or 200 kilograms
 - the drums must carry the following wording:
'ACTION No 265/88 / VEGETABLE OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / UNHCR ASSISTANCE PROGRAMME FOR REFUGEES IN SUDAN / FOR FREE DISTRIBUTION / PORT SUDAN'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Port Sudan
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 1 to 31 July 1988
18. **Deadline for the supply:** 31 August 1988
19. **Procedure for determining the costs of supply⁽⁴⁾:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 24 May 1988 not later than 12 noon. Tenders shall be valid until 12 midnight (Belgian time) on 25 May 1988
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 7 June 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 8 June 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 July to 15 August 1988
 - (c) deadline for the supply: 15 September 1988
22. **Amount of the tendering security:** 15 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders⁽⁵⁾:**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer:** —

LOT C

1. **Operation No** ⁽¹⁾: 266/88
2. **Programme**: 1987
3. **Recipient**: UNHCR
4. **Representative of the recipient** ⁽²⁾: M. le délégué régional du HCR pour l'Afrique Centrale, immeuble de la 2^e République, boulevard du 30 juin, Kinshasa, Zaïre
5. **Place or country of destination**: Zaïre
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. **Total quantity**: 40 tonnes net
9. **Number of lots**: one
10. **Packaging and marking**:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - metal cans of five litres or five kilograms
 - the cans must be packed in cartons, four cans per carton
 - the cans must carry the following wording:
'ACTION N° 266/88 / HUILE VÉGÉTALE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / PROGRAMME D'ASSISTANCE DU UNHCR POUR LES RÉFUGIÉS AU ZAÏRE / DISTRIBUTION GRATUITE / BOMA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Boma
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15 June to 15 July 1988
18. **Deadline for the supply**: 15 August 1988
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 24 May 1988 not later than 12 noon. Tenders shall be valid until 12 midnight (Belgian time) on 25 May 1988
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 7 June 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 8 June 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 31 July 1988
 - (c) deadline for the supply: 31 August 1988
22. **Amount of the tendering security**: 15 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** ⁽⁵⁾:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles,
Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer**: —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer :
See list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
-

COMMISSION REGULATION (EEC) No 1269/88

of 6 May 1988

amending Regulation (EEC) No 997/88 on the supply of common wheat flour to
Guyana as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 3972/86
of 22 December 1986 on food-aid policy and food-aid
management⁽¹⁾, as amended by Regulation (EEC) No
3785/87⁽²⁾, and in particular Article 6 (1) (c) thereof,Whereas Commission Regulation (EEC) No 997/88⁽³⁾,
issued an invitation to tender for the supply, as food aid,
of 1 000 tonnes of cereals for Guyana; whereas, following
a request by the beneficiary, some of the conditions
specified in the Annex to the Regulation should be
altered,*Article 1*The Annex to Regulation (EEC) No 997/88 is hereby
replaced by the Annex to this Regulation.*Article 2*This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities*.This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.⁽³⁾ OJ No L 99, 16. 4. 1988, p. 20.

ANNEX

ANNEX

1. **Operation No (1):** 139/88
2. **Programme:** 1987
3. **Recipient:** Cooperative Republic of Guyana
4. **Representative of the recipient (2):** Ruys & Co. Antwerpen. Attn. M. Verbeek. Tel. 03 233 87 90, telex 72255 RUYS
5. **Place or country of destination:** Guyana (Ministry of Finance, Main & Urquhart Streets, Georgetown, Guyana)
6. **Product to be mobilized:** common wheat flour
7. **Characteristics and quality of the goods (3):**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.6)
Specific characteristics: Hagberg falling number of at least 160
8. **Total quantity:** 365 tonnes (500 tonnes of cereals)
9. **Number of lots:** one
10. **Packaging and marking (4):**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.2(a)):
'ACTION No 139/88 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO GUYANA'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Georgetown
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 8 to 18 June 1988
18. **Deadline for the supply:** 10 July 1988
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 24 May 1988 at 12 noon
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 31 May 1988 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 to 25 June 1988
 - (c) deadline for the supply: 15 July 1988
22. **Amount of the tendering security:** 5 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders (5):**
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer (6):**
Refund applicable on 5 May 1988, fixed by Regulation (EEC) No 1179/88 in *Official Journal of the European Communities* No L 111 of 30 April 1988, page 44

Notes:

(¹) The operation number is to be quoted in all correspondence.

(²) Commission delegate to be contacted by the successful tenderer:

Mr J. C. Heyraud; telex: 2258 DELEG GY. Address for correspondence: Diplomatic Bag, Berlaymont 1/123, rue de la Loi 200, B-1049 Brussels.

(³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 level.

(⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

(⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:

— either by porter at the office referred to in point 24 of this Annex,

— or by telecopier on one of the following numbers in Brussels:

235 01 32

236 10 97

235 01 30

236 20 05.

(⁶) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

COMMISSION REGULATION (EEC) No 1270/88

of 6 May 1988

re-establishing the levying of customs duties on gauze and articles of gauze falling within CN code 3005, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3635/87 of 17 November 1987 applying generalized tariff preferences for 1988 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 16 thereof,

Whereas, pursuant to Articles 1 and 14 of Regulation (EEC) No 3635/87, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 14 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of gauze and articles of gauze falling within CN code 3005, the individual ceiling was fixed at 1 400 000 ECU; whereas, on 2 May 1988, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 14 May 1988, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3635/87 shall be re-established on imports into the Community of the following products originating in China:

Order No	CN code	Description
10.0395	3005 90 31	Gauze and articles of gauze

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, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 350, 12. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1271/88

of 6 May 1988

concerning the closing of the standing invitation to tender for the export of
white sugar referred to 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 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 1107/88⁽²⁾, and in particular
Articles 13 (2), 18 (5) and 19 (4) and (7) thereof,

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

Whereas partial invitations to tender for the export of
white sugar are conducted pursuant to Commission
Regulation (EEC) No 1092/87⁽⁴⁾, as amended by
Regulation (EEC) No 3739/87⁽⁵⁾; whereas after taking
account of the Community sugar supply balance and in
particular of the stocks and of the foreseeable quantities

of sugar available for export following the export
commitments already undertaken, it is appropriate that
the said standing invitation to tender should be closed
sooner than foreseen;

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

HAS ADOPTED THIS REGULATION:

Article 1

The date of 31 July 1988 in Article 1 (2) of Regulation
(EEC) No 1092/87 shall be replaced by 19 May 1988.

Article 2

This Regulation shall enter into force on 19 May 1988.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 106, 22. 4. 1987, p. 9.

⁽⁵⁾ OJ No L 352, 15. 12. 1987, p. 21.

COMMISSION REGULATION (EEC) No 1272/88

of 29 April 1988

laying down detailed rules for applying the set-aside incentive scheme for arable land

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 137/88⁽²⁾, and in particular Article 1a (7) thereof,

Whereas, in order to determine which arable land is to be eligible for aid under the scheme, it would be appropriate to refer to the definitions laid down in Council Regulation (EEC) No 571/88 of 29 February 1988 on the organization of Community surveys on the structures of agricultural holdings between 1988 and 1997⁽³⁾, and Commission Decision 83/461/EEC of 4 July 1983 laying down, for the purposes of a structure survey for 1983 as part of a programme of surveys on the structure of agricultural holdings, the definitions relating to the list of characteristics and the list of agricultural products⁽⁴⁾;

Whereas land used for both arable and permanent crops should be eligible for set-aside aid on condition that at least 50 % of the area concerned is used for arable crops; whereas any increase in production of permanent crops on the land in question should not be permitted;

Whereas Member States should determine the reference period during which arable land was effectively cropped, taking into account their own specific conditions of production; whereas in order to ensure uniform application of the scheme this period must lie between 1 July 1985 and 30 June 1988 and be no shorter than one farming year; whereas, moreover, in order to rule out speculative use, the scheme must exclude any areas recently converted to arable land;

Whereas it is necessary to define the measures needed to keep set-aside land in good cropping condition;

Whereas beneficiaries' obligations must be determined in cases where set-aside land is used for extensive stock grazing; whereas such grazing land must be permanent grassland consisting of plants with low yield, receiving no inputs other than those occurring naturally, except during the period of establishment of the grassland, and carrying a low density of grazing stock; whereas since extensive grazing is normally only practised over the entire area of a holding, it is essential, in order to keep control over the practice, to limit the stocking density for the entire holding or to ban any increase in the number of livestock units;

Whereas the basic minimum of information to be provided in applications for aid should be laid down; whereas in order to facilitate the necessary inspections the applicant must, in particular, undertake to allow the competent authorities access to this holding and not to hinder these inspections in any way;

Whereas allowance must be made for cases in which the farmer is not himself the owner of the holding, and particularly cases in which the holding is leased to him, by laying down minimum conditions to prevent any speculation when the scheme is put into effect which might result in termination or refusal to renew such farm leases;

Whereas, to allow accurate assessment of the loss of income caused by set-aside, Member States should take particular account when fixing rates of aid of the conditions of production in the various regions and areas, the beneficiary's obligations to maintain good cropping conditions and to protect the environment and natural resources, and of any income derived from non-agricultural use of the land; whereas in cases where set-aside land is used for grazing or for growing lentils, chick peas or vetch it seems appropriate to reduce the rate of aid by 40 to 60 % to take account of the smaller loss in income;

Whereas provisions should be laid down to allow for increases in the area of set-aside land and the transfer of holdings during the period of the undertaking; whereas, to ensure the flexibility of the scheme, the beneficiary should be allowed to ask for changes to be made in his undertaking;

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

⁽³⁾ OJ No L 56, 2. 3. 1988, p. 1.

⁽⁴⁾ OJ No L 251, 12. 9. 1983, p. 100.

Whereas the verification procedure to be applied by Member States must be determined; whereas, moreover, Member States must take effective action in cases of failure of a beneficiary to comply with his undertakings;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for applying the set-aside incentive scheme for arable land.

Article 2

1. For the purposes of this Regulation, arable land should be taken to mean the types of land listed in section D of the Annex to Regulation (EEC) No 571/88 and defined in the Annex to Commission Decision 83/461/EEC, with the exception of land mentioned under point D/21 and of land devoted to products without a market organization.

2. Where arable crops and permanent crops share the land concerned the utilized agricultural area shall be divided between the two types of crop according to the proportion of land occupied by each, and where the area used as arable land is at least 50 %, that proportion of the total area shall be eligible for inclusion in the scheme, provided the production capacity for permanent crops is not increased.

Article 3

1. The reference period referred to in Article 1a (2) of Regulation (EEC) No 797/85 during which arable land was effectively cropped must span not less than one marketing year between 1 July 1985 and 30 June 1988. Any areas converted to arable land during the first half of 1988 shall, however, be excluded from the incentive scheme referred to in Article 1.

2. The minimum area to be set-aside shall be one hectare per holding, except in Greece where the area shall be 0,5 hectare. For the efficient application of the scheme, Member States may provide that this area should be made up of adjacent plots of an appropriate configuration.

3. The area to be set aside must represent at least 20 % of the arable land on the holding at the time the application for aid is submitted.

Article 4

1. Where set-aside land is left fallow with the option of being included in a rotation system, action shall be taken to maintain good cropping conditions, particularly by:

(a) prohibiting:

- the spreading of organic waste, except on land where this is needed to condition the soil in order to prevent erosion or maintain soil fertility,
- the use of plant protection products, including herbicides, except for those which leave little residue; the latter may be used upon express authorization of the competent authorities;

(b) ensuring:

- the establishment or maintenance of appropriate plant cover, for the particular purpose of preventing erosion and nitrate leaching; this cover may be left in place year-around or ploughed in, depending on soil and climatic conditions,
- basic maintenance, in particular existing rows of trees, hedges, water courses, ponds and pools,
- sufficient mechanical cultivation of the soil, especially for the purpose of conserving water reserves and combating weeds.

2. Set-aside land used for non-agricultural purposes shall not be used for plant or animal production. The measures provided for in paragraph 1 may be adapted to the specific form of use involved.

3. The Member States may make it an obligation for the beneficiary to maintain the set-aside land in order to protect the environment and natural resources.

Article 5

Where land set aside is used for 'extensive' grazing, the applicant shall be required:

(a) in respect of the set-aside land:

- to sow an area of permanent grassland composed only of a mixture of forage species and of varieties which have a low yield,
- not to irrigate,
- not to spread mineral or organic fertilizers to supplement the droppings normally left by animals grazing the land, except during the period of establishment of the grassland,
- not to use plant protection products, including herbicides, except during the period of establishment of the grassland,
- to take only one grass cut per year, for the purpose of producing hay for the animals on the holding;

(b) in respect of the holding :

- either not to exceed a grazing stock density of one livestock unit (LU) per hectare of total forage area (TFA),
- or not to exceed the initial number of livestock units.

Article 6

1. Where the set-aside land is used for growing lentils, chick peas or vetch, the area sown to these crops during the reference period shall not be eligible for inclusion in the scheme.

2. The beneficiary shall undertake, in respect of the entire holding, not to increase the density of grazing stock expressed as LU per hectare of TFA.

Article 7

1. When submitting an aid application, the applicant shall provide the following particulars :

- (a) total area of the holding and location of parcels used for farming ;
- (b) breakdown between arable land, permanent grassland and farmland put to other uses ;
- (c) area of arable land effectively cropped during the reference period ;
- (d) area to be maintained as arable land and location thereof ;
- (e) area to be set aside and location thereof ;
- (f) use proposed for the area referred to in (e).

2. In addition, where set-aside land is used for extensive stock grazing, the applicant shall specify :

- the composition of the grazing stock and its annual feed needs during the reference period,
- the amount of feed available each year for the grazing stock during the reference period, to include feed produced on the holding and that purchased,
- anticipated changes to the undertaking mentioned in Article 5.

3. Where set-aside land is used for growing lentils, chick peas or vetch the applicant shall supply details of the area sown to these crops during the reference period.

4. The application for aid shall be accompanied by supporting documents showing :

- the type of occupancy of each parcel (owner farming, tenant farming, share cropping, other),
- the area and identification data of each of the parcels referred to in paragraph 1 (a).

Article 8

The applicant shall make a written undertaking specifying the following :

- (a) the information referred to in Article 7 ;
- (b) the action to be taken to maintain good cropping conditions, and, where necessary, that to be taken to protect the environment and natural resources, as referred to in Article 4 ;
- (c) where applicable, the undertakings referred to in Articles 5 or 6 ;
- (d) the duration of the undertaking ;
- (e) the obligation for the beneficiary to allow the authority concerned to verify that the undertakings have been fulfilled and, in particular, to allow such persons access to the holding for the purposes of verification ;
- (f) the obligation for the beneficiary to accompany, or to instruct a representative to accompany, the persons responsible for making inspections and to designate, on his responsibility, the parcels described in the application for aid.

Article 9

1. Land to be set aside shall attract aid only if the applicant :

- farms it at the time of submission of the application and throughout the period of the undertaking,
- has farmed it for a minimum period to be determined by the Member States, but which is not to exceed five years and which may vary according to the type of occupancy,
- has the right, under national law, at the time of submission of the application, to farm it throughout the period of the undertaking.

2. Should the applicant not fulfil the condition laid down in the third indent of paragraph 1 above, the Member States shall determine the conditions under which he may make an application.

Article 10

1. Member States shall differentiate the rate of aid granted in particular regions or areas if agronomic and economic conditions of production so require.

2. Account shall be taken of the obligations provided for in Article 4 and, where applicable, of the effects of placing the land laid fallow in a crop rotation system.

3. If the set-aside land is used for non-agricultural purposes, account shall be taken, when the rate of aid is determined, of the income to be derived from such uses, except in the case of afforestation.

4. A flat rate of aid may be set, with account nevertheless being taken of the factors mentioned in paragraphs 1 to 3 above.

Article 11

Where the land set aside is used for extensive stock grazing or for growing lentils, chick peas or vetch, the rate of aid shall be reduced by 40 to 60 % to offset the income to be derived from such activities.

Article 12

1. Where the total area of the holding is increased during the period of the undertaking, the farmer may, for the remaining period of the undertaking, receive aid under the set-aside scheme for additional land, on condition that he reduces the cropped area of such land as provided in this Regulation.

2. The beneficiary may apply to increase the area he has set aside or to make changes in its use during the first three years of his undertaking.

3. The beneficiary may apply to terminate this undertaking; such termination shall take effect only at the end of the third year.

4. If, after the aid has been granted, some or all of the holding is transferred during the period of the undertaking to another person, the aid beneficiary or his successors shall remain responsible for the transferee's execution of the original undertaking, except where the transferee himself gives an equivalent undertaking for the remainder of the period.

5. Paragraph 4 shall not apply in cases of expropriation or compulsory sale of set-aside land; Member States shall determine the consequences of the death of a beneficiary who does not satisfy the condition laid down in the third indent of Article 9 (1).

Article 13

Where the set-aside land is included in a crop rotation, the beneficiary shall notify the authority concerned of the area to be laid or kept fallow and the area to be re-cropped. Member States shall lay down detailed rules to apply in this regard and shall stipulate the length of notice required.

Article 14

1. Member States shall take the necessary action to ensure that beneficiaries fulfil their undertakings.

2. Member States shall inspect a representative sample of beneficiary holdings every year, taking account, in

particular, of the geographical distribution of the land concerned; the sample must be not less than 5 %.

Where significant irregularities are discovered in respect of at least 5 % of the beneficiary holdings inspected, Member States shall immediately inform the Commission thereof.

3. The inspections provided for in paragraph 2 shall comprise at least:

- verification of all the aspects of the beneficiary's undertaking and of all supporting documents,
- on-site verification in the form of an inspection of the set-aside land, and a check of the accuracy of the particulars given in the aid application,
- if the land set aside is used for extensive stock grazing or for growing lentils, chick peas or vetch, documentary and on-site checks to verify compliance with the conditions laid down in Articles 5 and 6.

A report on the fulfilment of the undertaking shall be drawn up on the basis of these verifications.

Article 15

1. Member States shall apply financial penalties as a minimum measure in the case of failure to comply with undertakings made, except in cases of *force majeure*.

Where serious irregularities are discovered, Member States shall decide on the levels of financial penalty to apply; these shall be at least equal to the wrongly paid amount of aid with the addition of interest, charged on the basis of the time elapsed between the payment of the aid and its recovery from the beneficiary.

This being the case, Member States shall determine this rate of interest annually.

2. Aid recovered shall be paid to the paying departments or agencies and deducted by them from expenditure claimed from the European Agricultural Guidance and Guarantee Fund in proportion to the Community contribution.

3. Where the sums paid cannot be recovered, the relevant losses shall be borne by the Community in proportion to its contribution.

Article 16

1. Before making any authorization as provided for in the third subparagraph of Article 1a (3) of Regulation (EEC) No 797/85, Member States shall communicate to the Commission the relevant economic information justifying a reduction in the said rate.

2. Before 1 July each year Member States shall send the Commission a report on the operation of the scheme, showing in particular:

- (a) a summary of the findings reported in the inspection reports;
- (b) action taken against failure to fulfil undertakings;
- (c) the distribution of the total number of beneficiaries and total area of set-aside land in relation to:
 - the use of the land,
 - the type of farming practised on the holdings,
 - the size of the holdings,
- (d) an assessment of the contribution of the scheme to the adjustment of production to the needs of the market.

Article 17

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, 29 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1273/88**of 29 April 1988****laying down criteria for delimiting the regions or areas which may be exempted from the schemes for the set-aside of arable land, extensification and the conversion of production**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 1137/88⁽²⁾, and in particular the second subparagraph of Article 32a (1) thereof,

The criteria set out in Articles 2, 3 and 4 shall be used in order to delimit the regions or areas to which Member States may be authorized not to apply the schemes for land set-aside, extensification and the conversion of production provided for in Titles 01 to 03 of Regulation (EEC) No 797/85.

Article 2

Whereas the Commission must adopt the criteria for delimiting the regions or areas which may be exempted from the schemes for the set-aside of arable land, extensification and the conversion of production;

Conditions characterized by the following shall be regarded as natural conditions which make a reduction in production inadvisable:

Whereas degradation of the soil or the risk of degradation of the soil in regions with low or irregular precipitation, and the risk of fire, are characteristic of natural conditions which make a reduction in production inadvisable;

- (a) physical or chemical degradation of the soil (in particular erosion, drying out and salinization) or the risk thereof in regions with low or irregular precipitation;
- (b) the risk of fire.

Article 3

Whereas low population density or a high rate of population decline make a reduction in production inadvisable;

The following shall be regarded as regions or areas with a risk of depopulation:

Whereas the socio-economic features of some regions or areas in Spain may be used as grounds for exempting them from the schemes to reduce production;

- (a) regions or areas where the average population density is low compared with the national average; or
- (b) regions or areas where there is a high rate of population decline compared with the national average.

Article 4

Whereas it is necessary to determine the particulars to be supplied by Member States when applying for authorization to exempt a region or area from the said schemes or from one of the schemes; whereas the application must be based on statistical data which are sufficiently reliable for the Commission to be able to verify whether the objective conditions for exempting a region or area are met;

In the case of Spain the socio-economic features of the regions or areas may also be taken into account, in particular the number of employed, unemployed and underemployed persons in the agricultural population; these factors are to be assessed in conjunction with the situation as regards agricultural incomes and the general economic situation in those regions or areas.

Whereas the Member State must apply for authorization in respect of all the regions or areas to be exempted in its territory before the implementation of the scheme to which the application relates, although the application may be submitted or amended in the course of 1991;

Article 5

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Structure,

1. In order to apply for authorization to exempt regions or areas of their territory from the schemes for set-aside, aside, extensification and conversion or from one or more of the said schemes, Member States shall supply the Commission with the necessary information based on objective and duly authenticated statistical data

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

showing which of the measures provided for in Titles 01 to 03 of Regulation (EEC) No 797/85 fulfil, in the case of the regions or areas concerned, the conditions laid down in the first subparagraph of Article 32a (1) thereof.

2. The information referred to in paragraph 1 shall include, as appropriate:

(a) for the purposes of Article 2:

- the intensity, abundance and distribution of rainfall and snowfall (on the basis of statistics covering at least the last 15 years),
- the normal duration of dry periods,
- the geophysical, chemical, morphological and hydrological characteristics of the soil,
- developments in land use and in regional planning over the last 10 years;

(b) for the purposes of Article 3:

- population data reflecting the trend in general population and, if appropriate, the agricultural population since 1980.

3. As regards the information to be submitted by Member States for the purposes of Articles 2, 3 and 4,

delimitation of the regions shall be at level III of the Nomenclature of Territorial Statistical Units (NUTS) drawn up by the Statistical Office of the European Communities or else at the level of smaller territorial units. Member States shall also indicate, in the case of the set-aside scheme, the area of arable land and, in the case of the extensification and conversion schemes, the utilized agricultural area to which the authorizations referred to in Article 1 relate, for each of the territorial units thus delimited.

Article 6

The application referred to in paragraph 5 (1) shall be submitted by the Member State, in respect of all the regions or areas in its territory which are to be exempted, before the respective dates from which the schemes provided for in Titles 01 to 03 are implemented in that Member State. The said application may also be submitted or amended in the first half of 1991.

Article 7

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, 29 April 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1274/88

of 10 May 1988

repealing Regulation (EEC) No 133/88 laying down protective measures on imports of hybrid maize for use as seed

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 3997/87 ⁽²⁾, and in particular Article 7 (2) thereof,

Whereas Commission Regulation (EEC) No 133/88 ⁽³⁾ lays down protective measures on imports of hybrid maize for use as seed;

Whereas the trend in imports in the 1987/88 marketing year shows a decrease in such imports compared with those in 1986/87; whereas under those circumstances, the Community market appears unlikely to suffer any imbalance;

Whereas Commission Regulation (EEC) No 3083/73 ⁽⁴⁾ provides for the monthly notification of data on the

issuing of import licences and on imports of hybrid maize; whereas under the present circumstances it is no longer necessary to maintain a surveillance system with notification other than at monthly intervals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 133/88 is hereby repealed.

Article 2

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

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 377, 21. 12. 1987, p. 37.

⁽³⁾ OJ No L 15, 20. 1. 1988, p. 9.

⁽⁴⁾ OJ No L 314, 15. 11. 1973, p. 20.

COMMISSION REGULATION (EEC) No 1275/88

of 10 May 1988

introducing a countervailing charge on fresh lemons originating in Cyprus

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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1426/87 of 25 May 1987 fixing for the 1987/88 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 47,53 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Cyprus the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾, as amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 22,80 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Cyprus.

Article 2

This Regulation shall enter into force on 12 May 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1276/88

of 10 May 1988

introducing a countervailing charge on fresh lemons originating in Israel

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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1426/87 of 25 May 1987 fixing for the 1987/1988 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 47,53 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Israel the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 22,80 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Israel.

Article 2

This Regulation shall enter into force on 12 May 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1277/88

of 10 May 1988

applying the duty in the Common Customs Tariff to fresh lemons originating in Israel

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 1627/75 of 26 June 1975 on imports of fresh lemons originating in Israel⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 8 of Protocol I to the Agreement between the European Economic Community and Israel provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Israel; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1627/75;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 1117/88⁽³⁾;

Whereas Regulation (EEC) No 1627/75 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24(2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1627/75;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3(1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Israel indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1627/75 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 May 1988 the duty in the Common Customs Tariff shall be applied to fresh lemons (CN code ex 0805 30 10) imported into the Community and originating in Israel.

Article 2

This Regulation shall enter into force on 12 May 1988.

⁽¹⁾ OJ No L 165, 28. 6. 1975, p. 9.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1278/88

of 10 May 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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 1224/88⁽³⁾ 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⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, 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⁽⁶⁾, 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 1224/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 11 May 1988.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.⁽³⁾ OJ No L 117, 5. 5. 1988, p. 20.⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁶⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1279/88

of 10 May 1988

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 1117/88⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 May 1988, the duty in the Common Customs Tariff shall be applied to fresh lemons (CN code 0805 30 10) imported into the Community and originating in Cyprus.

Article 2

This Regulation shall enter into force on 12 May 1988.

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1280/88
of 10 May 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 1226/88 ⁽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 11 May 1988.

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

Done at Brussels, 10 May 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 117, 5. 5. 1988, p. 23.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 10 May 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,54 ⁽¹⁾
1701 11 90	40,54 ⁽¹⁾
1701 12 10	40,54 ⁽¹⁾
1701 12 90	40,54 ⁽¹⁾
1701 91 00	49,24
1701 99 10	49,24
1701 99 90	49,24

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

COMMISSION REGULATION (EEC) No 1281/88

of 10 May 1988

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1097/88 ⁽²⁾, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 3990/87 ⁽⁴⁾, and in particular Article 12 (4) thereof,Having regard to Council Regulation 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 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1141/88 ⁽⁷⁾;Whereas Council Regulation (EEC) No 1906/87 ⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40 of the combined nomenclature;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of 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 over 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 9 May 1988;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74 ⁽¹⁰⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to Regulation (EEC) No 1141/88 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 11 May 1988.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 377, 31. 12. 1987, p. 15.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁷⁾ OJ No L 108, 29. 4. 1988, p. 10.⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 10 May 1988 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
1102 20 10 ⁽²⁾	329,34	323,30
1102 20 90 ⁽²⁾	186,22	183,20
1103 13 11 ⁽²⁾	311,34	305,30
1103 13 19 ⁽²⁾	329,34	323,30
1103 13 90 ⁽²⁾	186,22	183,20
1103 29 40 ⁽²⁾	329,34	323,30
1104 19 50 ⁽²⁾	329,34	323,30
1104 23 10 ⁽²⁾	290,40	287,38
1104 23 30 ⁽²⁾	290,40	287,38
1104 23 90 ⁽²⁾	186,22	183,20
1104 30 90	140,75	134,71
1106 20 91	293,62	269,44 ⁽³⁾
1106 20 99	309,72	285,54 ⁽³⁾
1108 12 00	293,62	273,07
1108 13 00	293,62	273,07
1108 14 00	293,62	136,53 ⁽³⁾
1108 19 90	293,62	136,53
1702 30 91 ⁽³⁾	452,90	356,18
1702 30 99 ⁽³⁾	339,56	273,07
1702 40 90 ⁽³⁾	339,56	273,07
1702 90 50 ⁽³⁾	339,56	273,07
1702 90 75	469,86	373,14
1702 90 79	325,99	259,50
2106 90 55	339,56	273,07
2303 10 11	520,56	339,22

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 1101, 1102, 1103 and 1104 and those falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40, products falling within heading Nos 1101, 1102, 1103 and 1104 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewert polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading Nos 1103 and 1104.

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the products falling within subheadings 1702 30 51 and 1702 30 59 are subject to the same levy as products falling within subheading 1702 30 91 and 1702 30 99.

⁽⁴⁾ In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrow-root falling within subheading 0714 90 10,
- flours and meal of arrow-root falling within subheading 1106 20,
- arrow-root starch falling within subheading 1108 19 90.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 February 1988

on French Government aid to Pechiney, a company producing mainly aluminium

(Only the French text is authentic)

(88/283/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice in accordance with the above Article to interested parties to submit their comments, and having regard to those comments,

Whereas :

I

By a letter dated 24 October 1983, addressed to the French Permanent Representation, the Commission informed the French Government that, according to the information in its possession, Pechiney, a company whose operations are centred on the production of aluminium, had embarked on a major restructuring and rationalization drive.

As the company had been nationalized in 1982 and had made a loss in previous years, the Commission took the view that Pechiney could not carry out its restructuring plan without government assistance, and this would therefore constitute aid within the meaning of Article 92 (1) of the EEC Treaty.

The French Government was accordingly called upon to notify, in accordance with Article 93 (3) of the Treaty, all

measures to assist Pechiney within 15 working days from the date of the Commission's letter.

Having received no reply, the Commission telexed the French authorities on 25 November 1983 stating that, if it did not hear from them by 15 December, it would be obliged to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aid linked to Pechiney's restructuring effort.

No reply was forthcoming, so the Commission decided on 17 April 1984 to initiate the Article 93 (2) procedure in respect of FF 4 800 million in aid granted to Pechiney in the form of capital contributions and equity loans.

The Commission considered that the company would have the utmost difficulty in finding the FF 16 000 million it needed to carry out its investment programme, whether from its own resources or by borrowing.

Consequently, the grant by the State of FF 4 800 million in the form of capital contributions and equity loans seemed to contain aid elements falling under Article 92 (1) which were likely to distort competition. By letter dated 3 May 1984, it called upon the French Government to submit its comments.

On 30 April 1985, the French Government informed the Commission of aid granted in 1984 to Cégédur, an aluminium products manufacturer. It transpired that Cégédur belonged to the Pechiney group. It is responsible for all the aluminium-processing operations of the group, with the exception of packaging. The aid had been granted in the form of a FF 80 million FIM (Industrial

Modernization Fund) loan for an investment of FF 143 100 000 which the recipient firm had undertaken in 1984/1985 with a view to introducing new aluminium-processing technologies.

In its Decision 85/378/EEC⁽¹⁾ the Commission pointed out to the French authorities that the grant of FIM loans constituted aid within the meaning of Article 92 (1) and made the clearing of such loans conditional on all significant awards being notified to it at the proposal stage and on its being informed also of significant awards prior to the Decision, adding that the latter cases constituted unlawful aid which might have to be recovered.

FIM loans were originally granted at 9,25 % interest over a maximum of 10 years, with a two-year period of grace in repayment. They are intended to support investment projects of an innovative nature, and in particular those aimed at the installation of high-technology machinery and equipment and the development of office automation and biotechnology.

After scrutinizing the aid comprising the FF 80 million FIM loan to Cégédur on the basis of an analysis of the market for the products in question and in the light of the information furnished by the French authorities, the Commission decided on 18 December 1985 to initiate the Article 93 (2) procedure in respect thereof. Given the overcapacity found to exist in the Community in the semi-fabricated aluminium products sector, the fact that the firm in question exports about half its output in value terms and that the recipient investment seemed, from the information available, to involve straightforward modernization of production facilities, the Commission concluded that the aid was incompatible with the common market and did not qualify for exemption under Article 92 (2) or (3). It gave the French Government notice, by letter dated 29 January 1986, to submit its comments.

II

Leaving aside the memorandum sent by the French authorities on 19 April 1984, which referred exclusively to Commission Directive 80/723/EEC and was received just after the procedure was initiated, the French Government replied for the first time to the Commission's letter of 3 May 1984 on the first procedure by letter from its Permanent Representation dated 15 October 1984. It maintained that the injections of new capital (FF 3 350 million between 1982 and 1984) by the State in Pechiney

constituted normal help from a shareholder in the context of the crisis in the aluminium market and the rationalization effort made by Pechiney.

The group had, according to the Government's letter, embarked on a major restructuring of its traditional activities and was branching out into high-technology areas. Its attempts to adapt to the changing market could be compared to those of other firms in the industry and were therefore not likely to distort the normal conditions of competition. These brief remarks were enlarged upon in various memoranda sent under cover of letters from the French Permanent Representation dated 18 April 1985, 14 April 1986, 18 May 1987 and 16 July 1987, which provided the Commission with full details of the restructuring plan. Not until it had received the last memoranda, which were of some length, was the Commission able to assess all the aid measures and the impact the restructuring plan and the related investment would have on the industry as a whole.

The French Government's views on the State aid for Pechiney were summed up in its letter of 18 May 1987:

- in 1982 the Pechiney group was weakened by the troubled state of its operations in the basic sectors (iron and steel, chemicals, upstream non-ferrous metallurgy). It then entered upon a programme of switching out of steel and chemicals, partially rationalizing and restructuring its traditional upstream businesses and moving into semi-fabricated products or 'specialities'. The programme backed up by an investment drive aimed, in France, at remodelling its production facilities and, abroad and especially outside Europe, at safeguarding its supplies of raw materials in the long term. These measures have borne fruit as Pechiney, after heavy losses in 1981 and 1982, regained profitability in 1984,
- particular emphasis must be placed on the scale of the restructuring measures undertaken by Pechiney: this restructuring has led to numerous plant closures and capacity reductions, substantial job losses and a significant economic impact on several regions of France which were already depressed or in difficulty. An appreciable proportion of the group's resources has been devoted to financing these restructuring measures,
- the group has had balanced recourse to its own resources, its shareholders and its capacity to pay debt. It has thus returned to a state of equilibrium, sheltered from the inevitable cycles which characterize the non-ferrous metals markets. This recovery is underlined by the successful flotation of the group via the issue of investment certificates,

⁽¹⁾ OJ No L 216, 13. 8. 1985, p. 12.

- the group is financed in a manner that is in keeping with market principles. Witness the volume of new loans granted to Pechiney by the international financial community: the group's credit standing has always been good with French and foreign banks despite its temporary difficulties and the scale of its investments.

The French Government has, for its part, behaved like a normal shareholder *vis-à-vis* Pechiney: it supported the company throughout its financial difficulties pending the renewed payment of dividend in 1985 and at the time of the public share issues of 1985 and 1986. It should be noted that the capital injections by the State in Pechiney cover the entire restructuring plan and do not serve specific objectives.

On the procedure initiated in respect of the FIM loan granted to Cégédur, the French Government replied by letter dated 22 May 1986, which was followed by a memorandum on the firm's restructuring and the link with the Pechiney restructuring programme. This memorandum was sent under cover of a letter dated 19 December 1986.

The French authorities told the Commission that, in their opinion, the grant of the loan to Cégédur was entirely compatible with the common market as it contributed to the mastery of innovative technologies to an extent in keeping with the European interest. The introduction of innovations consisting of the adaptation of fabrication processes had not led to an overall increase in the firm's production capacity.

The innovative investments which were assisted by the FIM to the exclusion of all others were coupled with a major restructuring programme involving gradual plant closures and a reduction in the workforce. Over the period during which the investments to whose financing the FIM was contributing were carried out, the firm's production capacity had been stable overall.

As regards the market shares held by the firm in the Member States of the Community for the various products concerned, the market was steady and the market shares held by Cégédur were themselves decreasing slightly.

When comments were sought from other interested parties on these cases, the governments of three other Member States, one industrial federation and one competing firm responded.

III

The information obtained from the group's annual reports, from the memoranda received from the French Government in the course of the two procedures, and at

the bilateral meetings held in this connection provide a comprehensive overview of the restructuring of the Pechiney group, the government assistance given to Pechiney and the impact on intra-Community trade in the products concerned.

The group, which was nationalized in February 1982 at a time when it was experiencing difficulties due both to a cyclical downturn and to a structural crisis, did in fact, starting in 1982, embark on a wide-ranging restructuring and rationalization drive. During the first quarter of 1982, the loss-making steel business (Ugine Aciers) was sold to Sacilor. The book losses resulting from the sale amounted to some FF 800 million. Steel activities accounted for 6 % of the group's consolidated turnover in 1981.

In May 1983 Pechiney disposed of its chemicals division. The loss-making activities of PCUK were split up among Elf-Aquitaine, Rhône-Poulenc, CDF-Chimie and Entreprise Minière et Chimique. It was considered financially and legally essential to restore PCUK's balance sheet beforehand. It therefore received a capital increase of FF 2 830 million from the Government, of which FF 748 million passed through Pechiney. This transfer therefore involved no outlay on the part of Pechiney. Chemical activities accounted for 22 % of the group's consolidated turnover in 1982.

In July 1983 Pechiney drew up in conjunction with the authorities a recovery plan containing the following strategic guidelines:

- after the sale of its steel and chemical businesses, Pechiney should concentrate on the production of metals, materials and non-finished products,
- its objective was to consolidate its 'strong points', that is to say the areas in which it ranks highly worldwide, both technologically and commercially. A particular effort would be made in the aluminium sector, which accounted for nearly 60 % of total turnover, in order to restore the competitiveness of French smelters, build plants in countries where the group can have access in the long term to cheap energy (Quebec project), and pursue an active research and development policy,
- the recovery of operations in difficulty would be striven after with the help of a major investment drive,
- emphasis would be placed on the development of sectors based on new technologies in which Pechiney held a strong hand: this policy would make it possible to add to and renew the group's product range,
- lastly, Pechiney should continue to pursue its policy of industrial and commercial deployment abroad, bearing in mind the international nature of most of its markets.

This strategic plan called for an extraordinary effort in terms of investment. The proportion of turnover accounted for by investment increased by 6 % in 1980 and 1981 and by 13 % on average between 1982 and 1986. Over FF 21 000 million was invested between 1982 and 1986, of which FF 14 000 million directly served the plan's objectives. The other investments concern financial investments, the purchase from EDF of rights to use nuclear-power generated electricity, the investments made by the companies hived off from the group before 1985, and the start-up costs for the aluminium electrolysis plants at Tomago (Australia) and Bécancour (Canada). The FF 14 000 million investment in tangible assets can be broken down as follows: upstream aluminium 52 %; primary aluminium processing 15 %; secondary aluminium processing 5 %; nuclear electrothermics 12 %; fine metallurgy and new materials 4 %; turbo-motor parts 7 %. Approximately one-half of these investments were effected outside France.

Although care must be exercised in assessing capacity, the data furnished by the French authorities make it possible to trace the significant swings that occurred between 1982 and 1986: Pechiney reduced consolidated alumina production capacity in the Community by 300 000 tonnes (- 14 %), that of crude aluminium by 150 000 tonnes (- 18 %); that of primary aluminium processing by 55 000 tonnes (- 8 %, of which - 3 % for soft-rolled products and - 2,9 % for soft extrusions); that of secondary aluminium processing increased slightly over the period; copper-processing capacity fell by about 15 %; that of ferro-alloys remained stable overall; the capacity increase in the fine metallurgy field concerned the nuclear sector and that in the new materials field was due especially to external growth. According to the French Government, the capacity increases occurred in sectors where the market is steadily expanding. The information also provides details of future capacity closures in the crude-aluminium and ferro-alloy sectors.

The capacity reductions already achieved have led to the closure of several plants, numbering 10 in all at the end of 1986. Most of these plants were located in depressed areas. The cuts made by Pechiney in its French labour force between 1982 and 1986 totalled 9 900 jobs. Considerable social and regional difficulties meant there was a need for staff redeployment (early retirement, transfers within the group, retraining, etc.) and job creation in the less-favoured labour market areas. These job-creation programmes were conducted by a subsidiary

set up for that purpose known as Sofipe. This sought to encourage small business start-ups by offering advice and additional financing. During the period 1983 to 1986, Sofipe lent FF 93,7 million for 74 investment projects creating 1 719 jobs in labour market areas in difficulty. Altogether, the restructuring costs borne by Pechiney over the period came to FF 2 400 million.

The group's total financial requirements of FF 27 000 million for the years 1983 to 1986 included, in addition to the FF 21 000 million investments and the FF 2 400 million in restructuring costs, an increase in working capital of FF 2 700 million and dividends to shareholders amounting to FF 650 million. These resources were obtained in the following way: a cash flow of FF 8 300 million; assets sales bringing in FF 6 500 million; public capital increases of FF 5 600 million; private capital amounting to FF 1 700 million; equity loans of FF 1 700 million; and new long-term debt totalling FF 3 400 million.

The public-sector contributions were described in greater detail. For the restructuring of the group, the State advanced direct to Pechiney FF 500 million in capital in 1982, FF 700 million in 1983 and FF 2 150 million in 1984. In 1982, Société Française de Participations Industrielles (SFPI), a holding company established after the nationalization of five industrial groups, put up another FF 1 500 million in capital. SFPI was incorporated with a capital of FF 3 000 million, subscribed jointly by the Government, in the form of shares of nationalized companies, and a consortium of publicly owned banks, in the form of a cash contribution. The Government held 50,1 % of the shares in SFPI and the banks 49,9 %. SFPI was therefore under direct state control. In 1986, under the privatization policy, it was considered appropriate to dissolve SFPI and distribute among the partners the shares it held in proportion to their capital contribution. As a result, these banks, several of which have just been privatized, now hold 7,3 % of Pechiney's share capital.

In 1983 the Government also injected FF 748 million into Pechiney, which provided the same amount of new capital to PCUK. This operation was essential so as not to complicate from the legal point of view the distribution of PCUK's assets.

Consequently, the total public contribution to the equity capital of Pechiney between 1982 and 1984 came to FF 5 598 million.

On 27 July 1982 the publicly owned banks granted an equity loan of FF 400 million at an average interest rate of 9,5 % over 15 years and an additional variable rate calculated on the basis of the group's consolidated results. The actual rate of interest borne by Pechiney was 13,5 % in 1985 and 9,65 % in 1986.

On 14 July 1983 Crédit National granted an equity loan of FF 1 070 million at an average fixed rate of 7,5 % over 15 years and an additional variable rate based on the group's consolidated results as from 1987. The actual rate of interest borne by Pechiney between 1984 and 1986 was 6 %.

On 22 December 1983 Caisse de Dépôts et Consignations granted an equity loan of FF 200 million at a fixed rate of 0,1 % and an additional variable rate based on the dividends distributed by Pechiney. The actual rate of interest borne by Pechiney in 1986 was 5,4 %.

The FIM loan granted in 1984 to Cégédur was in fact of 10 years' duration with a two-year repayment holiday and a rate of interest of 9,25 %.

The Pechiney group also received FF 15,6 million in regional aid over the period 1982 to 1986 for investments at Dives (Calvados), Voreppe (Isère) and Vaudières (Meurthe et Moselle), as well as state assistance or involvement in its research and development programmes. Over the period 1982 to 1986 this assistance amounted to FF 14 million a year on average, at 1986 prices.

Lastly, it must be stressed that the group was back in profit in the second half of 1983 and that its steadily improving financial performance enabled it to make dividend payments as from 1984.

IV

All the public sector aid in the form of capital contributions, equity loans and FIM loans made between 1982 and 1984 in support of the recovery may contain elements of state aid within the meaning of Article 92 (1) of the EEC Treaty.

In its policy statement of September 1984 on the application of Articles 92 and 93 to provisions of capital to companies by governments, the Commission indicated that there is state aid where fresh capital is contributed in circumstances that would not be acceptable to a private investor operating under normal market-economy conditions. This is especially the case where the financial position of the company, and particularly the structure and volume of its debt, is such that a normal return

cannot be expected within a reasonable time from the capital invested and where, because of its inadequate cash flow if for no other reason, the company would be unable to raise the funds needed for an investment programme on the capital market.

In 1982 the group's financial position was very precarious: its losses, debts and negative cash flow accounted for 16 %, 53 % and 4 %, respectively, of turnover. It is therefore unlikely that a private investor would have been prepared to contribute FF 7 000 million to assist in the concern's recovery.

It is outside the realms of possibility, moreover, that a private firm could have sold such a loss-making and debt-ridden subsidiary as PCUK (in 1982 PCUK had debts of FF 4 000 million and its losses totalled FF 1 500 million) without any outlay on its part. It will be recalled that this separation of the chemicals division from the rest of the group cost the French Government FF 2 830 million.

The existence of the aid element in the provisions of capital by the authorities is borne out by the fact that, at the extraordinary general meeting on 21 May 1985, the shareholders of Pechiney (then 100 % state-owned) adopted a FF 4 739 million reduction in its equity capital, the number of shares being reduced accordingly. Moreover, in estimating the extent of the aid element in these capital contributions, account must be taken of the fact that the company quickly became profitable once more.

After the capital injections of FF 5 598 million between 1982 and 1984, the equity capital rose by only FF 943 million, from which a normal return could be expected only after the recovery plan had been fully implemented. The other increases in the company's capital (FF 5 598 million less FF 943 million) helped, moreover, to offset the accumulated losses without generating any return. This larger part of the capital injections could even be considered a grant.

Although part of the capital was contributed by publicly owned banks through SFPI, the fact remains that all the public shareholdings contain aid elements within the meaning of Article 92 (1).

The equity loans and the FIM loan also contain aid elements within the meaning of Article 92 (1) because the actual rates borne by Pechiney from 1983 to 1986 were lower than the market rates for France. The reference rate in France, which corresponds to the rate applied by the Crédit National to loans for the purchase of plant and equipment, ranged from 16,25 % to 9,25 % between the beginning of 1983 and the end of 1986.

The regional measures and the research and development measures likewise constituted aid because they are individual awards under general schemes approved by or notified to the Commission.

Assuming that the offsetting of the accumulated losses by a reduction in the number of shares corresponds to a subsidy, the aid intensity measured in net grant equivalent may be put at 16 % (14,6 % capital, 1,4 % subsidized loans and 0,03 % regional grants), this being a maximum because, owing to the successful restructuring, the value of the government-held shares has risen well above the nominal value of FF 100 per share.

Consequently, all the government measures contain aid elements within the meaning of Article 92 (1). This aid to Pechiney relieves the recipient of a large part of the cost of its investments, which it would normally have to bear itself.

The products of the non-ferrous metals sector, which are the principal products concerned, are traded between Member States. In 1986, intra-Community trade amounted to 860 080 tonnes of semi-fabricated aluminium products and 711 051 tonnes of semi-fabricated copper products, of which 19 % and 25 %, respectively, consisted of French exports to other Member States. The Pechiney group, which is one of the leading producers of non-ferrous metal products in Europe (for example, in 1985 32 % of Community crude-aluminium capacity, 21 % of rolled-aluminium products and 11 % of extruded-aluminium products), sells over 50 % of its production outside France, and the Community is the main source of outlets for the group. It must also be borne in mind that, in 1981, the world and Community non-ferrous metals industry entered into a deep, structural crisis characterized by weak demand, low prices and considerable surplus capacity. Consequently, trade between Member States is likely to be affected by the measures in question within the meaning of Article 92 (1).

Article 92 (3) lists that aid which may be considered compatible with the common market. Compatibility with the Treaty must be viewed in the context of the Community as a whole and not in that of a single Member State. In order to ensure the proper functioning of the common market and take into account the principles laid down in Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1), set out in paragraph 3 of that Article, must be understood in the strict sense in examining any aid scheme or any individual aid award.

In particular, they may be applied only where the Commission establishes that, without the aid, the free

play of market forces would not by itself induce potential recipients to act in such a manner as to contribute to the attainment of one of the objectives sought.

As regards the exceptions provided for in Article 92 (3) (a) concerning aid to promote the economic development of certain areas, it should be noted that the depressed areas in France do not possess the features of regions in which the standard of living is abnormally low or in which there is serious underemployment within the meaning of that subparagraph.

As to the exceptions provided for in Article 92 (3) (b), it is clear that the aid is intended neither to promote the execution of an important project of common European interest nor to remedy a serious disturbance in the French economy.

As for the exceptions provided for in Article 92 (3) (c) in favour of aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest, a distinction must be drawn between the sectoral and regional implications of the aid.

At the sectoral level, the Commission can consider compatible with the common market aid for restructuring or job creation if it satisfies the following criteria⁽¹⁾:

- (a) Sectoral aid should be limited to cases where it is justified by circumstances in the industry concerned so as to overcome, for example, a structural or cyclical crisis; in restoring the viability of firms, aid should not tend to preserve the *status quo* and lead to the putting-off of decisions and changes which are inevitable.

Pechiney alone accounts for the entire French crude-aluminium industry and the larger part of processed aluminium. In many of the other areas in which it operates, the company is the leading French producer. The majority of its activities were affected by a structural and cyclical crisis in 1982. At that time, Pechiney undertook a wide-ranging restructuring and rationalization drive which quickly restored viability. The results of the Pechiney group confirm this finding;

- (b) Nevertheless, since adjustment takes time, use of resources to reduce the social and economic costs of change is admissible in certain circumstances and subject to strict conditions.

The French authorities have indicated that a substantial part of the government assistance was granted with a view to helping cover the costs arising from job losses;

⁽¹⁾ Eighth Report on Competition Policy, point 176.

- (c) Unless granted over relatively short periods, aid should be progressively reduced and clearly linked to the restructuring of the sector concerned.

The aid linked to the restructuring and recovery plan was paid only for the first three years. As from 1985 Pechiney relied on its cash flow and external resources ;

- (d) The intensity of aid should be proportionate to the problem it is designed to resolve so that distortions of competition are kept to a minimum.

On the basis of the investment programme and the rationalization costs linked to the recovery plan, the Commission has found that the aid was necessary to permit the technical restructuring called for. It has also found that the financial restructuring was a precondition for this technical restructuring and that it was likewise limited to the financial implications of the technical restructuring. The Commission has therefore concluded that aid intensity (maximum 16 %) was proportionate to the scale of the problems that had to be solved and that the aid was not in such a form and of such an intensity that it might have led to unacceptable distortions.

In the light of trends in intra-Community trade in the products concerned and in particular of Pechiney's share in such trade, the Commission has found that aid has not led to an increase in the company's share of the market for aluminium semi-fabricated products, and in particular soft-rolled product, where the subject of almost all the comments by third parties ;

- (e) Industrial problems and unemployment should not be transferred from one Member State to another.

Through the closure of several plants and the various concentrations and reductions of capacity in those sectors in which there were overcapacity problems at Community level (copper, primary aluminium processing, ferro-alloys), Pechiney has been instrumental in solving the sectoral problems in the Community's non-ferrous metals industry.

In short, the restructuring aid granted to Pechiney has led to the full recovery of the concern and, through the restructuring measures, has contributed to the resolution of the structural problems of the non-ferrous metal sector at Community level. For these reasons, and in view of the intensity and form of the aid, the Commission has found that the aid for restructuring facilitates the development

of the sector in question at Community level without affecting trading conditions to an extent contrary to the common interest.

At regional level, part of the aid has been used for job creation in the depressed labour market areas affected by the group's restructuring operations. Almost all these areas appear on the list of zones eligible for French regional aid. The few cases of regional investment aid granted to the group do not exceed the thresholds of the aid scheme approved for France.

In the light of the above, the aid for restructuring granted to Pechiney in the form of capital contributions or equity loans qualifies for exemption under Article 92 (3) (c) of the Treaty.

The FF 80 million FIM loan granted to the subsidiary Cégédur also qualifies for exemption under Article 92 (3) (c) because the FIM has focused, out of a total of FF 645 million, on the FF 143 million of truly innovative investments. The smelter built in 1985 in the soft-rolled products sector at Neuf-Brisach was revolutionary in terms of fire waste and automation. In the same sector, a rolling-mill cylinder capable of very high speeds and of thickness tolerances of a few microns was introduced in 1985.

In the Commission's opinion, although they are proportionate to the scale of the problems to be solved the amount and intensity of the aid attain a high level and must be sufficient to ensure the group's total financial autonomy in the near future. Nevertheless, the cyclical nature of the relevant markets is such that the current position may change, and it cannot be ruled out that in future subsequent aid may alter trading conditions to an extent contrary to the common interest. It must therefore be ensured that, at least during a period of three years, the public authorities do not grant the Pechiney group any aid, and in particular aid intended to finance investments likely to increase the company's production in the non-ferrous metal sector.

The submission of an annual report during that period covering Pechiney's industrial and commercial activities appears necessary to enable the Commission to ensure the smooth functioning of the common market.

So that the objectives of this Decision may be attained, the Commission should also be informed of any aid proposals other than those mentioned above which would constitute individual awards under the general and regional schemes approved by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The Commission raises no objections to the aid granted to the Pechiney group in the form of capital contributions (FF 5 598 million), equity loans (FF 1 670 million) and a FIM loan (FF 80 million), awarded between 1982 and 1984 to assist in its recovery, on condition that the French Government:

1. refrains until 31 December 1990 from granting any aid, including individual awards under aid schemes already approved by the Commission, likely to contribute to an increase in Pechiney's production capacity in all the non-ferrous metal sectors;
2. notifies the Commission until 31 December 1990 pursuant to Article 93 (3) of the Treaty of any proposal to grant aid to the Pechiney group other than those referred to above irrespective of the form they take, including individual awards under aid schemes already approved by the Commission and government subscriptions of new capital;
3. sends the Commission for each of the years 1987, 1988, 1989 and 1990 an annual report containing the annual figures for the volume of installed capacity,

production and intra-Community exports per product of the group at both French and Community levels. This information shall be sent to the Commission during the first quarter of the year following the year under review.

Article 2

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

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 3 February 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 19 April 1988

fixing the agro-economic trend coefficient to be used for defining the European size unit in connection with the Community typology for agricultural holdings

(88/284/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community⁽¹⁾, as last amended by Regulation (EEC) No 3644/85⁽²⁾,Having regard to Council Regulation (EEC) No 1463/84 on 24 May 1984 on the organization of surveys on the structure of agricultural holdings for 1985 and for 1987⁽³⁾, and in particular Article 6 (2) thereof,Whereas Annex III to Commission Decision 85/377/EEC of 7 June 1985 establishing a Community typology for agricultural holdings⁽⁴⁾ defines the European size unit; whereas the definition refers to a coefficient to take account of global agro-economic trends since the reference period '1980'; whereas the coefficient is to be calculated by the Commission and fixed after consultation

with the Member States and whereas such consultation has taken place at the meetings of the group of experts 'Typology for agricultural holdings',

HAS ADOPTED THIS DECISION:

Article 1

The agro-economic trend coefficient used for defining the European size unit as provided for in Annex III (A) (2) to Decision 85/377/EEC is hereby fixed, for the trend between the reference periods '1980' and '1984', at 1,2.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 April 1988.

For the Commission

Peter SCHMIDHUBER

Member of the Commission⁽¹⁾ OJ No 109, 23. 6. 1965, p. 1859/65.⁽²⁾ OJ No L 348, 24. 12. 1985, p. 4.⁽³⁾ OJ No L 142, 29. 5. 1984, p. 3.⁽⁴⁾ OJ No L 220, 17. 8. 1985, p. 1.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1185/88 of 28 April 1988 on the supply of various lots of skimmed-milk powder as food aid

(Official Journal of the European Communities No L 111 of 30 April 1988, page 56)

In the Annex, Lots A, B, C, D, E and F, point 10 :

for: 'Packaging and marking (8) :',

read: 'Packaging and marking :'.

In the Annex, Lots M and N, point 10 :

for: 'see *Official Journal of the European Communities* No C 216 of 14 August 1987, page 6 (under I.I.B.4.3)',

read: 'see *Official Journal of the European Communities* No C 216 of 14 August 1987, page 5 (under I.I.B.2)'.