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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (ECSC, EEC, Euratom) No 1600/88

of 7 June 1988

amending temporarily the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Coal and Steel Community and in particular Article 78 h thereof,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 209 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 183 thereof,

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

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

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Whereas the Financial Regulation ⁽⁴⁾ must reflect the change in the 'advances' mechanism for the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, to a system of 'advances against amounts booked to the account' in line with the amendments made to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 3183/87 ⁽⁶⁾;

Article 1

The following subparagraphs shall be added to Article 98 of the Financial Regulation:

'However, during the period of application of Regulation (EEC) No 3183/87 ⁽⁷⁾, expenditure shall be booked to the accounts for a financial year on the basis of the payments made by the authorities and bodies referred to in Article 4 of Regulation (EEC) No 729/70 during the period from 1 November of the previous year to 31 October of the current year, provided that notification of their commitment and authorization have reached the accounting officer not later than 31 March of the following year.

Expenditure effected in November and December 1987 shall be booked to the accounts:

- for 1987 provided that the payments do not exceed the appropriations authorized by the general budget of the Communities,
- for 1988 where the payments are covered by the funds mobilized by the Member States pursuant to the last subparagraph of Article 4 (2) of Regulation (EEC) No 729/70.

⁽¹⁾ OJ No L 304, 27. 10. 1987, p. 1.

Article 2

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

It shall apply with effect from 1 November 1987.

⁽¹⁾ OJ No C 298, 7. 11. 1987, p. 5.

⁽²⁾ OJ No C 13, 18. 1. 1988, p. 167.

⁽³⁾ OJ No C 337, 16. 12. 1987, p. 10.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁶⁾ OJ No L 304, 27. 10. 1987, p. 1.

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

Done at Luxembourg, 7 June 1988.

For the Council

The President

M. BANGEMANN

COMMISSION REGULATION (EEC) No 1601/88

of 9 June 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 8 June 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 10 June 1988.

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

Done at Brussels, 9 June 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 9 June 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	16,55	169,69
0712 90 19	16,55	169,69
1001 10 10	73,91	248,37 ⁽¹⁾ ⁽²⁾
1001 10 90	73,91	248,37 ⁽¹⁾ ⁽²⁾
1001 90 91	11,45	187,24
1001 90 99	11,45	187,24
1002 00 00	51,75	164,18 ⁽⁴⁾
1003 00 10	45,43	166,83
1003 00 90	45,43	166,83
1004 00 10	101,89	139,07
1004 00 90	101,89	139,07
1005 10 90	16,55	169,69 ⁽²⁾ ⁽³⁾
1005 90 00	16,55	169,69 ⁽²⁾ ⁽³⁾
1007 00 90	40,05	175,92 ⁽⁴⁾
1008 10 00	45,43	99,90
1008 20 00	45,43	149,42 ⁽⁴⁾
1008 30 00	45,43	61,90 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	45,43	61,90
1101 00 00	31,23	277,55
1102 10 00	87,65	245,06
1103 11 10	128,41	398,82
1103 11 90	31,32	297,34

- (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 1602/88

of 9 June 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 8 June 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 10 June 1988.

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

Done at Brussels, 9 June 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 9 June 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 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	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 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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 1603/88

of 9 June 1988

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3994/87⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 798/87⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 799/87⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 800/87⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 6 and 7 June 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 0709 90 39 and 0711 20 90 and on products falling within subheadings 1522 00 31, 1522 00 39 and 2306 90 19 of the combined nomenclature must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 377, 31. 12. 1987, p. 30.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 79, 21. 3. 1987, p. 11.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 79, 21. 3. 1987, p. 13.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

HAS ADOPTED THIS REGULATION:

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 10 June 1988.

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

Done at Brussels, 9 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	62,00 ⁽¹⁾
1509 10 90	62,00 ⁽¹⁾
1509 90 00	73,00 ⁽²⁾
1510 00 10	62,00 ⁽¹⁾
1510 00 90	100,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : 0,60 ECU/100 kg ;

(b) Turkey : 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this subheading :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	13,64
0711 20 90	13,64
1522 00 31	31,00
1522 00 39	49,60
2306 90 19	4,96

COMMISSION REGULATION (EEC) No 1604/88**of 9 June 1988****amending Regulation (EEC) No 1678/85 as regards the agricultural conversion rates for the pigmeat sector in the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 6a of Regulation (EEC) No 1677/85 lays down that the agricultural conversion rates of a Member State should, in accordance with the procedure provided for in Article 12 of that Regulation, be adjusted so as to avoid the creation of new monetary compensatory amounts ;

Whereas the movement of the market rate for the pound sterling during the reference period 1 to 7 June 1988 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85 ⁽³⁾, as last amended by Regulation (EEC) No 887/88 ⁽⁴⁾, in the version published in Regulation (EEC) No 696/88 ⁽⁵⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85 ⁽⁶⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in the United Kingdom effective from 13 June 1988 ; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to avoid the creation of these new monetary compensatory amounts ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant Management Committees,

HAS ADOPTED THIS REGULATION :

Article 1

In Annex XI to Regulation (EEC) No 1678/85, in the version published in Regulation (EEC) No 696/88, the line relating to pigmeat is hereby replaced by the following :

Products	Agricultural conversion rates			
	1 ECU = ... £	Applicable until	1 ECU = ... £	Applicable from
Pigmeat	0,694266	12 June 1988	0,704020	13 June 1988

Article 2

This Regulation shall enter into force on 13 June 1988.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.⁽⁴⁾ OJ No L 88, 1. 4. 1988, p. 6.⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 5.⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

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

Done at Brussels, 9 June 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1605/88

of 9 June 1988

fixing production refunds in the cereals and rice sectors

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 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors⁽³⁾, and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors⁽⁴⁾, as last amended by Regulation (EEC) No 1806/87⁽⁵⁾, provides that the production refund shall be fixed on a quarterly basis using the difference between the intervention price for maize applicable in the first month of the period in question and the cif price used for calculation of the maize import levy, multiplied by a coefficient of 1,6; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

Whereas it is necessary, during the transitional period established by Title II of Regulation (EEC) No 1009/86,

to fix separate production refunds for maize and potato starch, wheat starch and rice starch; whereas Article 10 of Regulation (EEC) No 2169/86 provides that the refund payable in the absence of proof of origin of the starch shall be that fixed for wheat starch, where applicable adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86;

Whereas it is necessary to adapt the level of the production refunds following a significant increase in the world market price for maize;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable in the cereals and rice sectors in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with amended Regulation (EEC) No 2169/86 shall be as follows:

	<i>ECU/tonne</i>
(i) for maize starch and products derived from maize starch:	149,65
(ii) for rice starch and products derived from rice starch:	146,45
(iii) for wheat starch and products derived from wheat starch:	143,25
(iv) for potato starch and products derived from potato starch:	149,65

Article 2

This Regulation shall enter into force on 10 June 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁵⁾ OJ No L 170, 30. 6. 1987, p. 19.

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

Done at Brussels, 9 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1606/88

of 9 June 1988

fixing the export refunds on fruit and vegetables

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 Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it

necessary to vary the refund for a given product according to the destination of that product;

Whereas the refund applicable to exports of tomatoes to Sweden should be reduced during the period 1 July to 30 September pursuant to the undertakings entered into with that country under the 1980 agreement⁽⁵⁾;

Whereas tomatoes, sweet fresh oranges, fresh lemons, apples and peaches of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last indent 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;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 10 (1) (b) of Commission Regulation (EEC) No 2730/79 of 29 November 1979 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁸⁾, amended by Regulation (EEC) No 1180/87⁽⁹⁾ may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 23 (1) (c) of Regulation (EEC) No 2730/79 may be applied;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 194, 28. 7. 1980, p. 12.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽⁹⁾ OJ No L 113, 30. 4. 1987, p. 27.

Whereas, for Spain and Portugal, the Act of Accession introduce transitional measures by phases and stages respectively; whereas, in particular as regards the arrangements applicable to exports to Spain from the Community as constituted at 31 December 1985, Article 141 provides that, during the first phase, the Community is not in principle to grant export refunds; whereas, pursuant to Article 146, the Kingdom of Spain is to be authorized to maintain, during the first phase, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas Article 275 provides for a special procedure for the grant of refunds on exports to Portugal from the Community as constituted at 31 December 1985; whereas, pursuant to Article 283, the Portuguese Republic is to be authorized to maintain, during the first stage, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas, under those circumstances, refunds for such exports should not be provided for in this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. The provisions of Articles 10 (1) (b) and 23 (1) (c) of Regulation (EEC) No 2730/79 shall apply to exports of sweet oranges, lemons, walnuts in shell, shelled hazelnuts and apples as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 June 1988.

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

Done at Brussels, 9 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 9 June 1988 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (1)	Amount of refund (2)
0702 00 10 100		4,50 (3)
0702 00 10 900	—	—
0702 00 90 100		4,50 (3)
0702 00 90 900	—	—
0802 12 90 000		9,67
0802 21 00 000		7,50
0802 22 00 000		14,51
0802 31 00 000		14,00
0805 10 11 100	01	8,00
	09	5,32
0805 10 11 300	01	14,50
	09	9,67
0805 10 11 900	—	—
0805 10 15 100	01	17,00
	09	12,00
0805 10 15 300	01	14,50
	09	9,67
0805 10 15 900	—	—
0805 10 19 100	01	8,00
	09	5,32
0805 10 19 300	01	14,50
	09	9,67
0805 10 19 900	—	—
0805 10 21 100	01	8,00
	09	5,32
0805 10 21 300	01	14,50
	09	9,67
0805 10 21 900	—	—
0805 10 25 100	01	17,00
	09	12,00
0805 10 25 300	01	14,50
	09	9,67
0805 10 25 900	—	—
0805 10 29 100	01	8,00
	09	5,32
0805 10 29 300	01	14,50
	09	9,67
0805 10 29 900	—	—
0805 10 31 100	01	8,00
	09	5,32
0805 10 31 300	01	14,50
	09	9,67
0805 10 31 900	—	—
0805 10 35 100	01	17,00
	09	12,00
0805 10 35 300	01	14,50
	09	9,67
0805 10 35 900	—	—
0805 10 39 100	01	8,00
	09	5,32
0805 10 39 300	01	14,50
	09	9,67
0805 10 39 900	—	—
0805 10 41 100	01	8,00
	09	5,32
0805 10 41 300	01	14,50
	09	9,67

(ECU/100 kg net)		
Product code	Destination of refund (1)	Amount of refund (2)
0805 10 41 900	—	—
0805 10 45 100	01	17,00
	09	12,00
0805 10 45 300	01	14,50
	09	9,67
0805 10 45 900	—	—
0805 10 49 100	01	8,00
	09	5,32
0805 10 49 300	01	14,50
	09	9,67
0805 10 49 900	—	—
0805 20 50 100	—	—
0805 20 50 900	—	—
0805 30 10 100	01	15,00
	09	10,00
0805 30 10 900	—	—
0806 10 11 100		4,84
0806 10 11 300		4,84
0806 10 11 900	—	—
0806 10 15 100		4,84
0806 10 15 300		4,84
0806 10 15 900	—	—
0806 10 19 100		4,84
0806 10 19 300		4,84
0806 10 19 900	—	—
0808 10 91 100	—	—
0808 10 91 910	02	12,00
	03	4,00
0808 10 91 990	—	—
0808 10 93 100	—	—
0808 10 93 910	02	12,00
	03	4,00
0808 10 93 990	—	—
0808 10 99 100	—	—
0808 10 99 910	02	12,00
	03	4,00
0808 10 99 990	—	—
0809 30 00 110	04	5,00
0809 30 00 190	—	—
0809 30 00 900	—	—

(1) The destinations are as follows:

- 01 Countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Djibouti, the countries of the Arabian peninsula including the territories attached thereto (Saudi Arabia, Bahrain, Qatar, Kuwait, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Yemen Arab Republic and People's Democratic Republic of Yemen), Iran, Iraq and Jordan,
- 03 Countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland and Greenland,
- 04 All destinations excluding Switzerland and Austria,
- 09 Other destinations.

(2) The refunds fixed in this Regulation shall not apply to exports:

- to Spain and Portugal from the Community as constituted at 31 December 1985,
- to third countries from Spain and Portugal.

(3) For exports to Sweden in the period 1 July to 30 September 1988, the refund is reduced to 0,81 ECU/100 kg.

COMMISSION REGULATION (EEC) No 1607/88**of 9 June 1988****re-establishing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia**

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

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol 1 thereto;

Having regard to Council Regulation (EEC) No 4186/87 of 21 December 1987 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia (1988) ⁽²⁾, and in particular Article 1 thereof,

Whereas the abovementioned Protocol 1 and Article 15 of the Cooperation Agreement provide that the products listed in the Annex are imported exempt of customs duty into the Community, subject to the annual ceiling of 12 947 tonnes, above which the customs duties applicable to third countries may be re-established;

Whereas imports into the Community of those products, originating in Yugoslavia, have reached that ceiling;

whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

From 13 June to 31 December 1988, the levying of customs duties applicable to third countries shall be on imports into the Community of the products listed in the Annex, originating in Yugoslavia.

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, 9 June 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 400, 31. 12. 1987, p. 6.

ANNEX

Order No	CN code	Description of goods
01.0160	7304	Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel :
	7304 10	– Line pipe of a kind used for oil or gas pipelines :
	7304 10 10	– – Of an external diameter not exceeding 168,3 mm
	7304 10 30	– – Of an external diameter exceeding 168,3 mm, but not exceeding 406,4 mm
	7304 10 90	– – Of an external diameter exceeding 406,4 mm
	7304 20	– Casing, tubing and drill pipe, of a kind used in drilling for oil or gas :
		– – Other :
	7304 20 91	– – – Of an external diameter not exceeding 406,4 mm
	7304 20 99	– – – Of an external diameter exceeding 406,4 mm
		– Other, of circular cross-section, of iron or non-alloy steel :
	7304 31	– – Cold-drawn or cold-rolled (cold-reduced) :
		– – – Other :
	7304 31 91	– – – – Precision tubes
	7304 31 99	– – – – Other
	7304 39	– – Other :
	7304 39 10	– – – Unworked, straight and of uniform wall-thickness, for use solely in the manufacture of tubes and pipes with other cross-sections and wall-thicknesses ⁽¹⁾
		– – – – Other :
		– – – – – Other :
		– – – – – Other :
		– – – – – Threaded or threadable tubes (gas pipe) :
	7304 39 51	– – – – – – Plated or coated with zinc
	7304 39 59	– – – – – – Other
		– – – – – Other, of an external diameter :
	7304 39 91	– – – – – – Not exceeding 168,3 mm
	7304 39 93	– – – – – – Exceeding 168,3 mm, but not exceeding 406,4 mm
	7304 39 99	– – – – – – Exceeding 406,4 mm
		– Other, of circular cross-section, of stainless steel :
	7304 41	– – Cold-drawn or cold-rolled (cold-reduced) :
	7304 41 90	– – – Other
	7304 49	– – Other :
	7304 49 10	– – – Unworked, straight and of uniform wall-thickness, for use solely in the manufacture of tubes and pipes with other cross-sections and wall-thicknesses ⁽¹⁾
		– – – – Other :
		– – – – – Other :
	7304 49 91	– – – – – Of an external diameter not exceeding 406,4 mm
	7304 49 99	– – – – – Of an external diameter exceeding 406,4 mm
		– Other, of circular cross-section, of other alloy steel :
	7304 51	– – Cold-draw or cold-rolled (cold-reduced) :
		– – – Straight and of uniform wall-thickness, of alloy steel containing by weight not less than 0,9 % but not more than 1,15 % of carbon, not less than 0,5 % but not more than 2 % of chromium and not more than 0,5 % of molybdenum, of a length :
	7304 51 11	– – – – Not exceeding 4,5 m
	7304 51 19	– – – – Exceeding 4,5 m
		– – – – Other :
		– – – – – Other :
	7304 51 91	– – – – – Precision tubes
	7304 51 99	– – – – – Other
	7304 59	– – Other :
	7304 59 10	– – – Unworked, straight and of uniform wall-thickness, for use solely in the manufacture of tubes and pipes with other cross-sections and wall-thickness ⁽¹⁾
		– – – – Other, straight and of uniform wall-thickness, of alloy steel containing by weight not less than 0,9 % but not more than 1,15 % of carbon, not less than 0,5 % but not more than 2 % of chromium and not more than 0,5 % of molybdenum, of a length :

⁽¹⁾ Entry under this code is subject to conditions laid down in the relevant Community provisions. See also Section II, paragraph B, of the preliminary provisions (combined nomenclature).

Order No	CN code	Description of goods
01.0160 (cont'd)	7304 59 31	- - - - Not exceeding 4,5 m
	7304 59 39	- - - - Exceeding 4,5 m
		- - - Other :
		- - - - Other :
	7304 59 91	- - - - - Of an external diameter not exceeding 168,3 mm
	7304 59 93	- - - - - Of an external diameter exceeding 168,3 mm, but not exceeding 406,4 mm
	7304 59 99	- - - - - Of an external diameter exceeding 406,4 mm
	7304 90	- Other :
	4304 90 90	- - Other
	7305	Other tubes and pipes (for example, welded, riveted or similarly closed), having internal and external circular cross-sections, the external diameter of which exceeds 406,4 mm, of iron or steel :
	7306	Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel :
	7306 10	- Line pipe of a kind used for oil or gas pipelines :
		- - Longitudinally welded, of an external diameter of :
	7306 10 11	- - - Not more than 168,3 mm
	7306 10 19	- - - More than 168,3 mm, but not more than 406,4 mm
	7306 10 90	- - Spirally welded
	7306 20 00	- Casing and tubing of a kind used in drilling for oil or gas
	7306 30	- Other, welded, of circular cross-section, of iron or non-alloy steel :
		- - Other :
		- - - Precision tubes, with a wall thickness :
	7306 30 21	- - - - Not exceeding 2 mm
	7306 30 29	- - - - Exceeding 2 mm
		- - - Other :
	7306 30 30	- - - - Electrical conduit tubes
		- - - - Threaded or threadable tubes (gas pipe) :
	7306 30 51	- - - - - Plated or coated with zinc
	7306 30 59	- - - - - Other
		- - - - - Other, of an external diameter :
		- - - - - Not exceeding 168,3 mm :
	7306 30 71	- - - - - Plated or coated with zinc
	7306 30 79	- - - - - Other
	7306 30 90	- - - - - Exceeding 168,3 mm, but not exceeding 406,4 mm
	7306 40	- Other, welded, of circular cross-section, of stainless steel :
		- - Other :
	7306 40 91	- - - Cold-drawn or cold-rolled (cold-reduced)
	7306 40 99	- - - Other
	7306 50	- Other, welded, of circular cross-section, of other alloy steel :
		- - Other :
	7306 50 91	- - - Precision tubes
	7306 50 99	- - - Other
	7306 60	- Other, welded, of non-circular cross-section :
		- - Other :
		- - - Of rectangular (including square) cross-section, with a wall thickness :
	7306 60 31	- - - - Not exceeding 2 mm
	7306 60 39	- - - - Exceeding 2 mm
	7306 60 90	- - - Of other sections
	7306 90 00	- Other

COMMISSION REGULATION (EEC) No 1608/88

of 9 June 1988

re-establishing the levying of customs duties on women's or girls' suits and ensembles other than knitted or crocheted, products of category 29 (order No 40.0290), women's or girls' knitted or crocheted suits and ensembles, products of category 74 (order No 40.0740) and garments, other than knitted or crocheted, products of category 78 (order No 40.0780), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3783/87 of 3 December 1987 concerning the administration of the generalized tariff preferences applicable for 1988 to textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3783/87 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II to Council Regulation (EEC) No 3782/87⁽²⁾ to individual ceilings, within the limits of the quantities specified in column 7 of Annex I or II thereto, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of Regulation (EEC) No 3783/87 provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of women's or girls' suits and ensembles other than knitted or crocheted, products of

category 29 (order No 40.0290), women's or girls' knitted or crocheted suits and ensembles, products of category 74 (order No 40.0740) and garments, other than knitted or crocheted, products of category 78 (order No 40.0780) the relevant ceiling amounts respectively to 67 000 and 33 000 and 87 tonnes;

Whereas on 2 June 1988 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 June 1988, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3782/87, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Order No	Category	CN code	Description
40.0290	29 (1 000 pieces)	6204 11 00 6204 12 00 6204 13 00 6204 19 10 6204 21 00 6204 22 90 6204 23 90 6204 29 19	Women's or girls' suits and ensembles other than knitted or crocheted, of wool, of cotton or man-made fibres, excluding ski suits
40.0740	74 (1 000 pieces)	6104 11 00 6104 12 00 6104 13 00 ex 6104 19 00 6104 21 00 6104 22 00 6104 23 00 ex 6104 29 00	Women's or girls' knitted or crocheted suits and ensembles, of wool, of cotton or man-made fibres, excluding ski suits

⁽¹⁾ OJ No L 367, 28. 12. 1987, p. 58.

⁽²⁾ OJ No L 367, 28. 12. 1987, p. 1.

Order No	Category	CN code	Description
40.0780	78 (tonnes)	6203 41 30	Garments, other than knitted or crocheted excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77
		6203 42 59	
		6203 43 39	
		6203 49 39	
		6204 61 80	
		6204 61 90	
		6204 62 59	
		6204 62 90	
		6204 63 39	
		6204 63 90	
		6204 69 39	
		6204 69 50	
		6210 40 00	
		6210 50 00	
		6211 31 00	
		6211 32 90	
		6211 33 90	
		6211 41 00	
		6211 42 90	
		6211 43 90	

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, 9 June 1988.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1609/88

of 9 June 1988

setting the latest time of entry into storage for butter sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1109/88⁽²⁾, and in particular Article 6 (7) thereof,Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream⁽³⁾, as last amended by Regulation (EEC) No 842/88⁽⁴⁾, and in particular Article 7a thereof,

Whereas under Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter⁽⁵⁾, as last amended by Regulation (EEC) No 775/88⁽⁶⁾, and under Article 1 of Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as amended by Regulation (EEC) No 949/88⁽⁸⁾, the butter put up for sale must have been taken into storage before a date to be determined; whereas this date is set on the basis of stock trends and available quantities;

Whereas following the entry into force of the abovementioned Regulation (EEC) No 570/88, Commission

Regulation (EEC) No 1726/84 of 18 June 1984 determining the time limit for the entry into storage of butter sold under Regulations (EEC) No 262/79 and (EEC) No 3143/85⁽⁹⁾, as last amended by Regulation (EEC) No 685/88⁽¹⁰⁾, should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 January 1987.

The butter referred to in Article 1 of Regulation (EEC) No 570/88 must have been taken into storage before 1 January 1987.

Article 2

Regulation (EEC) No 1726/84 is repealed.

Article 3

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

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

Done at Brussels, 9 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 87, 31. 3. 1988, p. 4.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 80, 25. 3. 1988, p. 31.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 92, 9. 4. 1988, p. 43.

⁽⁹⁾ OJ No L 163, 21. 6. 1984, p. 28.

⁽¹⁰⁾ OJ No L 71, 17. 3. 1988, p. 26.

COMMISSION REGULATION (EEC) No 1610/88
of 9 June 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 1581/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of 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 10 June 1988.

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

Done at Brussels, 9 June 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 141, 8. 6. 1988, p. 39.

ANNEX

to the Commission Regulation of 9 June 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,71 ⁽¹⁾
1701 11 90	38,71 ⁽¹⁾
1701 12 10	38,71 ⁽¹⁾
1701 12 90	38,71 ⁽¹⁾
1701 91 00	47,39
1701 99 10	47,39
1701 99 90	47,39

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 7 June 1988

amending Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids

(88/316/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

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

Having regard to the proposal from the Commission,

In cooperation with the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas, since the adoption of Directive 75/106/EEC ⁽³⁾, as last amended by Directive 85/10/EEC ⁽⁴⁾, total harmonization of the ranges of nominal quantities for certain liquids referred to in that Directive has appeared necessary;

Whereas Directive 75/106/EEC contains no provision on containers or their use; whereas matters concerning the recycling of containers for liquids for human consumption are governed by Directive 85/339/EEC ⁽⁵⁾; whereas it is therefore necessary to repeal Article 5 (4) of Directive 75/106/EEC;

Whereas it is advisable, whenever possible, to ensure total harmonization of ranges of prepackaged products in order to establish a transparent market for them,

⁽¹⁾ OJ No C 156, 15. 6. 1987, p. 191 and Decision of 18 May 1988 (not yet published in the Official Journal).

⁽²⁾ OJ No C 150, 9. 6. 1987, p. 4.

⁽³⁾ OJ No L 42, 15. 2. 1975, p. 1.

⁽⁴⁾ OJ No L 4, 5. 1. 1985, p. 20.

⁽⁵⁾ OJ No L 176, 6. 7. 1985, p. 18.

Article 1

Article 5 of Directive 75/106/EEC is hereby amended as follows:

1. The following phrase is added at the end of paragraph 2:

'...and in the case of the volumes of 0,375 litre and 0,75 litre for the products listed in 4, up to 31 December 1991.'

2. Paragraph 3 (b) is replaced by the following:

'(b) Prepackages containing the products listed in Annex III, 1 (a) and (b), may be marketed after 31 December 1988 only if they have the nominal volumes set out in column I of the said Annex.

Packages containing the products listed in Annex III 2 (a) may be marketed after 31 December 1990 only if they have the nominal volumes set out in column I of that Annex. Those prepackages which appear in Annex III, section 4, may be marketed after 31 December 1991 only if they have the nominal volumes set out in the said column I.'

3. The following is added as paragraph 3 (d):

'(d) Without prejudice to subparagraph (b), products listed in Annex III, section 4, and having the volume of 0,071 litre may be marketed in Ireland and the United Kingdom.'

4. Paragraph 4 is deleted.

Article 2

1. The following volumes is added in column I of Annex III to Directive 75/106/EEC:

- in section 1 (s): '3 — 5',
- in section 2 (a): '4,5 — 6 — 9',
- in section 4:
'0,35 — 0,70 — 1,125 (*) — 4,5 — 5 (*) — 10 (*)'.

The following footnote is added at the end of Annex III:

(*) Values intended exclusively for trade use.'

2. In column II of Annex III to Directive 75/106/EEC, the volumes '0,35' and '0,70' are deleted for the products specified in 4.

Article 3

The following subparagraph is added to Article 1 of Directive 75/106/EEC:

'Prepackages containing the products listed in section 2 (a) and 4 of Annex III which are intended either for the provisioning of aeroplanes, ships and trains or for sale in duty-free shops, shall be excluded from the scope of this Directive.'

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 June 1988. They shall forthwith inform the Commission thereof.

Done at Luxembourg, 7 June 1988.

For the Council

The President

M. BANGEMANN

COMMISSION

COMMISSION DECISION

of 11 December 1987

approving an integrated Mediterranean programme for Central and Eastern Greece

(Only the Greek text is authentic)

(88/317/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2088/85 of 23 July 1985 concerning the integrated Mediterranean programmes⁽¹⁾, and in particular Article 7 thereof,

Whereas Greece has presented to the Commission an integrated Mediterranean programme (IMP) for Central and Eastern Greece;

Whereas, in accordance with Article 7 of Regulation (EEC) No 2088/85, the Central and Eastern Greece IMP has been submitted in amended form to the Advisory Committee for Integrated Mediterranean Programmes, which has given a favourable opinion;

Whereas the Central and Eastern Greece IMP, including its financial plan, may therefore be approved by the Commission;

Whereas the Central and Eastern Greece IMP relates to the period from 1 January 1986 to 31 December 1992;

Whereas the Central and Eastern Greece IMP contains measures which constitute a specific programme of action eligible for assistance from the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, by virtue of the second paragraph of Article 12 (1) of Regulation (EEC) No 2088/85;

Whereas, in order to ensure its effectiveness, the Central and Eastern Greece IMP will be carried out in successive phases and will be subject to later decisions when the conditions for the granting of Community contributions have been met;

Whereas the expenditure on the measures constituting the Central and Eastern Greece IMP is estimated at 550 126 270 ECU for the period from 1 January 1986 to 31 December 1992;

Whereas the Community contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 is estimated at 86 508 320 ECU for that period,

HAS ADOPTED THIS DECISION:

Article 1

The Central and Eastern Greece IMP, in the version submitted to the Commission on 23 July 1986, as subsequently modified after examination by the Commission and following consultation of the Advisory Committee for Integrated Mediterranean Programmes, is hereby approved. The estimates of total expenditure and the estimated contributions from each Community budgetary source are shown in the financial plan of the Central and Eastern Greece IMP.

In so far as the measures are carried out in accordance with the Central and Eastern Greece IMP, within the limits of the overall expenditure estimates and in compliance with the rules and procedures relating to each source of Community financing, the Commission shall pay the Community contributions specified in the Central and Eastern Greece IMP.

Article 2

The contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 shall not exceed 86 508 320 ECU in respect of the expenditure to be incurred in the period from 1

⁽¹⁾ OJ No L 197, 27. 7. 1985, p. 1.

January 1986 to 31 December 1992 on measures to be financed in the context of the Central and Eastern Greece IMP, estimated at 550 126 270 ECU.

Article 3

Pursuant to Article 15 (2) of Regulation (EEC) No 2088/85, a first instalment from the special budget heading referred to in Article 11 (2) of that Regulation amounting to 1 304 350 ECU is hereby committed in accordance with the financial plan of the Central and Eastern Greece IMP.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 11 December 1987.

For the Commission

Grigoris VARFIS

Member of the Commission

PROGRAMME CONTRACT

THE COMMISSION OF THE EUROPEAN COMMUNITIES

hereinafter referred to as 'the Commission',

and

THE HELLENIC REPUBLIC

hereinafter referred to jointly as 'the Parties',

HAVE AGREED AS FOLLOWS:

TITLE I

Joint implementation of the Integrated Mediterranean Programme for Central and Eastern Greece (hereinafter referred to as the 'Central and Eastern Greece IMP')

Article 1

This contract shall constitute a programme contract within the meaning of Article 9 of Regulation (EEC) No 2088/85. It shall enter into force on 11 December 1987 and shall expire when the Commission closes accounts in respect of the Community budgetary contributions for the Central and Eastern Greece IMP.

Within the framework of this contract, the Parties agree to undertake joint action to ensure effective implementation of the entire Central and Eastern Greece IMP in accordance with the conditions laid down in the programme as adopted by the Commission Decision of 11 December 1987.

The purpose of such joint action shall be to ensure the effectiveness of the initiatives taken to implement the IMP as an integrated approach to development by:

- defining responsibilities so as to ensure appropriate management of all public funds from budgetary resources referred to in the financial plan of the IMP, with due regard to Community policies,
- establishing machinery for coordinating and mobilizing all the administrations concerned, together with the bodies representing the beneficiaries and economic agents in Central and Eastern Greece,
- establishing arrangements for reliable, relevant and rapid information provision on the implementation of the IMP and its economic and social impact.

TITLE II

Management and coordination responsibilities

Article 2

1. The Hellenic Republic shall designate the Minister for the National Economy as being responsible for the effective implementation of the Central and Eastern

Greece IMP. The Minister shall be assisted by a Monitoring Committee meeting in Larissa.

The tasks and responsibilities of the Committee shall be those laid down in Chapter 5 of the Central and Eastern Greece IMP and any other task assigned to it by the parties. The Monitoring Committee shall comprise, among others, the permanent members listed in Annex I. The total number of permanent members shall remain as indicated.

The Greek authorities shall, in good time, take the measures necessary to ensure that sufficient resources are placed at the disposal of the Monitoring Committee to enable it to operate properly.

They shall inform the Commission before 1 May 1988 of the nature of the measures envisaged and the timetable for their implementation.

The Minister for the National Economy shall decide on the coordination machinery required at national level, in particular as regards recourse to the Interministerial Committee for the IMPs chaired by his representative.

The Commission, where appropriate in consultation with the European Investment Bank, shall decide on the coordination machinery at Community level.

2. The parties undertake, within their respective fields of competence, to issue any appropriate instructions to the persons to whom tasks are assigned under this programme contract, with a view to securing the consultation and coordination necessary for the smooth implementation of the Central and Eastern Greece IMP.

Article 3

The prefects shall be responsible, each for their own prefecture and for that part of the Central and Eastern Greece IMP financed out of the prefectural budget, for the smooth implementation of the IMP.

Similarly, for that part of the Central and Eastern Greece IMP not financed out of the prefectural budget, it shall be for the prefects to ensure that the necessary steps are taken to ensure the effective implementation of the IMP.

Article 4

The regional secretaries-general for Central and Eastern Greece shall be responsible for coordination under the authority of the chairman of the Monitoring Committee. They shall, with the agreement of the Committee, establish the procedures and facilities necessary to speed up the exchange of information between central and local authorities and facilitate geographical coordination of the measures making up the IMP.

Article 5

In agreement with the other regional secretaries-general for Central and Eastern Greece, and after consulting the Monitoring Committee, the chairman of the Monitoring Committee shall decide on the use to which the appropriations available under Subprogramme No 5, 'Implementation of the Central and Eastern Greece IMP', are to be put. Those appropriations shall, in any event, cover only expenditure directly related to implementation of the Central and Eastern Greece IMP.

Article 6

The Greek authorities shall appoint within the public administration in Central and Eastern Greece an official responsible for monitoring each of the five subprogrammes making up the IMP.

Each monitoring official shall see to it that full and standardized information is supplied to the Monitoring Committee on each of the measures making up the subprogramme for which he is responsible, in the manner provided for in Articles 12 and 13. The regional secretaries-general for Central and Eastern Greece shall collate and redistribute this information.

Monitoring officials shall at all times bring to the attention of the chairman of the Monitoring Committee, the regional secretaries-general and the other Greek authorities concerned the various administrative, technical or budgetary initiatives necessary to ensure effective implementation as approved of the subprogrammes for which they are responsible.

Under the authority of the chairman of the Monitoring Committee, the monitoring official shall also chair the meetings of technical working parties set up to prepare the ground for discussions within the Monitoring Committee.

Article 7

Before 1 February 1988, the Minister for the National Economy shall appoint the permanent members and the secretary of the Monitoring Committee, who shall come from the regional department in Central and Eastern Greece of the Ministry of the National Economy. The Commission shall be informed thereof.

The Commission shall appoint its representatives on the Monitoring Committee before 1 February 1988. The Greek authorities shall be informed thereof.

Under the authority of the chairman of the Monitoring Committee, the secretary shall take all the necessary steps to ensure the proper functioning of the Monitoring Committee, including the handling of information. In the performance of that task, he shall be assisted by a staff and by the requisite material resources, which he shall place at the disposal of the Monitoring Committee.

Article 8

The Parties shall agree on the appointment of an independent assessment body before 30 June 1988.

This body shall possess the professional experience and knowledge necessary to perform its task. It shall be engaged on the basis of a limited-duration contract, on terms agreed between the Parties. The assessment body shall be remunerated out of the appropriations available under the 'monitoring and assessment' heading of the implementation subprogramme. Its representative shall have the right to speak at meetings of the Monitoring Committee.

Finally, the independent assessment body shall have the right to send a representative to inspect operations in progress.

TITLE III

Management of budgetary resources*Article 9*

With a view to providing for the implementation of the measures already selected for financing under the IMP, the estimated timetable for commitments and payments from the various sources of Community budget financing is indicated in Annex II. These commitment and payment estimates are in ECU.

Community contributions under the IMP shall be committed and paid in ECU. As regards the EAGGF, Guidance Section, this provision shall only apply as from 1988. Where commitments and payments are preceded by an additional inquiry on the basis of the dossier submitted in national currency, the conversion rate applied following verification of the eligible expenditure in national currency shall be that applicable for the month during which the inquiry is completed. As regards advances and the calculation of the amounts remaining due after the payment of advances, the exchange rate applied in converting drachma into ECU shall be the rate applicable for the month in which the Commission received the application for an advance or payment claim.

Starting in 1988 and not later than 31 March of each year, the secretariat of the Monitoring Committee shall draw up financial estimates for the current year identifying separately the appropriations managed by the national authorities, the regions and, where applicable, other local

authorities. These forecasts shall be prepared on the basis of the individual budgets drawn up by the various competent authorities, permitting direct comparisons with the annual financial forecasts for each subprogramme within the IMP, measure by measure. They shall also indicate the amount of Community aid planned for implementing these measures.

Article 10

Not later than 15 October 1988, the Greek authorities shall, on the basis of proposals from the Monitoring Committee, present to the Commission a draft detailed financial plan for the years 1989 to 1992 inclusive also covering utilization of the hitherto unallocated portion of the Community contribution to the Greek IMPs. Should this prove necessary, consideration may be given to making use of this unallocated portion before the end of the period 1986 to 1988. The Greek authorities shall also propose any amendments or clarifications to be made to the technical and financial notes annexed to the programme.

The parties shall, in July 1988, check on the establishment and functioning of the coordination, mobilization and monitoring machinery referred to in this contract and shall consider the implications for the continued implementation of the IMP.

The Commission shall then, after consulting the Greek authorities, determine, together with any amendments, the list and schedule of measures to be adopted under the IMP for the period after 1988, revising the technical and financial notes annexed to the IMP accordingly and communicating the IMP as amended to the Greek authorities, it being understood that any changes and amendments shall, if necessary, be incorporated in an agreement supplementary to this programme contract.

Article 11

Irregularities or substantial changes that have not been submitted to the Commission for its approval and that are liable to jeopardize compliance with the integrated nature of the Central and Eastern Greece IMP, especially where they concern the establishment or functioning of the coordination, mobilization and monitoring machinery for the Central and Eastern Greece IMP set up under this contract, may result in application of Article 17 (4) of Regulation (EEC) No 2088/85.

If the Commission was considering applying Article 17 (3) or (4) of Regulation (EEC) No 2088/85, the Hellenic Republic would be given an opportunity to submit its observations within the time limits set by the Commission.

TITLE IV

Arrangements for appraising, evaluating and, more generally, monitoring operations,

Article 12

The parties hereby agree to establish jointly, before 30 June 1988, a monitoring system aimed at securing:

- the drawing-up before the beginning of each financial year of a list of the projects yet to be defined in the IMP and, for those covered by the aid schemes, three months after the end of each financial year, a list of the projects financed under the IMP,
- the monitoring in financial and physical terms of the implementation of the financial plan, on the basis of a standardized format for the main body of the information designed to facilitate computer processing by Community, national or regional authorities.

This monitoring system shall pay due regard to the internal appraisal, evaluation and monitoring rules of each Community structural Fund and each national or prefectural source of financing, bearing in mind the need for simplification and harmonization. The monitoring system shall, amongst other things, contribute to the process of evaluating the economic and social impact of the IMP.

Article 13

At the end of each quarter, each monitoring official shall make sure that the financial statements showing the position as regards implementation of his subprogramme in Central and Eastern Greece in terms of commitments and payments are recorded by the monitoring system. This information shall be available to the Monitoring Committee from its secretariat.

The regional secretaries-general for Central and Eastern Greece shall coordinate these activities.

Observing the same timetable, the Commission shall inform the secretariat of the Monitoring Committee of any direct payments made by the Community to final beneficiaries in respect of measures forming part of the IMP where the financing arrangements in force provide for such payments.

Article 14

At the end of each half-year, the monitoring official shall prepare for the Monitoring Committee a report on the state of implementation in Central and Eastern Greece of the subprogramme for which he is responsible, indicating public expenditure, total expenditure and physical indicators, and specifying for each measure the changes as compared with forecasts for the IMP. The report shall make particular reference to measures in respect of which the level of total expenditure in two successive half-yearly reports is 50 % lower than that given in the schedule for the IMP, averaged over the year.

Article 15

On the basis of the aforementioned information in particular, the appraisal official on the Monitoring Committee shall submit an annual report to it not later than 31 March of the year following the year in question. Before starting the report, he shall seek the opinion of the chairman of the Monitoring Committee.

The annual report shall discuss :

- (a) the progress made towards attaining the socio-economic objectives laid down in the Central and Eastern Greece IMP on the basis of an assessment of the state of implementation and economic impact ;
- (b) the initiatives needed to secure closer compliance with the Central and Eastern Greece IMP as approved, notably as regards the progress made in implementing it, its socio-economic objectives and its integrated nature ;
- (c) any changes needed in the definition of the measures to be carried out as described in Annex I to the Central and Eastern Greece IMP in order to promote attainment of the latter's socio-economic objectives ;
- (d) any changes in the organization and functioning of the various authorities involved which would help to streamline decision-making.

The annual report shall be confidential. It shall be made available to the permanent members of the Monitoring Committee only. At a subsequent meeting, and before the prefects and regional secretaries-general decide on the operations falling within their field of competence, the Monitoring Committee shall discuss the operational proposals contained in the annual report, giving its views also on the soundness of the quantitative data and estimates. Where the proposed operations fall within the field of competence of other authorities, the Monitoring Committee shall, under the authority of its chairman, transmit its conclusions to the parties not later than one month following its meeting.

Throughout each year, the monitoring officials shall keep a watch on the implementation of the administrative and legislative measures necessary for the smooth functioning of the programme.

Article 16

As regards the specific action programme for Central and Eastern Greece financed under Article 12 (1) of Regulation (EEC) No 2088/85, the Greek authorities shall transmit to the Commission before 1 July each year the information provided for in Commission Decision 85/22/EEC⁽¹⁾ which concerns operations to improve rural infrastructure, irrigation schemes and forestry measures carried out during the preceding calendar year, and subsequent to the expiry of Council Regulation (EEC) No 1975/82⁽²⁾ the information provided for in Commission Decision 83/387/EEC⁽³⁾.

⁽¹⁾ OJ No L 13, 16. 1. 1985, p. 20.

⁽²⁾ OJ No L 214, 22. 7. 1982, p. 1.

⁽³⁾ OJ No L 222, 13. 8. 1983, p. 43.

TITLE V

Information to be supplied in support of Community grant applications*Article 17*

Payment claims shall be submitted in accordance with the rules of each Fund.

Any changes that have to be made to existing forms in order to take account of Community financing over and above the ceilings laid down in the provisions governing the Funds shall be notified to the Greek authorities by the Commission before 31 March 1988. Thereafter, any other changes necessary shall be notified in good time.

As regards payments under the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85, the Commission shall communicate the forms to be submitted for payment claims to the Hellenic Republic before 31 March 1988. Thereafter, any other form necessary shall be notified in good time.

As regards the specific action programme for Central and Eastern Greece financed by the EAGGF Guidance Section under Article 12 (1) of Regulation (EEC) No 2088/85, the Greek authorities shall comply with the procedures laid down in Commission Decision 83/644/EEC⁽⁴⁾, and for the purpose of applying Council Regulation (EEC) No 2966/83⁽⁵⁾.

TITLE VI

Compliance with Community policies*Article 18*

The Greek authorities shall submit to the Commission for agreement beforehand all productive investment projects with a total cost exceeding 15 million ECU in respect of which Community financing is proposed, together with the feasibility and profitability studies normally required for such projects by the European Regional Development Fund (ERDF). The Commission reserves the right to introduce for all programmes financed by the Community notification or information procedures for other categories of productive investment projects in respect of which Community assistance is proposed.

In the case of all infrastructure investment projects costing more than 15 million ECU, the Greek authorities shall also transmit to the Commission for its agreement a socio-economic cost-benefit analysis.

Industrial and infrastructure projects costing more than 15 million ECU shall be examined by the Monitoring Committee in the light of the findings of the studies referred to above.

⁽⁴⁾ OJ No L 359, 22. 12. 1983, p. 12.

⁽⁵⁾ OJ No L 293, 25. 10. 1983, p. 1.

Article 19

Within the framework of the reporting procedures provided for in Article 14 of this contract, the monitoring officials for the relevant subprogrammes shall each year submit a land-use return in respect of those irrigation areas in which irrigation work has already been carried out. These returns, which shall be drawn up on the basis of information obtained from the bodies responsible for managing the irrigation work (Land Improvement Agency or other body), shall be placed before the Monitoring Committee, accompanied by an assessment in accordance with points II.1.8, second paragraph, and II.2.6 of the Central and Eastern Greece IMP.

At the end of the programme's third, fifth and seventh years, the Monitoring Committee shall undertake a comprehensive review of achievements and production guidelines in the irrigation areas and deliver an opinion in accordance with points II.1.8, second paragraph, and II.2.6 of the Central and Eastern Greece IMP.

The final paragraph of Chapter II.1.8 of the Central and Eastern Greece IMP shall be applied if necessary in the light of the abovementioned Monitoring Committee opinion.

Article 20

In the case of the Acheloos complex, the national authorities shall carry out a prior assessment in accordance with the provisions of Council Directive 85/337/EEC⁽¹⁾. The results of this assessment shall be communicated to the Commission, which shall then have two months in which to inform the Greek authorities of any measures to be taken in order that this project may qualify for Community financing. Any additional costs associated with such measures shall be eligible for funding under this IMP, including by recourse to the hitherto unallocated portion of the Community contribution towards the Greek IMPs.

Article 21

The Greek authorities also agree to present to the Commission at the end of each half-year grouped references to the invitations to tender published in the *Official Journal of the European Communities* and a report on the award procedures designed to show that Council Directive 77/62/EEC⁽²⁾, Commission Decision 80/797/EEC⁽³⁾ and Council Directive 71/305/EEC⁽⁴⁾ have been complied with.

Article 22

The Greek authorities shall take the necessary steps to publicize the granting of Community assistance as widely as possible. In the case of individual projects costing more than 500 000 ECU, permanent signboards shall be erected at the sites of the said projects.

Article 23

No one project may enjoy both Community assistance under this IMP and any other form of Community assistance.

TITLE VII

Recipients of payments made by the Commission*Article 24*

Community grants made under the Central and Eastern Greece IMP shall be paid into the account(s) designated by the Greek authorities, with the exception of certain direct payments made by the EAGGF Guidance Section and the European Social Fund (ESF).

TITLE VIII

Conditions governing the adoption of agreements supplementary to the contract*Article 25*

Substantial changes to the Central and Eastern Greece IMP, which must be referred to the Advisory Committee on IMPs in the manner provided for in Article 7 of Regulation (EEC) No 2088/85, shall be the subject of agreements supplementary to this contract.

TITLE IX

Final provision*Article 26*

Any dispute between the Parties as to the interpretation of this contract which cannot be settled amicably shall be referred to the Court of Justice of the European Communities.

Done at Piraeus, 11 December 1987.

For the Commission

G. VARFIS

Member of the Commission

For the Hellenic Republic

P. ROUMELIOTIS

Minister for the National Economy

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

⁽²⁾ OJ No L 13, 15. 1. 1977, p. 1.

⁽³⁾ OJ No L 234, 5. 9. 1980, p. 33.

⁽⁴⁾ OJ No L 185, 16. 8. 1971, p. 5.

*ANNEX I***Composition of the Monitoring Committee**

	<i>Number of persons</i>
Chairman :	
— The Secretary-General for Thessaly	1
Permanent secretary :	
— Regional department in Thessaly of the Ministry of the National Economy	1
Permanent members :	
— The Secretary-General for Central Greece	1
— A representative of the local Union of Municipalities	1
— A representative of the Chambers of Commerce	1
— A representative of the Chambers of Small Industry	1
— A representative of the Union of Agricultural Cooperatives	1
— The official responsible for monitoring each subprogramme in the Central and Eastern Greece IMP	5
— The appraisal official	1
— A maximum of three persons appointed by the Greek authorities	3
— A maximum of three Commission representatives	3
— A representative of the European Investment Bank	1
Total :	<u>20</u>

The prefects of the nine prefectures in Central and Eastern Greece shall attend those meetings at which changes in the IMP or proposals for its second phase are to be adopted and any other meetings to which they may be invited by the Chairman.

ANNEX II

Financial forecasts — Central and Eastern Greece

(in thousand ECU)

Source	Commitments				Payments			
	1987	1988	1989 to 1993	Total	1987	1988	1989 onwards	Total
ERDF	9 347,96	25 769,93	124 716,68	159 834,57	7 478,37	22 485,53	129 870,67	159 834,57
EAGGF								
— indirect operations	—	11 316,27	46 918,23	58 234,50	—	11 316,27	46 918,23	58 234,50
Article 355	139,33	—	—	139,33	—	139,33	—	139,33
Fisheries	—	—	560,00	560,00	—	—	560,00	560,00
ESF	969,50	1 683,61	7 610,06	10 263,17	484,75	1 132,66	8 645,76	10 263,17
Article 551	8 384,98	14 270,88	63 852,46	86 508,32	4 192,48	7 787,62	74 528,22	86 508,32
Total	18 841,77	53 040,69	243 657,43	315 539,89	12 155,60	42 861,41	260 522,88	315 539,89

COMMISSION DECISION

of 2 March 1988

on Law No 64 of 1 March 1986 on aid to the Mezzogiorno

(Only the Italian text is authentic)

(88/318/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 regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 223/88⁽²⁾, and in particular Article 31 thereof, and to the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Having given the Parties an opportunity to submit their comments in accordance with Article 93,

Whereas :

I

1. By letter dated 2 May 1986 the Italian Government notified to the Commission a new aid scheme for the Mezzogiorno for the nine-year period 1985 to 1993. The scheme, contained in Law No 64 of 1 March 1986, maintains and increases the aid available under the previous legislation (Presidential Decree No 218 of 6 March 1978) and retains the area coverage of the previous scheme. Under the new scheme, which the Commission understands has not yet been introduced, aid for industrial investment and research is increased, while new aid for services and for innovation by small and medium-sized firms is introduced. The previous relief from social security contributions is continued while certain tax concessions are increased. New State guarantees are to be available for short-term credit extended to cooperatives and small and medium-sized enterprises and for credit given by industrial firms on exports, the latter including exchange risk cover. Bond issues floated by banks authorized to operate in the Mezzogiorno are eligible for subsidies, while the provisions for preferential treatment of local companies in the award of public contracts are reinforced. Firms in Sardinia will receive a 30 % reduction in air, rail and sea freight rates, and reduced rail tariffs will be available for the transport of agricultural products from other parts of the Mezzogiorno. Finally, the

normal VAT refund is increased by 4 % on capital goods imported or acquired by industrial firms for use in their business.

It is planned to vary the intensity of the aid according to the economic situation measured down to province level. For this purpose the Italian authorities used a composite index composed of six indicators. As a result three zones were defined : zone (A), the least developed, holding 25 % of the population of the Mezzogiorno, zone (B), intermediate holding 61 % of the population, and zone (C), the most developed, holding 14 %. The latter zone comprises the provinces of Frosinone, Latina, Rieti, Rome (Lazio), Ascoli-Piceno (Marche), Chieti, Aquila, Pescara, Teramo (Abruzzo) and Taranto (Puglia). The Italian Government informed the Commission of its intention of offering a two-fifths higher grant rate in zone (A) and a one-fifth higher rate in zone (B), leaving zone (C) at the standard rate. This would mean maximum rates in zones (A), (B) and (C) of 73,78 %, 66,4 % and 59,02 % net grant equivalent (nge) respectively.

II

2. The Commission carried out a preliminary examination of the scheme contained in Law 64/86 and Decree 218/78 pursuant to Article 92 (3) of the EEC Treaty. On 28 April 1987 it decided to initiate the Article 93 (2) procedure against parts of the scheme, but by Decision of 30 April 1987 authorized the implementation of the other parts, including those pursuant to Law 64/86, in most areas of the Mezzogiorno. It informed the Italian Government by letter of 30 April 1987 and the Governments of the other Member States by letters of 21 September 1987, inviting observations. In accordance with Article 93 (2), a notice to interested third parties was also published in the *Official Journal of the European Communities*⁽³⁾.

The Article 93 (2) procedure was initiated for all parts of the Mezzogiorno against the subsidiary guarantees of export credits, reductions in the cost of transporting agricultural products from the Mezzogiorno and relief of social security contributions for food processors provided for by Law 64/86 and Decree 218/78.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 1.

⁽³⁾ OJ No C 259, 29. 9. 1987, p. 2.

3. The Commission was unable to assess whether the funds planned to assist innovation by small and medium-sized firms were compatible with the common market, since detailed provisions giving effect to Article 12 (5) of the Law had not been adopted. The Commission also reserved judgment on the proposals to reserve quotas of public purchasing contracts for firms located in the Mezzogiorno and to provide exchange risk cover for exports, since these issues are currently being studied in a Community context. As regards VAT, the Commission reserved the right to examine in consultation with the Italian authorities the technical details of the concession in the light of the provisions of the Sixth VAT Directive and the collection of own resources.

The Commission noted, however, that zones (A) and (B), and the province of Taranto in zone (C), could be considered as experiencing abnormally low living standards or suffering from serious underemployment and that therefore assistance to them could be accepted pursuant to Article 92 (3) (a).

On the other hand, investment aid exceeding 30 % in the provinces of Frosinone, Pescara and Chieti was unacceptable pursuant to Article 92 (3) (c), as was the proposed operating aid such as exemption from company taxation and relief from social security contributions in these provinces. Finally, the continuation of regional aid in any form in the provinces of Ascoli-Piceno, Rieti, Rome, Latina, Aquila and Teramo could not be justified at all pursuant to Article 92 (3) (c).

4. The Law extends and allocates fresh funds for the nine-year duration of the Law to the scheme for partial relief of employers' contributions to the national social security institute for their employees' pensions. The relief is available to all industrial and service enterprises in the Mezzogiorno in any sector, including firms processing agricultural products.

The Law also provides for subsidies towards the cost of transporting raw materials including agricultural products to and from Sardinia (Article 17 (11) and (12)). It also subsidizes tariffs for the transport of agricultural products from parts of the Mezzogiorno (Article 17 (13)). The first measure involves a 30 % reduction in rail, sea and air freight rates, the second a 20 % reduction in rail tariffs.

III

One other Member State and 145 interested parties made submissions to the Commission during the proceedings.

IV

1. The aid for investment in industry and services and for research and the other aid provided for in Law 64/86 and Decree 218/78 fall within the scope of Article 92 (1) of the EEC Treaty.

The aid is given to firms undertaking eligible types of investment in the Mezzogiorno. It favours such firms insofar as it is not available for similar investment outside this area.

The aid distorts competition by increasing the recipient's return on his investment compared with competitors who do not receive it.

The maximum rates of aid for industry are 73,78 %, 66,4 % and 59,02 % nge in the three areas, for services (sales) they are 44,88 %, 39,84 % and 34,79 % nge, and for services (purchases) 50 % nge, and for research the maximum rate is 76 % nge. A reduction in the cost of investment by such margins makes the investment artificially more profitable for the aided firm than for its unaided competitors and competition is likely to be distorted.

The aid concerned in the present case also affects trade between Member States. Although in assessing the impact of the aid it is not possible to say exactly where the recipients' markets are, since the prospective recipients are not known, the statistics available on imports and exports from NUTS (Nomenclature of territorial units for statistical purposes) level III areas show that a large though variable percentage of goods produced in such areas are exported to other Member States. Intra-Community trade is also affected whenever aid subsidizes national production at the expense of imports from the other Member States.

The aid is designed to encourage firms to invest in the assisted areas and is therefore likely to affect trade between Member States and to distort competition. Taking into account the characteristics of the scheme and in particular the high absolute amounts and percentages of aid available, it gives the beneficiaries a considerable advantage over their competitors and may also benefit big firms that export at least part of their output to other Member States.

Trade is also affected by the influence which the aid has on the location decisions of aided firms. Insofar as the aid induces firms to choose a location in the assisted areas or to relocate from one Member State to another, the production at, and the supply of output from, the new location changes trade patterns between Member States.

As shown above, the aid strengthens the financial position of recipients compared with their competitors. When intra-Community trade is involved, it must be regarded as affected by the aid. The aid therefore falls within the scope of Article 92 (1).

2. As the aid to be provided under the scheme in the Mezzogiorno of Italy is regional in character, the Commission can authorize it only in so far as it meets the conditions for exemption from the prohibition of State aid laid down in Article 92 (3) (a) or (c). These require that the aid should serve specified Community objectives rather than simply serving the interests of the Member State or the aid recipient. The exemptions must be strictly construed when scrutinizing aid schemes or individual aid awards.

In particular, they may be applied only when the Commission is satisfied that market forces alone would be insufficient to lead the recipients towards behaviour that would serve one of the objectives specified in the exemption clauses specified in Article 92.

To invoke the exemptions in cases where is no such causal link would be to allow trading conditions between Member States to be affected and competition to be distorted without any compensating benefit to the Community.

In applying the principles set out above in its scrutiny of regional aid schemes, the Commission must satisfy itself that the regions concerned are suffering from problems which are serious enough, in comparison with the situation in the rest of the Community, to justify the grant of aid at the level proposed. The scrutiny must show that the aid is necessary to achieve objectives specified in Article 92 (3) (a) or (c). The Commission's discretion in this area involves the making of economic and social assessments in a Community context.

3. The exemption provided for in Article 92 (3) (a) is applicable to aid which promotes the economic development of areas where the standard of living is abnormally low or where there is serious underemployment. To assess whether this is the case, the Commission has developed a method which was made available to the Italian authorities during the proceedings. The Commission considers that the standard of living is abnormally low or there is serious underemployment in regions where a majority of level III areas within the level II region have a GDP/PPS (purchasing power standard) of 75 or under on the Community index.

A distinction can be made between aid conditional on initial investment and that without any direct link to such investment, in other words operating aid. In general, the

Commission does not authorize operating aid because of its distorting effect. However, in the most disadvantaged regions of the Community falling within Article 92 (3) (a), it considers that, in certain well-defined circumstances, and provided the aid is limited in time, certain types of operating aid may assist development.

The types of operating aid provided by Law 64/86 fulfil this criterion and can therefore be accepted in those regions where Article 92 (3) (a) is applicable. This applies in particular to the relief from social security contributions (Article 59 of Decree 218/78), the tax concessions pursuant to Articles 101 to 105 of Decree 218/78 and Article 14 (5) of Law 64/86, the State guarantees (Articles 15 (5) and 17 (5) of Law 64/86) and assistance with transport costs for firms located in Sardinia (Article 17 (11) and (12) of Law 64/86).

The aid for investment in industry (Article 9 of Law 64/86), services (Article 12) and research (Article 12 (13)) referred to in point 1, have a maximum intensity which may be calculated in advance. However, this is not so for other aid for investment, such as the VAT refund (Article 14 (3)), the exemption from local income tax (ILOR) on declared profits reinvested in the Mezzogiorno (Article 14 (4)) and the subsidies for bond issues (Article 10). As a result, the total amount of aid for a given investment cannot be evaluated in advance. The Italian authorities must therefore take all necessary measures to ensure that the maximum aid intensity allowed by the Commission under the principles for coordination of regional aid⁽¹⁾ is in no circumstance exceeded, and must be required to inform the Commission of the measures taken.

The Italian authorities have assured the Commission that all the aid conditional on initial investment fulfils the criteria specified in point 18 of the coordination principles.

The GDP data available when the Commission opened proceedings (for 1983) showed two of the four level III areas in Abruzzi as lying above the 75 threshold level for classification as eligible for Article 92 (3) (a). On the basis of 1985 figures produced during the proceedings, however, three of the four areas fail to reach the threshold. The Commission concludes that, as the situation has apparently deteriorated in the region, it is possible to consider the four provinces of Aquila, Teramo, Pescara and Chieti to be eligible, at least for the time being, for aid under Article 92 (3) (a). The aid referred to in paragraph 1 above may therefore be authorized in these areas. The Commission will review the situation in the Abruzzi region by the end of 1990.

⁽¹⁾ OJ No C 31, 3. 2. 1979, p. 9.

As far as the other provinces of Ascoli-Piceno, Rieti, Rome, Latina and Frosinone are concerned, the 1985 figures confirm the view taken by the Commission when it opened proceedings that the criteria of Article 92 (3) (a) are not fulfilled.

4. The exemption provided for in Article 92 (3) (c) is applicable to aid which facilitates the development of certain economic areas without at the same time adversely affecting trading conditions to an extent contrary to the common interest.

The effect on trading conditions caused by regional aid can be regarded as not being contrary to the common interest where it can be shown that the aided region suffers from difficulties that are relatively severe by Community standards, that without the aid market forces would not eliminate these difficulties, and that the grant of aid does not unduly distort competition in particular sectors.

Therefore when assessing the compatibility of regional aid pursuant to Article 92 (3) (c), the Commission takes account both of any serious disparities existing between regions of the same country and of the social and economic situation in the regions concerned compared to the rest of the Community.

For this purpose, the Commission has developed a method of determining, for each Member State, threshold levels of structural unemployment and *per capita* gross domestic product from which, in principle, regional aid can be deemed acceptable. The method was made available to the Italian authorities in the course of the proceedings. The thresholds for a given Member State are decided in the light of its relative position in comparison with Community average. The thresholds are therefore more restrictive for more developed Member States. For Italy, they are currently 85 % of the national average *per capita* GDP and 116 % of the national average unemployment rate.

In stage two of its scrutiny, the Commission checks the results obtained from applying the thresholds against evidence of other relevant indicators presented by the Member State or interested parties or already known to the Commission.

5. It was found that the NUTS level III area Frosinone had an unemployment rate above the threshold of 116 %. To decide what rate of aid was justified in this area, average GDP and structural unemployment in the area was compared with those in level III areas in France and the United Kingdom where the Commission had accepted the highest aid intensity allowed pursuant to

Article 92 (3) (c) and with those in the provinces of the Centre-North of Italy. The Commission found no justification for aid above 30 % nge, the maximum provided for in point 2 (ii) of the coordination principles.

6. The level III areas of Ascoli-Piceno, Rieti, Rome, Latina were found to have *per capita* GDP above 85 % of the national average and unemployment rates below 116 % of the national average. As the areas did not fulfil the basic criteria, the Commission examined other economic data to assess whether they could nevertheless be deemed eligible for regional aid pursuant to Article 92 (3) (c). Their GDP and unemployment rates were compared with those in provinces of the Centre-North and with those in level III areas in other Member States where the Commission had authorized regional aid. The Commission also examined evidence of the following indicators presented by the Italian authorities: changes in resident population, net migration, population density, activity rate (active population/resident population), changes in the levels of employment and unemployment, youth unemployment, number of income supplement claimants, potential unemployment, labour force forecasts, GDP per employee, active population by economic sector, agricultural and manufacturing employment, industrialization, employment in the advanced technology industries, services dependent upon specific industries, management services, growth of investment, degree of internationalization of the economy, infrastructure provision, commercial interest rates. The comparisons and evaluation of these data did not lead the Commission to change its initial view at the opening of the proceedings that regional aid was not justified in the areas. Therefore, all aid provided for by Law 64/86 and Decree 218/78 in the provinces of Ascoli-Piceno, Rieti, Rome and Latina must be deemed incompatible with the common market and ineligible for exemption pursuant to paragraphs (a) or (c) of Article 92. This conclusion was communicated to the representatives of the Italian Government at two meetings held on 30 November and 16 December 1987.

7. The Italian authorities have objected that the Commission has failed to take into account the great variation in conditions within each province; this means that some areas certainly do suffer from an abnormally low standard of living or serious underemployment. In reply to this objection it must be said that, for assessing the social and economic situation of regions, the NUTS level III areas used by the Commission are the smallest of the three units agreed upon between Eurostat and the Member States to serve as a uniform reference framework for regional statistics. In Italy, the level III unit is the province, and it is this which the Italian authorities themselves used to divide the Mezzogiorno into the three zones of less, intermediate and more-developed regions.

The Italian authorities also stated that the provinces at issue have not reached the level of development where they can sustain their economic growth without aid and that the economic gap between them and the Centre-North has not yet been closed. Moreover, most of the investment decisions affecting them are taken outside the region.

The provinces are also, the Italian authorities claim, those where the first industrialization the Mezzogiorno took place, so that now they have the problem of replacing the plant and equipment installed 10 to 15 years ago to introduce new technology. This requires a high level of investment which firms located in the provinces cannot afford. The investments planned on a medium to long-term basis are threatened by lack of funds, and if they cannot go ahead economic decline and, in the worst case, the bankruptcy of many firms unable to face competition will result.

The Commission does not accept this argument. Firms in the five provinces of Marche and Lazio have in the past received a significant percentage of the total aid available under the various laws for developing the Mezzogiorno. As a result the provinces have outperformed in terms of economic growth all other parts of the Mezzogiorno and the economic evidence shows that they have reached a level of development on a par with that in the Centre. Accordingly, firms undertaking new investment in the areas should face the same conditions as in the Centre. As regional aid has no longer been available in the Centre-North since 1 January 1988, this should also be the case in these areas.

Furthermore, between Rome and Naples lies the biggest concentration of industry in the whole of the Mezzogiorno with many companies, particularly State-owned, having their headquarters there.

The Italian authorities argue that the industrial base of the region consists mainly of small to medium-sized firms in mature industries which are vulnerable to foreign competition, especially from Spain and Portugal. Without aid for the services sector, the process of replacing obsolete activities and introducing technological innovation and new industry would come to a halt.

The Commission would point out that the economy of the Centre-North also has this structure. There, decentralization and a swing away from vertical integration have produced a new pattern of industry based on smaller units. This phenomenon is not found in other parts of the

Mezzogiorno, where there has been a loss of employment in small to medium firms and an increase in big firms. Furthermore, the Commission has introduced integrated Mediterranean programmes in Marche, Lazio and Abruzzi which aim at aiding in particular small to medium-sized firms and the service sector. For these reasons the Commission therefore maintains its position that national regional aid in these areas is not justified (see point 3 above).

8. As for the subsidiary State guarantee for credit extended by industrial companies to overseas customers, including firms in other Member States, in the event of their default (Article 15 (5) of Law 64/86), the Commission considers this measure to be incompatible with the common market. The Commission has always taken this view because such aid has a direct adverse effect on trade between Member States and particularly distorts competition. For this reason it is ineligible for exemption pursuant to paragraphs (a) and (c) of Article 92. This applies to all provinces of the Mezzogiorno.

9. Regarding the proposed funds to assist innovation by small and medium-sized firms (Article 12 (4) of Law 64/86), the Commission is not yet able to assess whether they are compatible with the common market as the relevant implementing provisions have not yet been adopted. The Commission will define its position on the proposal when the provisions have been notified. The Commission also reserves judgment on the provisions concerning public contracts (Article 17 (14) to (17) of Law 64/86) and exchange risk cover (Article 17 (5) of Law 64/86).

After examination, the Commission considers that the VAT refund provision (Article 14 (3) of Law 64/86) does not infringe the Sixth VAT Directive or the Regulations on the Community's own resources.

10. With regard to the subsidization of transportation costs for agricultural products provided for by Law 64/86, the Italian authorities contend that the measures do not affect competition and trade since they are aimed solely at compensating for the disadvantages suffered by the Mezzogiorno owing to its distance from markets and at developing the major industry in this part of Italy. The fact that this type of measure is not prohibited by the Commission for non-agricultural products not mentioned in Annex II of the Treaty is an indication of its marginal effect on competition. As for the relief from social security contributions pursuant to Decree 218/78, the Italian authorities argue that it is not a selective but a universal measure, as it applies to all industrial, craft and agricultural businesses in the Mezzogiorno.

In the view of the Commission, such measures represent a form of operating aid to the recipients which, thanks to the aid, are able to sell their output on the domestic market and on other Member States' markets at lower prices than would otherwise be possible. They therefore distort competition between agricultural producers and food processors in Italy and in Member States which do not have such schemes.

11. Nevertheless, the relief from social security contributions granted to food processors, representing as it does less than 4 % of the total cost of the scheme for all industry, must be regarded as an integral part of the scheme and should therefore not be prohibited in order to ensure equal treatment with other sectors of industry. This is, however, without prejudice to the Commission's position the selective or universal nature of the scheme.

12. On the other hand, the transport subsidies which reduce the recipients' marketing costs are liable to affect trade in agricultural products between Member States. By artificially improving their competitive position, the aid is liable to encourage Italian producers and processing firms to seek new market outlets or, at the very least, enable them to maintain their traditional patterns of trade. It will help them both to reduce their costs through economies of scale and to enhance their competitiveness on the markets of other Member States. The measures thus fall within Article 92 as in principle incompatible with the common market.

The exemptions provided for in Article 92 (2) are clearly not applicable in the present case. Those provided for in Article 92 (3) are conditional on the aid serving Community objectives and not just those of particular sectors of the national economy. The conditions must be construed strictly when examining regional or sectoral aid schemes or individual aid awards under general schemes.

An exemption may be granted where the Commission is satisfied that the aid is necessary to achieve one of the objectives set out in the Article. If exemption were granted for aid not fulfilling these conditions, trade between Member States would be affected and competition distorted by the undue advantages given to firms in

the Member State concerned, without any compensating benefit to the Community.

The aid in the present case does not appear to offer any such compensating benefit. The Italian authorities have not offered, nor has the Commission been able to identify, any grounds for finding that the aid fulfils the necessary conditions for exemption pursuant to Article 92 (3) of the EEC Treaty. It is not a measure designed to promote the execution of an important project of common European interest for the purposes of subparagraph (b) of Article 92 (3) because, given its effects on trade, it is not in the Community interest. Nor is it intended to remedy a serious disturbance in the Italian economy within the meaning of the same provision. As for the exemptions under subparagraphs (a) and (c) of Article 92 (3) of aid to promote or facilitate the economic development of certain areas or activities, the measure involves operating aid and therefore cannot bring about a lasting improvement in the situation of the aid recipients since, when the aid ceases, they will find themselves in the same structural situation as before the aid was granted.

Furthermore, aid of this type is likely to increase the production of agricultural products, thereby swelling the surpluses that already exist in some sectors.

The Commission has always in principle been opposed to operating aid in agriculture for the simple reason that the award of such aid is not subject to conditions qualifying it for exemption pursuant to Article 92 (3) (a) or (c).

It should also be borne in mind that the transport subsidies are to be available for products covered by common agricultural market organizations and there are therefore limits to Member States' powers to intervene directly in the operation of such markets, which involve a system of common prices now determined exclusively by the Community.

The proposed aid disregards the principle that Member States no longer have the power to determine unilaterally their farmers' incomes within a common market organization by awarding aid of this type. Even if an exemption pursuant to Article 92 (3) were possible for such a scheme, the fact that it would infringe the rules of the common agricultural market organizations would rule out such an exemption.

Hence, as it would affect the comprehensive system of Community measures instituted under the agricultural market organizations, the transport subsidies scheme does not fulfil the conditions for exemption pursuant to Article 92 and must therefore be considered incompatible with the common market. The Italian authorities should therefore be required to take the necessary steps to withdraw the scheme, without prejudice to possible measures by the Commission in connection with the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund.

13. In view of the fact that the areas concerned by this Decision have received regional aid since 1950 and that an immediate withdrawal of aid could have serious adverse effects in the areas, the Commission considers it necessary to allow the aid to be phased out over an appropriate period. Such transitional arrangements should be varied in the light of economic conditions in the areas. In the regions of Ascoli-Piceno, Rome, Latina and Rieti aid pursuant to Law 64/86 and Decree 218/78 should therefore be prohibited, but that pursuant to Decree 218/78 should be allowed to continue for the following periods :

- until 31 December 1990 in the provinces of Ascoli-Piceno and Rome,
- until 31 December 1992 in the provinces of Latina and Rieti. The Commission will review the social and economic situation in Rieti by the end of 1990 without prejudice to the transitional arrangements which are applicable until the end of 1992,
- until 31 December 1990 in the province of Frosinone. Nevertheless, considering the special social and economic situation in this province, the Commission considers that the award of investment aid provided for by Law 64/86 in addition to that pursuant to Decree 218/78 is justified. After 31 December 1990 such aid may still be awarded but its total intensity must be reduced to 30 % nge.

The types of aid provided for by Decree 218/78 which may be granted during the transitional period are those referred to in the following Article :

- Articles 63 to 69 (industrial investment),
- Article 70 (research),
- Article 59 (relief from social security contributions in industry),
- Articles 101, 102 and 105 (tax concessions for industry).

The Commission emphasizes the need for compliance with the Commission's rules on aid packages involving a non-regional component⁽¹⁾.

14. To enable the Commission to check that the aid granted under the scheme keeps within the approved

limits, the Italian Government should be required to send the Commission an annual report on the application of the scheme,

HAS ADOPTED THIS DECISION :

Article 1

The award of aid pursuant to Law 64/86 and Decree 218/78 in the provinces of Aquila, Teramo, Pescara and Chieti is hereby deemed compatible with the common market pursuant to Article 92 (3) (a) of the EEC Treaty.

Before the end of 1990, the Commission will review the social and economic situation in these provinces in order to determine whether the award of aid there can continue to be regarded as compatible with the common market after that date.

Article 2

The award of aid pursuant to Law 64/86 and Decree 218/78 up to a maximum intensity of 30 % net grant equivalent in the province of Frosinone is hereby deemed compatible with the common market pursuant to Article 92 (3) (c). However, as a transitional measure the aid provided for by Article 9, 10, 12 and 14 (3) and (4) of Law 64/86 and Articles 59, 101 and 105 of Decree 218/78 may be granted there without the above limitation on intensity until not later than 31 December 1990.

Article 3

The award of aid pursuant to Law 64/86 and Decree 218/78 in the provinces of Latina and Rieti is incompatible with the common market pursuant to Article 92 (1) of the EEC Treaty. However, as a transitional measure, the aid provided for by Articles 59, 63, 69, 70, 101, 102 and 105 of Decree 218/78 may be granted there until not later than 31 December 1992.

Article 4

The award of aid pursuant to Law 64/86 and Decree 218/78 in the provinces of Ascoli-Piceno and Rome is incompatible with the common market pursuant to Article 92 (1) of the EEC Treaty. However, as a transitional measure, the aid provided for by Articles 59, 63, 69, 70, 101, 102 and 105 of Decree 218/78 may be granted there until not later than 31 December 1990.

⁽¹⁾ OJ No C 3, 5. 1. 1985, p. 2.

Article 5

The subsidiary State guarantees provided pursuant to Article 15 (5) of Law 64/86 for export credit extended by industrial firms is incompatible with the common market pursuant to Article 92 (1) of the EEC Treaty. Italy shall abolish this scheme.

Article 6

The subsidies towards the transportation costs of products listed in Annex II to the EEC Treaty provided for by Article 17 (11), (12), and (13) of Law 64/86 are incompatible with the common market pursuant to Article 92 (1) of the EEC Treaty. Italy shall abolish this scheme.

Article 7

1. The relief from social security contribution provided for by Article 59 of Decree 218/78 for firms processing products listed in Annex II of the EEC Treaty is incompatible with the common market pursuant to Article 92 (1). However, as a transitional measure such aid may be granted in the province of Frosinone until not later than 31 December 1990, in the provinces of Latina and Rieti until not later than 31 December 1992, and in the provinces of Ascoli-Piceno and Rome until not later than 31 December 1990.

2. In the other provinces referred to in Article 1 of Decree 218/78 other than those listed in paragraph 1 of this Article, such relief is deemed compatible with the common market pursuant to Article 92 (3) of the EEC Treaty and may be granted until 31 December 1993. The situation in the provinces of Aquila, Teramo, Pescara and Chieti, however, will be reviewed as provided in the second paragraph of Article 1 of this Decision.

Article 8

The Commission will take a decision at a later date on the proposed funds to assist innovation by small and medium-sized firms (Article 12 (4) of Law 64/86), the

provisions for preference in the award of public contracts (Article 17 (14), (15), (16) and (17) of Law 64/86) and the provision of exchange risk cover (Article 17 (5) of Law 64/86).

Article 9

This Decision shall be without prejudice to compliance with the Community legislation and codes now in force or to be introduced in the future to control aid to particular sectors of industry or agriculture and fisheries.

Article 10

Italy shall furnish the Commission before the end of June each year with a report setting out for each type of aid the total amount of aid awarded (or of revenue foregone in the case of tax concessions), the number of awards, their location and the sectors and firms involved. The information shall be broken down by NUTS (Nomenclature of territorial units for statistical purposes, Statistical Office of the European Communities) level III region and by NACE (general industrial classification of economic activities, Statistical Office of the European Communities) two-digit sector.

Article 11

Italy 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 12

This Decision is addressed to the Italian Republic.

Done at Brussels, 2 March 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 4 May 1988

on the Guidelines for the Management of the European Social Fund in the financial years 1989 to 1991

(88/319/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 83/516/EEC of 17 October 1983 on the tasks of the European Social Fund ⁽¹⁾, as amended by Decision 85/568/EEC ⁽²⁾, and in particular Article 6 thereof,

Having regard to the opinion of the Committee of the European Social Fund,

Whereas the Commission adopts, before 1 May of each year and for the three following financial years, the Fund Management Guidelines for determining those operations which reflect Community priorities as defined by the Council, and in particular the action programmes in the area of employment and vocational training;

Whereas the Member States have been consulted;

Whereas the 1989 European Social Fund applications will be made before the entry into force of the regulation concerning the objectives of the structural funds, their efficiency and the coordination of their activities both between themselves and with those of the EIB and the other existing financial instruments;

Whereas it is necessary, subject to technical modifications, to keep the guidelines for the management of the European Social Fund for the financial years 1988 to 1990 in force for the financial years 1989 to 1991,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Commission Decision 87/329/EEC of 29 April 1987 on the guidelines for the management of the European Social Fund in the financial years 1988 to 1990 ⁽³⁾ is changed as follows:

1. at point 1.1.2 '31 December 1987' is replaced by '31 December 1988';

2. at point 2.2 'The requirement for new technology shall not apply in 1988 for Spain' is deleted;

3. the list of areas of high and long-term unemployment and/or industrial and sectoral restructuring is changed as follows:

— the following areas are added:

France:

- Haute-Marne
- Lot-et-Garonne
- Maine-et-Loire
- Orne
- Puy-de-Dôme
- Aisne within which the cantons of Catelet and of Bohain-en-Vermandois were already priority
- Meuse within which eastern areas were already priority
- Somme within which a few zones were already priority

Italy:

- Asti

United Kingdom:

- Dumfries and Galloway

- the following areas are deleted:

Belgium

- Bruxelles/Brussel

France

- Charente
- Correze
- Côtes-du-Nord
- Haute-Loire
- Marne
- Vaucluse
- Finistère without the area De Quimper

Italy

- Ancona
- Forlì
- Pavia
- Piacenza
- Siena

⁽¹⁾ OJ No L 289, 22. 10. 1983, p. 38.

⁽²⁾ OJ No L 370, 31. 12. 1985, p. 40.

⁽³⁾ OJ No L 167, 26. 6. 1987, p. 56.

— Venezia

— Pesaro e Urbino without the areas assisted

— Pistoia without the areas assisted

The Netherlands

— Zuid-Limburg

United Kingdom

— Cheshire

Article 2

The guidelines for the Management of the European Social Fund in the financial years 1989 to 1991 are annexed to the present Decision.

Done at Brussels, 4 May 1988.

For the Commission

Manuel MARÍN

Vice-President

ANNEX

1. General

- 1.1. Fund assistance will be concentrated on operations to further employment in :
 - 1.1.1. the absolute priority regions as defined in Article 7 (3) of Decision 83/516/EEC;
 - 1.1.2. areas of industrial and sectoral restructuring as at 31 December 1988 made up of zones assisted from the non-quota section of the European Regional Development Fund or assisted under Article 56 of the ECSC Treaty (see attached guide list);
 - 1.1.3. areas of high and long-term unemployment drawn up by reference to unemployment rates and *per capita* gross domestic product (see attached list).
- 1.2. Priority operations limited to the absolute priority regions are indicated by the letters 'AR'; those limited to these regions and the regions in the attached list are marked 'R'; priority operations without regional limitation are marked 'N'.
- 1.3. Persons unemployed for more than 12 months are considered to be long-term unemployed.
- 1.4. Priority will be given to vocational training operations which :
 - 1.4.1. equip trainees with the skills required for one or more specific types of job;
 - 1.4.2. have a minimum duration of 200 hours apart from whatever phases of preparatory training may be included;
 - 1.4.3. include 40 hours devoted to training broadly related to new technologies, which are counted in the calculation of the minimum duration of training; this will not apply to operations for the mentally disabled;
 - 1.4.4. in the case of operations intended to further employment in Greece and Portugal, the minimum duration laid down in 1.4.2 shall be reduced to 100 hours and the requirement related to new technologies in 1.4.3 shall not apply.
- 1.5. As far as operations of the apprenticeship type are concerned, only theoretical training is priority, and this only in the regions of absolute priority, or elsewhere where the employment of handicapped persons or members of the families of migrant workers is concerned.
- 1.6. Assistance for the salary costs of public agents who are to be instructors or development agents cannot be priority.
- 1.7. Applications will be approved by budget item. Where appropriations are insufficient to cover priority operations, a linear reduction will be applied, calculated in proportion to the financial volume of remaining applications by each Member State. Where appropriations are sufficient to finance priority applications, this reduction is applied to non-priority applications. In the application of the reduction, preference will be given to :
 - 1.7.1. operations forming part of an integrated programme involving assistance from two or more Community financial instruments, in particular Integrated Mediterranean Programmes (N);
 - 1.7.2. operations of vocational training leading directly to specific jobs in enterprises employing less than 500 persons and linked with the application of new technology which is the subject of Community Programmes of Research and Development (N);
 - 1.7.3. operations particularly dependent on Fund assistance for their implementation (N).
- 1.8. Decisions on applications for assistance will be consistent with Community policies and will take account of compliance with Community rules.
- 1.9. When implementing the Guidelines, the Commission shall take account of the economic and social situation of Portugal.

2. Priority operations for young people under 25

- 2.1. Vocational training for persons under 18 years of at least 800 hours duration, including work experience of at least 200 hours but not exceeding 400 hours, and offering substantial prospects of employment (R); for operations intended to further employment in Greece and Portugal, the minimum work experience required shall be 100 hours.

- 2.2. Vocational training for persons whose qualifications have, through experience, proved to be inadequate or inappropriate preparing them for skilled jobs requiring the use of new technology (N) or in occupations offering substantial prospects of employment (AR).
- 2.3. Recruitment to or setting up of additional jobs of indeterminate duration (R) or placement in additional jobs of at least six months duration which fulfil a public need (AR).
- 2.4. Vocational training through employment initiatives taken by local groups, with the assistance, as appropriate, of local or regional authorities, and in the context of a local expansion of employment opportunities (N).
3. **Priority operations for persons over 25**
 - 3.1. Vocational training for staff of undertakings with fewer than 500 employees requiring retraining with a view to the introduction of new technology or improvement of management techniques (R); by derogation from 1.4.2 a minimum duration of 100 hours will be required.
 - 3.2. Recruitment or setting up of the long-term unemployed to additional jobs of indeterminate duration or placement in additional jobs of at least six months duration which fulfil a public need (AR).
 - 3.3. Vocational training through employment initiatives taken by local groups, with the assistance, as appropriate, of local or regional authorities, and in the context of a local expansion of employment opportunities (R).
4. **Priority operations which have no age requirements**
 - 4.1. Operations forming part of an integrated programme involving assistance from two or more Community financial instruments (N).
 - 4.2. Operations carried out jointly by bodies in two or more Member States (N).
 - 4.3. Vocational training linked to operations to restructure industrial undertakings because of technological modernization or fundamental changes in demand in the sector concerned; the restructuring must substantially affect the skills requirements and affect at least 15 % of the workforce within a period of two years. The training may relate to workers being retrained for continued employment in the undertaking, or those becoming redundant and needing jobs elsewhere (R). Priority will be given outside the priority regions where the restructuring affects the vocational skills requirements of at least 25 % of the workforce and is located in an area of particularly high unemployment or where the public authorities have introduced exceptional measures to support vocational training or job creation (N).
 - 4.4. Operations of vocational training leading directly to specific jobs in enterprises employing fewer than 500 persons and linked with the application of new technology which is the subject of Community Programmes of Research and Development (N).
 - 4.5. Vocational training of the long-term unemployed geared to their needs and including motivation and guidance and offering substantial prospects of employment (R).
 - 4.6. Vocational training, recruitment to or setting up of additional jobs for women in occupations in which they are under-represented (N).
 - 4.7. Operations for migrant workers and members of their families:
 - 4.7.1. to assist their integration into the host country with vocational training combined with language training (N); for persons over 25 years, this training is limited to the three years following immigration;
 - 4.7.2. to maintain knowledge of the mother-tongue and provide vocational training combined, if necessary, with refresher language courses when they wish to return to the labour market of their country of origin, this applying solely to nationals of Member States (N).
 - 4.8. Operations for disabled people capable of working in the open labour market (R).
 - 4.9. Vocational training of at least 400 hours duration for persons with a minimum of three years work experience for employment as instructors or development agents (for the promotion of local initiatives) (AR).
5. **Specific innovatory operations**

Innovatory operations limited to 100 persons which represent a potential basis for future Fund assistance in the framework of the labour market policies of the Member States. These should test new approaches to content, methods or organization of operations eligible for Fund assistance (N). The limitation of 100 persons will not apply to operations coming within Integrated Mediterranean Programmes.

List of areas of high and long-term unemployment and/or industrial and sectoral restructuring

BELGIQUE/BELGIE

Arrondissements/arrondissementen :

Aalst, Arlon, Ath, Bastogne, Charleroi, Dinant, Hasselt, Huy, Liège, Maaseik, Marche-en-Famenne, Mons, Mouscron, Namur, Neufchâteau, Nivelles, Oudenaarde, Philippeville, Soignies, Thuin, Tongeren, Tournai, Verviers, Virton, Waremmé.

DANMARK

Amtskommunerne :

Bornholm, Frederiksborg,

Thyborøn-Harboøre, Thyholm, Lemvig, Ulborg-Vemb, Ringkøbing, Holmsland, Skjern, Egved (Ringkøbing Amtskommune).

Hanstholm, Thisted, Sydthy, Morsø, Sallingsund, Sundsøre (Viborg Amtskommune).

Gundsø, Roskilde, Lejre, Bramsnaes (Roskilde Amtskommune).

Kommuner Nord for Limfjorden, når bortses fra Ålborg kommune (Nordjylland Amtskommune)

DEUTSCHLAND

Länder :

Berlin, Saarland.

Arbeitsmarktregionen :

Aachen, Ahaus, Amberg, Bochum, Braunschweig-Salzgitter, Bremen, Bremerhaven, Cuxhaven, Dortmund-Lüdinghausen, Duisburg, Essen, Fulda, Gelsenkirchen, Hagen, Krefeld, Lübeck-Ostholstein, Mülheim, Oberhausen, Osnabrück, Recklinghausen, Schwandorf, Siegen, Steinfurt, Wesel-Moers.

Gebietsteile der Arbeitsmarktregion Bayreuth, die im Rahmen der Gemeinschaftsaufgabe 'Verbesserung der regionalen Wirtschaftsstruktur' Fördergebiete sind und die Gebietsteile von Rheinland-Pfalz, die an das Saarland angrenzen (1).

ESPAÑA

Comunidades autónomas/provincias :

Alava, Alicante, Asturias, Baleares, Barcelona, Cantabria, Castellón de la Plana, Gerona, Guipuzcoa, Huesca, Lérida, Madrid, Navarra, Rioja, Tarragona, Teruel, Valencia, Vizcaya, Zaragoza.

FRANCE

Départements :

Aisne, Allier, Ardennes, Ariège, Aude, Bouches-du-Rhône, Calvados, Cantal, Charente-Maritime, Corse-du-Sud, Haute Corse, Creuse, Dordogne, Gard, Gironde, Hérault, Indre-et-Loire, Loire, Loire-Atlantique, Lot-et-Garonne, Haute Marne, Maine-et-Loire, Manche, Meuse, Meurthe-et-Moselle, Morbihan, Moselle, Nord, Orne, Pas-de-Calais, Puy-de-Dôme, Pyrénées-Atlantiques, Hautes-Pyrénées, Pyrénées-Orientales, Haute-Saône, Sarthe, Seine-Maritime, Somme, Tarn, Tarn-et-Garonne, Var, Vosges.

Les zones aidées dans l'Ardèche et les zones aidées limitrophes aux Vosges dans le Bas-Rhin et le Haut-Rhin (2).

Dans le Finistère l'arrondissement de Quimper. Les arrondissements d'Autun et de Charolles dans la Saône-et-Loire.

L'arrondissement d'Albertville dans la Savoie.

ITALIA

Province :

Alessandria, Asti, Brescia, Ferrara, Genova, Gorizia, Grosseto, La Spezia, Livorno, Lucca, Massa-Carrara, Perugia, Pisa, Pordenone, Ravenna, Rieti, Roma, Rovigo, Savona, Terni, Torino, Trieste, Valle d'Aosta, Viterbo.

Zone assistite nelle province di Arezzo, Como, Pesaro e Urbino, Pistoia, Treviso, Vercelli (3).

Milano (eccetto il Centro ma compresa la periferia industriale).

(1) Dreizehnter Rahmenplan der Gemeinschaftsaufgabe *Verbesserung der regionalen Wirtschaftsstruktur*, Deutscher Bundestag, Drucksache 10/1279 vom 11. 4. 1984, S. 150.

(2) Décret 82/379 du 6. 5. 1982 relatif à la prime d'aménagement du territoire, *Journal Officiel de la République française* du 7. 5. 1982, p. 1 294.

(3) — Decreto 902 del 9. 11. 1976, *Gazzetta ufficiale della Repubblica Italiana* del 11. 1. 1977;

— Comitato interministeriale per il coordinamento della politica industriale, deliberazione del 27. 3. 1980, *Gazzetta ufficiale della Repubblica Italiana* N. 104 del 16. 4. 1980, p. 3 386, p. 3 390.

— Decreto del 16. 5. 1986, *Gazzetta ufficiale della Repubblica Italiana* del 14. 7. 1986.

— Decreto del 15. 4. 1987, *Gazzetta ufficiale della Repubblica Italiana* del 3. 12. 1987.

LUXEMBOURG

NEDERLAND

Gebieden vastgesteld door de Commissie voor de Regionale Ontwikkelingsprogrammering:

Agglomeratie Haarlem, Alkmaar e.o., Arnhem/Nijmegen, IJmond, Kop van Noord-Holland, Oost-Groningen, Twente, Zaanstreek.

In Zuidoost-Noord-Brabant de textielzone Helmond.

UNITED KINGDOM

Counties/Local authority areas:

Central, Cleveland, Clwyd, Cornwall, Derbyshire, Dumfries and Galloway, Durham, Fife, Greater Manchester, Gwent, Gwynedd, Highlands, Humberside, Isle of Wight, Lothian, Merseyside, Mid Glamorgan, Northumberland, Nottinghamshire, South Glamorgan, South Yorkshire, Staffordshire, Strathclyde, Tayside, Tyne and Wear, West Glamorgan, West Midlands.

Travel-to-work-areas:

Workington in Cumbria;

Llanelli in Dyfed;

The Districts of Dover and Thanet in Kent;

Accrington, Blackburn, Burnley, Lancaster, Nelson, Rossendale and Blackpool in Lancashire;

Coalville in Leicestershire;

Parts of Grimsby, of Hull and of Scunthorpe in Lincolnshire; Corby in Northamptonshire;

North Warwickshire and Nuneaton and Bedworth Boroughs in Warwickshire;

Bradford, Castleford, Dewsbury, Halifax, Huddersfield, Leeds, Keighley, Todmorden and Wakefield in West Yorkshire.

CORRIGENDA

Corrigendum to Commission Decision 88/142/EEC of 11 December 1987 on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by Ireland pursuant to Regulation (EEC) No 4028/86

(Official Journal of the European Communities No L 67 of 12 March 1988)

On page 27, in the Annex, point II.2, column 2 of the table '(Tonnage (GRT))':

for: 'Objective of programme 2908/83',

read: 'Objective of programme 2908/83 (I)'.
