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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1685/88

of 13 June 1988

opening and providing for the administration of a Community tariff quota for certain frozen fillets of hake

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, under the Agreement between the European Economic Community and the Argentine Republic on the conclusion of negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT), approved by Decision 88/45/EEC⁽¹⁾, the Community has undertaken to open for the period 1 July to 31 December of each year a Community tariff quota at a duty of 10 % for 5 000 tonnes of frozen fillets of hake (*Merluccius* spp.) falling within code 0304 20 57 of the combined nomenclature and presented in the form of industrial blocks with bones ('standard'); whereas use of this tariff quota is subject to compliance with the reference price; whereas the tariff quota in question should therefore be opened for the period 1 July to 31 December 1988;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas, however, since the quota is to cover requirements which cannot be

determined with sufficient accuracy, it should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July to 31 December 1988 the customs duty applicable to imports of the following products shall be suspended at the level indicated and within the limits of the Community tariff quota as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0037	ex 0304 20 57	Frozen fillets of hake (<i>Merluccius</i> spp.) presented in the form of industrial blocks with bones ('standard')	5 000	10

⁽¹⁾ OJ No L 24, 29. 1. 1988, p. 58.

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Act of Accession.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of those products shall benefit from the quota referred to in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81⁽¹⁾ is at least equal to the reference price.

3. If an importer gives notification of imminent imports of the product in question into a Member State and applies to take advantage of the quota, corresponding to its requirements to the extent that the available balance of the quota so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (3) enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the product concerned against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports of the product concerned actually charged against the quota.

Article 4

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 5

This Regulation shall enter into force on 1 July 1988.

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

Done at Luxembourg, 13 June 1988.

For the Council

The President

H.-D. GENSCHER

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

COUNCIL REGULATION (EEC) No 1686/88

of 13 June 1988

temporarily suspending the autonomous Common Customs Tariff duties on a number of agricultural products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of the products specified in this Regulation is currently inadequate or non-existent; whereas producers thus cannot meet the needs of user industries in the Community;

Whereas in certain cases it is in the interest of the Community to suspend the autonomous Common Customs Tariff duties only partially, particularly since the goods in question are produced in the Community, and in the other cases to suspend them totally;

Whereas, in view of the difficulty of assessing accurately short-term trends in the economic situation in the

relevant sectors, suspension measures should be taken only temporarily by fixing their period of validity by reference to the interests of Community production,

HAS ADOPTED THIS REGULATION:

Article 1

The autonomous Common Customs Tariff duties for the products listed in the Annex hereto shall be suspended at the level indicated against each of them.

These suspensions shall be valid:

- from 1 July to 31 December 1988 for the products listed in Table I,
- from 1 July 1988 to 30 June 1989 for the products listed in Table II.

Article 2

This Regulation shall enter into force on 1 July 1988.

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

Done at Luxembourg, 13 June 1988.

For the Council

The President

H.-D. GENSCHER

ANNEX

TABLE I

CN code	Description of goods	Autonomous duties (%)
0302 21 10 0303 31 10	Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>), fresh, chilled or frozen	6
ex 0302 69 95 ex 0303 79 99	Red Snapper (<i>Lutjanus Purpureus</i>)	0
ex 0303 10 00 ex 0303 22 00	Salmon, frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
ex 1212 20 00	Seaweeds and other algae, for the processing industry, other than for the production of animal fodder (a)	0
ex 1604 11 00 ex 1604 20 10	Salmon for the processing industry for manufacture into pastes or spreads (a)	0
ex 2401 30 00	Stalks or tobacco leaves, not less than 10 cm long, denatured by means of a colouring agent	0

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

TABLE II

CN code	Description of goods	Autonomous duties (%)
ex 0302 21 10 ex 0303 31 10	Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>), fresh, chilled or frozen for processing (a) (b)	0
ex 0302 65 10 ex 0303 75 10	Piked dogfish (<i>Squalus acanthias</i>), fresh, chilled or frozen	6
ex 0302 69 95	Lump fish (<i>Cyclopterus lumpus</i>) with roe, fresh or chilled, for processing (a)	0
ex 0302 69 95 ex 0303 79 99	Sturgeons, fresh, chilled or frozen, for processing (a) (b)	0
ex 0302 70 00 ex 0303 80 00	Hard fish roes, fresh, chilled or frozen	0
ex 0303 80 00	Soft roes, frozen, for the manufacture of deoxyribonucleic acid (DNA) (a)	0
ex 0305 20 00	Hard fish roes, salted or in brine	0
ex 0306 19 90 ex 0306 29 90	Krill for processing (a)	0
ex 0711 90 50	Mushrooms, excluding cultivated mushrooms within the meaning of CN code 0709 51 10, in salted or sulphur water, or to which other substances ensuring their temporary preservation have been added, but not specially prepared for immediate consumption	0
ex 0712 30 00	Mushrooms, excluding cultivated mushrooms within the meaning of CN code 0709 51 10, dried, whole or in identifiable slices or pieces, for treatment other than simple repacking for retail sale (a) (c)	0
ex 0713 33 90	Beans, white, dried, of the species <i>Phaseolus vulgaris</i> , of which not more than 2 % by weight are retained by a screen with apertures of 8 mm in diameter, for use in the food-canning industry (a)	0
ex 0804 10 00	Dates, fresh or dried, for the processing industry, other than for the production of alcohol (a)	0
ex 0804 10 00	Dates, fresh or dried, for packing for retail sale into immediate packings of a net capacity not exceeding 11 kg (a)	0
ex 0810 40 50	Fruit of the species <i>Vaccinium macrocarpon</i> , fresh	0
ex 0810 90 90	Rose-hips, fresh	0

CN code	Description of goods	Autonomous duties (%)
0811 90 50 0811 90 70 ex 0811 90 90	Fruit of the genus <i>Vaccinium</i> , whether or not cooked, frozen, not containing added sugar or other sweetening matter	0
ex 0811 90 90	Rose-hips, whether or not cooked, frozen, not containing added sugar or other sweetening matter	0
ex 0811 90 90	Dates, frozen, in immediate packings of a net capacity of 5 kg or more, not intended for the production of alcohol (a)	0
ex 1507 90 10	Purified soya-bean oil in glass bottles. Each bottle holds 10 litres of purified soya-bean oil containing by weight : — a minimum of 8,5 % and a maximum of 12 % of palmitic acid esters, — a minimum of 2,5 % and a maximum of 4,7 % of stearic acid esters, — a minimum of 22,4 % and a maximum of 29 % of oleic acid esters, — a minimum of 46,6 % and a maximum of 53,7 % of linoleic acid esters, — a minimum of 7,4 % and a maximum of 11 % of linolenic acid esters and containing : — not more than 5 millimoles of free fatty acid per kilogram of oil, — phosphalipids corresponding to a nitrogen content not exceeding 0,04 mg per gram of oil, The soya-bean oil covered by this description is destined for the preparation of emulsions for injections (a)	8 maximum 125 ECU/100 kilograms net plus a compensatory amount in certain conditions
ex 1604 30 90	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine	0
ex 1605 10 00	Crabs of the species 'King' (<i>Paralithodes camebaticus</i>) 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>) 'Queen' and 'Snow' (<i>Chionoecetes spp.</i>), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes antarctica</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus spp.</i>), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net capacity of 2 kg or more	0
ex 1605 30 00	Lobster flesh, cooked, for the processing industry for the manufacture of butters based on lobster, pastes, pâtés, soups or sauces (a) (c)	10
2309 90 10	Fish or marine mammal solubles	0

(a) Checks on their use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations :

- cleaning, gutting, tailing, heading,
- cutting (excluding, filleting or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (for operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.

(c) However, the suspension is not allowed where the treatment is carried out by retail sale or catering undertakings.

COMMISSION REGULATION (EEC) No 1687/88

of 16 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 15 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 17 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 16 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	158,84
0712 90 19	16,55	158,84
1001 10 10	73,91	224,76 ⁽¹⁾ ⁽²⁾
1001 10 90	73,91	224,76 ⁽¹⁾ ⁽²⁾
1001 90 91	11,45	178,27
1001 90 99	11,45	178,27
1002 00 00	51,75	141,82 ⁽⁴⁾
1003 00 10	45,43	162,18
1003 00 90	45,43	162,18
1004 00 10	101,89	133,56
1004 00 90	101,89	133,56
1005 10 90	16,55	158,84 ⁽²⁾ ⁽³⁾
1005 90 00	16,55	158,84 ⁽²⁾ ⁽³⁾
1007 00 90	40,05	164,63 ⁽⁴⁾
1008 10 00	45,43	96,99
1008 20 00	45,43	147,97 ⁽⁴⁾
1008 30 00	45,43	58,08 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	45,43	58,08
1101 00 00	31,23	264,78
1102 10 00	87,65	213,75
1103 11 10	128,41	362,22
1103 11 90	31,32	283,55

⁽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 1688/88

of 16 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 15 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 17 June 1988.

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

Done at Brussels, 16 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 16 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 1689/88

of 16 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 13 and 14 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 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 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 1690/88

of 16 June 1988

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 3812/85 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 3.

Whereas, for products falling within subheadings ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93 of the combined nomenclature, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within headings 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than 140 ECU/100 kg;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as amended by Regulation (EEC) No 2881/84⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 0401, 0402, 0403, 0404, 0405 and 2309 of the combined nomenclature.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 17 June 1988.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 272, 13. 10. 1984, p. 16.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 16 June 1988 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		7,27
0401 10 90 000		7,27
0401 20 11 100		7,27
0401 20 11 500		10,98
0401 20 19 100		7,27
0401 20 19 500		10,98
0401 20 91 100		14,45
0401 20 91 500		16,77
0401 20 99 100		14,45
0401 20 99 500		16,77
0401 30 11 100		21,40
0401 30 11 400		32,75
0401 30 11 700		48,96
0401 30 19 100		21,40
0401 30 19 400		32,75
0401 30 19 700		48,96
0401 30 31 100		58,22
0401 30 31 400		90,64
0401 30 31 700		99,90
0401 30 39 100		58,22
0401 30 39 400		90,64
0401 30 39 700		99,90
0401 30 91 100		113,80
0401 30 91 400		167,06
0401 30 91 700		194,85
0401 30 99 100		113,80
0401 30 99 400		167,06
0401 30 99 700		194,85
0402 10 11 000		80,00
0402 10 19 000		80,00
0402 10 91 000		0,8000
0402 10 99 000		0,8000
0402 21 11 200		80,00
0402 21 11 300		111,73
0402 21 11 500		119,30
0402 21 11 900		130,00
0402 21 17 000		80,00
0402 21 19 300		111,73
0402 21 19 500		119,30
0402 21 19 900		130,00
0402 21 91 100		131,15
0402 21 91 200		132,24
0402 21 91 300		134,24
0402 21 91 400		145,96
0402 21 91 500		149,95
0402 21 91 600		165,09
0402 21 91 700		174,30
0402 21 91 900		184,46
0402 21 99 100		131,15

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		132,24
0402 21 99 300		134,24
0402 21 99 400		145,96
0402 21 99 500		149,95
0402 21 99 600		165,09
0402 21 99 700		174,30
0402 21 99 900		184,46
0402 29 15 200		0,8000
0402 29 15 300		1,1173
0402 29 15 500		1,1930
0402 29 15 900		1,3000
0402 29 19 200		0,8000
0402 29 19 300		1,1173
0402 29 19 500		1,1930
0402 29 19 900		1,3000
0402 29 91 100		1,3115
0402 29 91 500		1,4596
0402 29 99 100		1,3115
0402 29 99 500		1,4596
0402 91 11 110		7,27
0402 91 11 120		14,45
0402 91 11 310		21,66
0402 91 11 350		27,37
0402 91 11 370		34,27
0402 91 19 110		7,27
0402 91 19 120		14,45
0402 91 19 310		21,66
0402 91 19 350		27,37
0402 91 19 370		34,27
0402 91 31 100		28,11
0402 91 31 300		40,50
0402 91 39 100		28,11
0402 91 39 300		40,50
0402 91 51 000		32,75
0402 91 59 000		32,75
0402 91 91 000		113,80
0402 91 99 000		113,80
0402 99 11 110		0,0727
0402 99 11 130		0,1445
0402 99 11 150		0,2242
0402 99 11 310		24,99
0402 99 11 330		30,81
0402 99 11 350		42,21
0402 99 19 110		0,0727
0402 99 19 130		0,1445
0402 99 19 150		0,2242
0402 99 19 310		24,99
0402 99 19 330		30,81
0402 99 19 350		42,21
0402 99 31 110		0,3043
0402 99 31 150		44,09
0402 99 31 300		0,5822
0402 99 31 500		0,9990
0402 99 39 110		0,3043
0402 99 39 150		44,09
0402 99 39 300		0,5822

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,9990
0402 99 91 000		1,1380
0402 99 99 000		1,1380
0403 10 11 100		7,27
0403 10 11 300		10,98
0403 10 13 000		14,45
0403 10 19 000		21,40
0403 10 31 100		0,0727
0403 10 31 300		0,1098
0403 10 33 000		0,1445
0403 10 39 000		0,2140
0403 90 11 000		80,00
0403 90 13 000		80,00
0403 90 19 000		131,15
0403 90 31 000		0,8000
0403 90 33 000		0,8000
0403 90 39 000		1,3115
0403 90 51 100		7,27
0403 90 51 300		10,98
0403 90 53 000		14,45
0403 90 59 110		21,40
0403 90 59 140		32,75
0403 90 59 170		48,96
0403 90 59 310		58,22
0403 90 59 340		90,64
0403 90 59 370		99,90
0403 90 59 510		113,80
0403 90 59 540		167,06
0403 90 59 570		194,85
0403 90 61 100		0,0727
0403 90 61 300		0,1098
0403 90 63 000		0,1445
0403 90 69 000		0,2140
0404 90 11 100		80,00
0404 90 11 910		7,27
0404 90 11 950		21,66
0404 90 13 120		80,00
0404 90 13 130		111,73
0404 90 13 140		119,30
0404 90 13 150		130,00
0404 90 13 911		7,27
0404 90 13 913		14,45
0404 90 13 915		21,40
0404 90 13 917		32,75
0404 90 13 919		48,96
0404 90 13 931		21,66
0404 90 13 933		27,37
0404 90 13 935		34,27
0404 90 13 937		40,50
0404 90 13 939		42,40
0404 90 19 110		131,15
0404 90 19 115		132,24
0404 90 19 120		134,24
0404 90 19 130		145,96
0404 90 19 135		149,95

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		165,09
0404 90 19 160		174,30
0404 90 19 180		184,46
0404 90 19 900		—
0404 90 31 100		80,00
0404 90 31 910		7,27
0404 90 31 950		21,66
0404 90 33 120		80,00
0404 90 33 130		111,73
0404 90 33 140		119,30
0404 90 33 150		130,00
0404 90 33 911		7,27
0404 90 33 913		14,45
0404 90 33 915		21,40
0404 90 33 917		32,75
0404 90 33 919		48,96
0404 90 33 931		21,66
0404 90 33 933		27,37
0404 90 33 935		34,27
0404 90 33 937		40,50
0404 90 33 939		42,40
0404 90 39 110		131,15
0404 90 39 115		132,24
0404 90 39 120		134,24
0404 90 39 130		145,96
0404 90 39 150		149,95
0404 90 39 900		—
0404 90 51 100		0,8000
0404 90 51 910		0,0727
0404 90 51 950		24,99
0404 90 53 110		0,8000
0404 90 53 130		1,1173
0404 90 53 150		1,1930
0404 90 53 170		1,3000
0404 90 53 911		0,0727
0404 90 53 913		0,1445
0404 90 53 915		0,2140
0404 90 53 917		0,3275
0404 90 53 919		0,4896
0404 90 53 931		24,99
0404 90 53 933		30,81
0404 90 53 935		42,21
0404 90 53 937		44,09
0404 90 53 939		—
0404 90 59 130		1,3115
0404 90 59 150		1,4596
0404 90 59 930		0,6980
0404 90 59 950		0,9990
0404 90 59 990		1,1380
0404 90 91 100		0,8000
0404 90 91 910		0,0727
0404 90 91 950		24,99
0404 90 93 110		0,8000
0404 90 93 130		1,1173
0404 90 93 150		1,1930

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,3000
0404 90 93 911		0,0727
0404 90 93 913		0,1445
0404 90 93 915		0,2140
0404 90 93 917		0,3275
0404 90 93 919		0,4896
0404 90 93 931		24,99
0404 90 93 933		30,81
0404 90 93 935		42,21
0404 90 93 937		44,09
0404 90 93 939		—
0404 90 99 130		1,3115
0404 90 99 150		1,4596
0404 90 99 930		0,6980
0404 90 99 950		0,9990
0404 90 99 990		1,1380
0405 00 10 100		—
0405 00 10 200		157,27
0405 00 10 300		197,85
0405 00 10 500		202,93
0405 00 10 700		208,00
0405 00 90 100		208,00
0405 00 90 900		258,50
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	66,34
	404	—
	...	91,14
0406 20 90 915	028	—
	032	—
	400	88,45
	404	—
	...	121,52
0406 20 90 917	028	—
	032	—
	400	93,98
	404	—
	...	129,12
0406 20 90 919	028	—
	032	—
	400	105,04
	404	—
	...	144,31
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	10,79
	404	—
	...	24,52

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

Product code	Destination (°)	Amount of refund
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	—
	...	53,27
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	—
	...	53,27
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	34,40
	404	—
	...	78,21
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	—
	...	53,27
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	34,40
	404	—
	...	78,21
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	50,09
	404	—
	...	113,89
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	20,00
	...	53,27

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

Product code	Destination (*)	Amount of refund
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	34,40
	404	28,00
	...	78,21
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	50,09
	404	—
	...	113,89
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	50,09
	404	—
	...	113,89
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	61,14
	404	—
	...	139,01
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	61,14
	404	—
	...	139,01
0406 40 00 100	028	—
0406 40 00 900	032	—
	038	—
	400	65,00
	404	—
	...	131,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	77,00
	404	—
	...	170,00
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	77,00
	404	—
	...	170,00

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

Product code	Destination (*)	Amount of refund
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	77,00
	404	—
	...	170,00
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	164,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	38,00
	404	—
	...	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	43,25
	404	16,00
	...	98,35

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	40,43
	404	14,96
	...	91,94
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	43,25
	404	16,00
	...	98,35
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	40,43
	404	14,96
	...	91,94
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	43,25
	404	16,00
	...	98,35
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	40,43
	404	14,96
	...	91,94
0406 90 33 959		—
0406 90 35 110		—

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

Product code	Destination (*)	Amount of refund
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 61 000	028	—
	032	—
	036	90,00
	400	170,00
	404	140,00
	...	200,06
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	227,18
0406 90 63 900	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	180,06
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	180,06
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	28,86
	404	—
	...	96,12

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	31,83
	404	—
	...	105,98
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	36,17
	404	—
	...	120,44
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	163,54
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	40,00
	404	—
	...	138,50
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	36,17
	404	—
	...	120,44

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	148,00
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	38,00
	404	—
	...	119,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	26,27
	404	—
	...	53,75
0406 90 83 990	028	—
	032	—
	400	26,27
	404	—
	...	53,75
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	163,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	28,86
	404	—
	...	96,12
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	31,83
	404	—
	...	105,98
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	36,17
	404	—
	...	120,44
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 89 972	028	—
	032	—
	400	26,27
	404	—
	...	53,75
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	18,09
	404	—
	...	22,63
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	31,72
	404	—
	...	39,67
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	38,62
	404	—
	...	48,30
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		3,00
2309 10 15 300		4,00
2309 10 15 400		5,00
2309 10 15 500		6,00
2309 10 15 700		7,00

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		3,00
2309 10 19 300		4,00
2309 10 19 400		5,00
2309 10 19 500		6,00
2309 10 19 600		7,00
2309 10 19 700		7,50
2309 10 19 800		8,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		24,00
2309 10 70 200		32,00
2309 10 70 300		40,00
2309 10 70 500		48,00
2309 10 70 600		56,00
2309 10 70 700		64,00
2309 10 70 800		70,40
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		3,00
2309 90 35 300		4,00
2309 90 35 400		5,00
2309 90 35 500		6,00
2309 90 35 700		7,00
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		3,00
2309 90 39 300		4,00
2309 90 39 400		5,00
2309 90 39 500		6,00
2309 90 39 600		7,00
2309 90 39 700		7,50
2309 90 39 800		8,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		24,00
2309 90 70 200		32,00
2309 90 70 300		40,00
2309 90 70 500		48,00
2309 90 70 600		56,00
2309 90 70 700		64,00
2309 90 70 800		70,40
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by "".

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

NB: The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1691/88

of 16 June 1988

fixing the indicative ceiling for imports into Spain of certain seed potatoes for
1988/89 and amending Regulation (EEC) No 650/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 81 (4) and 83 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade (STM)⁽¹⁾, as amended by Regulation (EEC) No 2297/86⁽²⁾, and in particular Article 7 thereof,

Whereas Article 83 of the Act of Accession provides that a forward estimate is to be drawn up at the start of each marketing year on the basis of production and consumption estimates in Spain of seed potatoes subject to the supplementary mechanism applicable to trade; whereas indicative ceilings were fixed for the period up to 30 September 1987; whereas successive indicative ceilings must reflect a certain steady progress in relation to traditional trade flows; whereas the estimates thus drawn up for the 1988/89 marketing year require the indicative ceiling below;

Whereas Regulation (EEC) No 569/86 lays down the general rules for the application of the supplementary mechanism applicable to trade and Commission Regulation (EEC) No 574/86⁽³⁾, as last amended by Regulation (EEC) No 2159/87⁽⁴⁾, lays down certain detailed rules for the application of that mechanism;

Whereas Commission Regulation (EEC) No 650/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of certain seed potatoes⁽⁵⁾, as amended by Regulation (EEC) No

1754/87⁽⁶⁾, lays down certain detailed rules for the application of the STM in the seed potato sector;

Whereas under the terms of Article 2 of Regulation (EEC) No 574/86 the rights deriving from STM licences are transferable; whereas however in the case of seed potatoes they should, in order to improve the monitoring of trade, be made non-transferable;

Whereas in order to permit a steadier flow of supplies to the Spanish market the period of validity of STM licences should be reduced; whereas Regulation (EEC) No 650/86 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The indicative ceiling for imports into Spain of certified seed potatoes falling within CN code 0701 10 00 shall be 21 381 tonnes for the period 1 October 1988 to 30 September 1989.

Article 2

Article 4 (1) of Regulation (EEC) No 650/86 is hereby amended as follows:

1. The word 'four' is replaced by 'two'.
2. The following sentence is added:

'The rights deriving from licences shall not be transferable.'

Article 3

This Regulation shall enter into force on 1 October 1988.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 201, 24. 7. 1986, p. 3.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁴⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 58.

⁽⁶⁾ OJ No L 166, 25. 6. 1987, p. 12.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1692/88

of 16 June 1988

of authorizing Portugal to suspend part of the import duty on oil-cake

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 243 (4) thereof,

Whereas pursuant to Article 243 (4) (a) of the Act of Accession Portugal may, should it so wish, be authorized to reduce its customs duties on oil seeds and oleaginous fruits and products derived therefrom;

Whereas Commission Regulation (EEC) No 566/87⁽¹⁾ authorized Portugal to suspend part of the import duty on oil-cake up to 31 December 1987, in order to facilitate supply to the Portuguese animal feed industry; whereas the reasons for granting such authorization remain valid

and Portugal requested on 12 April 1988 that it be authorized under the said Article 243 to suspend part of the customs duty on oil-cake;

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

HAS ADOPTED THIS REGULATION:

Article 1

Portugal is hereby authorized to suspend part of the duty applicable on imports of oil-cake from third countries and from other Member States and to apply the following rate up to 31 December 1988:

CN code	Description	Customs duty
2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	2,8 %
2305 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of ground-nut oil	2,8 %
2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading No 2304 or 2305:	
2306 10 00	— Of cotton seeds	2,8 %
2306 20 00	— Of linseed	2,8 %
2306 30 00	— Of sunflower seeds	2,8 %
2306 40 00	— Of rape or colza seeds	2,8 %
2306 50 00	— Of coconut or copra	2,8 %
2306 60 00	— Of palm nuts or kernels	2,8 %
2306 90 91	— — — Of germ of maize	2,8 %
2306 90 93	— — — Of sesame seeds	2,8 %
2306 90 99	— — — Other	2,8 %

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, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 57, 27. 2. 1987, p. 17.

COMMISSION REGULATION (EEC) No 1693/88

of 16 June 1988

fixing for June 1988 the minimum purchase price for lemons delivered to the industry and the amount of financial compensation payable after their processing

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 1035/77 of 17 May 1977 laying down special measures to promote the marketing of lemon products⁽¹⁾, as last amended by Regulation (EEC) No 1353/86⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 1 (3) of Regulation (EEC) No 1035/77, the minimum price which processors must pay to producers is derived from the buying-in price for Class II plus 5 % of the basic price and whereas the minimum price is to be fixed before the beginning of each marketing year;

Whereas to date the Council has not fixed the basic and buying-in prices for lemons for the 1988/89 marketing year; whereas, by virtue of the tasks conferred on it by the Treaty, the Commission has had to take the necessary interim protective measures to ensure that the common agricultural policy continues to operate in this sector by fixing in Commission Regulation (EEC) No 1457/88⁽³⁾ the amounts to be used for fixing the basic and buying-in prices for lemons for June 1988; whereas the basic price for June 1988 should therefore be fixed on the basis of the latter amounts, without prejudice to any adjustments to be applied as a result of subsequent price decisions adopted where appropriate by the Council for the same marketing year;

Whereas, pursuant to Article 2 of Regulation (EEC) No 1035/77, financial compensation cannot exceed the difference between the minimum purchase price referred to in Article 1 of the said Regulation and the prices obtained for the basic products in producer third countries; whereas, for the purposes of calculating this compensation and with a view to encouraging optimum marketing of lemon products, it would seem advisable to apply the full difference between these prices;

Whereas Articles 119 (2) and 305 (2) of the Act of Accession provide that, from the first move towards alignment, the minimum prices applicable, as the case may be, in Spain and Portugal are to be aligned on the common minimum price in accordance with the mechanism

provided for in Articles 70 and 238 of the said Act and the financial compensation applicable in Spain and Portugal respectively, at each move towards alignment, is to be that of the Community as constituted at 31 December 1985 less the difference between, on the one hand, the common minimum price and, on the other, the minimum prices applicable, as the case may be, in Spain and Portugal;

Whereas, because of the late publication of the amounts of the minimum price and financial compensation, the interested parties have been unable to conclude contracts for the beginning of the 1988/89 marketing year by the specified time; whereas the date specified in Commission Regulation (EEC) No 1562/85⁽⁴⁾, as last amended by Regulation (EEC) No 1715/86⁽⁵⁾, should therefore be waived;

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 minimum price referred to in Article 1 (3) of Regulation (EEC) No 1035/77 for June 1988 shall be as follows:

(ECU/100 kg net)

Spain	Portugal	Other Member States
13,79	14,15	19,53

2. The minimum price shall be in respect of products ex-producer's packaging station.

Article 2

The amount of the financial compensation referred to in Article 2 of Regulation (EEC) No 1035/77 for June 1988 shall be as follows:

(ECU/100 kg net)

Spain	Portugal	Other Member States
5,94	6,30	11,68

⁽¹⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 53.

⁽³⁾ OJ No L 132, 28. 5. 1988, p. 41.

⁽⁴⁾ OJ No L 152, 11. 6. 1985, p. 5.

⁽⁵⁾ OJ No L 149, 3. 6. 1986, p. 19.

Article 3

Notwithstanding Article 7 (1) of Regulation (EEC) No 1562/85, contracts for June 1988 may be concluded until 20 June 1988.

Article 4

The amounts referred to in Articles 1 and 2 are fixed without prejudice to any subsequent adjustments to be

made pursuant to the Council's decisions for the 1988/89 marketing year.

Article 5

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

It shall apply with effect from 1 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1694/88

of 16 June 1988

fixing for June 1988 the maximum levels of the withdrawal prices for tomatoes
grown under glass

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

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

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1117/88⁽²⁾, and in particular the last
subparagraph of Article 18 (1) thereof,

Whereas, pursuant to the last subparagraph of Article 18
(1) of Regulation (EEC) No 1035/72, producers' organiza-
tions may be authorized, in view of the characteristics of
the market under consideration, to fix, under certain
conditions, withdrawal prices above the levels referred to
in Article 18 (1) (a) of that Regulation;

Whereas the market in tomatoes grown under glass has
different characteristics from those of the market in
open-grown tomatoes; whereas tomatoes grown under
glass are mainly 'Extra' Class and Class I products, the
prices for which are considerably higher than those for
open-grown products;

Whereas, in order to provide more effective support for
the market in tomatoes grown under glass, producers'
organizations or associations of such organizations should
be allowed to fix their withdrawal price at a level higher
than the Community withdrawal price; whereas, in accor-
dance with the last subparagraph of Article 18 (1), it
appears that the maximum level of the withdrawal price
for these products can justifiably be fixed by taking
account of the trend in withdrawal prices for open-grown
tomatoes;

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

For June 1988, producers' organizations or associations of
such organizations may fix withdrawal prices, not excee-
ding the following maxima, in ECU per 100 kilograms
net, for tomatoes grown under glass:

— June (11 to 20):	30,25
(21 to 30):	27,83

Article 2

The producers' organizations shall supply the following
information to the national authorities, who shall com-
municate it to the Commission:

- the period during which withdrawal prices are
applicable,
- the levels of withdrawal prices proposed and of those
applied.

Article 3

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

It shall apply from 11 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

COMMISSION REGULATION (EEC) No 1695/88

of 14 June 1988

imposing a provisional anti-dumping duty on imports of polyester yarn originating in Mexico, South Korea, Taiwan and Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 11 thereof,

After informing the EEC-Turkey Association Council in conformity with the second paragraph of Article 47 of the supplementary Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽³⁾,

After consultations within the Advisory Committee as provided for by the abovementioned Regulation,

Whereas :

A. PROCEDURE

- (1) In May 1987, the Commission received a complaint lodged by CIRFS, the International Rayon and Synthetic Fibres Committee (Paris), on behalf of producers of polyester yarn whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and resultant material injury, which was considered sufficient to justify the initiation of an anti-dumping proceeding. As a result, the Commission announced in a notice published in the *Official Journal of the European Communities*⁽⁴⁾ the initiation of an anti-dumping proceeding and commenced an investigation concerning imports of polyester yarn originating in Mexico, South Korea, Taiwan and Turkey.

The present proceeding concerns imports of both partially oriented polyester yarn (POY) and textured polyester yarn (PTY). POY is a feeder yarn exclusively used for the production of PTY which, in turn, is used to produce fabrics of polyester or of cotton and polyester. The products in question fall

within the CN codes 5402 33 10, 5402 33 90 and 5402 42 00.

- (2) The Commission officially notified the producers/exporters and importers known to be concerned, the representatives of the exporting countries, the complainant and the Community producers, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (3) Most of the Community producers and known producers/exporters and importers made their views known in writing. A number of them requested and obtained hearings.
- (4) Certain firms which use the product also put forward observations.
- (5) The Commission collected and verified all the information which is considered necessary for a preliminary assessment of the facts and carried out checks at the premises of the following companies :

(a) *Community producers :*

- Du Pont de Nemours GmbH, Düsseldorf,
- Enka AG, Wuppertal,
- Hoechst AG, Frankfurt am Main,
- La Seda de Barcelona SA, Barcelona,
- Mont fibre Spa of the Montedison group, Milano,
- Nurel SA, Barcelona,
- Rhone-Poulenc Fibres SA, Lyon,
- Sociedad Anonima de Fibras Artificiales, Barcelona ;

(b) *producers/exporters in third countries :*

Mexico :

- Celanese Mexicana SA, Mexico,
- Fibras Sinteticas SA, Monterrey,
- Fibras Quimicas SA, Monterrey,
- Nylon de Mexico SA, Monterrey,
- Kimex SA, Mexico,

South Korea :

- Kohap Ltd, Seoul,
- Kolon Industries Inc., Seoul,
- Sam Yang Co., Ltd, Seoul,
- Tong Yan Polyester Co., Ltd. Seoul,

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 293, 29. 12. 1972, p. 3.

⁽⁴⁾ OJ No C 173, 1. 7. 1987, p. 11.

Taiwan :

- Chung Shing Textile Company Ltd, Taipei,
- Far Eastern Textile Ltd, Taipei,
- Nan Ya Plastics Corp., Taipei,
- Shin Kong Synthetic Fibres Corp., Taipei,
- Tuntex Fibre Co., Ltd, Taipei,

Turkey :

- SASA Artificial and Synthetic Fibres Inc., Adana, exporting through EKSA,
- Sönmez Filament AS, Bursa, exporting through Sönmez Textil,
- Nergish AS, Bursa, exporting through Nerpas,
- SIFAS Sentetik Iplik Fabrikalari AS, Bursa, exporting through MEPA,
- Polylen AS, Bursa.

- (6) The investigation covered the period from 1 January 1987 to 30 June 1987.

B. DUMPING

- (7) Normal value, export prices and dumping margins were established separately for POY and PTY.

I. MEXICO

(a) *Normal value*

- (8) In general, normal value was provisionally determined on the basis of domestic prices of the producers who exported to the Community and who provided sufficient evidence. Normal value was established on a monthly basis, by product type. In cases where, for a particular month, there were no domestic sales of a certain product type exported, normal value was established on the basis of the weighted average domestic price for the other months.

In cases where there were no domestic sales of the particular product type exported to the Community, the domestic prices of the most closely resembling type were chosen for determining normal value.

(b) *Export prices*

- (9) Export prices were determined on the basis of the prices actually paid or payable for the products exported to the Community.

In cases where the importer was a related company, export prices were reconstructed on the basis of the prices charged by the related importer to the first independent customer in the Community. This price was duly adjusted to take into account all costs, including eventually custom duties, which were incurred between the importation and the reselling of the products investigated, as well as a

reasonable profit margin. The latter was established taking into account the profit margins of independent importers of the product in question.

(c) *Comparison*

- (10) The normal value per type was compared on a monthly basis with export prices for the corresponding type on a transaction-by-transaction basis.

As far as requests for allowances concerning differences in conditions and terms of sale are concerned, allowances were granted, pursuant to Article 2 (10) (c) of Regulation (EEC) No 2176/84, with regard to those differences which bear a direct relationship to the sales under consideration (commissions, handling, credit, transport and insurance) and for which satisfactory evidence was submitted.

Pursuant to Article 2 (10) (d) of Regulation (EEC) No 2176/84, an allowance for the exemption of import charges on imports of raw materials to be physically incorporated in products destined for export to the Community was requested by and granted to those firms who provided satisfactory evidence.

All comparisons were made at ex-works level.

(d) *Dumping margins*

- (11) The preliminary investigation of the above facts revealed the existence of dumping, the dumping margins being equal to the difference between normal value and the export price to the Community, duly adjusted. The resulting weighted average dumping margins, using the free-at-Community-frontier price, are as follows :

— Celanese Mexicana SA, Mexico :	PTY 34,73 %, POY 45,83 %,
— Fibras Sinteticas SA, Monterrey :	PTY 26,03 %,
— Fibras Quimicas SA, Monterrey :	PTY 7,01 %,
— Nylon de Mexico SA, Monterrey :	POY 18,73 %,
— Kimex SA, Mexico :	PTY 44,53 %.

II. South Korea

(a) *Normal value*

- (12) In general, normal value was provisionally determined on the basis of domestic prices of the producers who exported to the Community and who provided sufficient evidence. Normal value was established on a monthly basis, by product type. In cases where, for a particular month, there were no domestic sales of a certain product type exported, normal value was established on the basis of the weighted average domestic price for the other months.

In cases where there were no domestic sales of the particular product type exported to the Community, the domestic prices of the most closely resembling type were chosen for determining normal value.

In cases where domestic sales of a certain product type were made at a loss, normal value was determined on the basis of constructed value, i.e. cost of production plus a reasonable profit margin as established on the basis of profits made on the total sales of polyester yarn.

(b) *Export prices*

- (13) Export prices were determined on the basis of the prices actually paid or payable for the products exported to the Community.

(c) *Comparison*

- (14) The normal value per type was compared on a monthly basis with export prices for the corresponding type on a transaction-by-transaction basis.

As far as requests for allowances concerning differences in conditions and terms of sale are concerned, allowances were granted, pursuant to Article 2 (10) of Regulation (EEC) No 2176/84, with regard to those differences which bear a direct relationship to the sales under consideration (commissions, handling, credit, transport and insurance) and for which satisfactory evidence was submitted.

Pursuant to Article 2 (10) (d) of Regulation (EEC) No 2176/84, an allowance for the exemption of import charges on imports of raw materials to be physically incorporated in products destined for export to the Community was requested by, and granted to, those firms who provided satisfactory evidence.

An adjustment was requested for the exchange losses incurred on certain domestic sales made in US dollars due to the dollar devaluation between the date of the invoice and the date of the actual receipt of the payment. Such allowance was not granted because Regulation (EEC) No 2176/84 does not provide for such adjustment and therefore, as for export prices, the Commission has used the exchange rates prevailing at the date of the invoice.

(d) *Dumping margins*

- (15) The preliminary investigation of the above facts revealed the existence of dumping, the dumping margins being equal to the difference between normal value and the export price to the Community, duly adjusted. The resulting weighted average dumping margins, using the free-at-Community-frontier price, are as follows:

— Kohap Ltd, Seoul :	PTY 8,17 %, PTY 5,71 %, POY 0
— Kolon Industries Inc., Seoul :	
— Sam Yang Co., Ltd, Seoul :	PTY 18,73 %, PTY 23,66 %.
— Tong Yan Polyester Co., Ltd, Seoul :	

III. Taiwan

(a) *Normal value*

- (16) In general, normal value was provisionally determined on the basis of domestic prices of the producers who exported to the Community and who provided sufficient evidence. Normal value was established on a monthly basis, by product type. In cases where, for a particular month, there were no domestic sales of a certain product type exported, normal value was established on the basis of the weighted average domestic price for the other months.

In cases where there were no domestic sales of the particular product type exported to the Community, the domestic prices of the most closely resembling type were chosen for determining normal value.

In cases where domestic sales of certain product types were made at a loss, normal value was determined on the basis of constructed value, i.e. cost of production plus a reasonable profit margin as established on the basis of profits made on the total sales of polyester yarn.

(b) *Export prices*

- (17) Export prices were determined on the basis of the prices actually paid or payable for the products exported to the Community.

(c) *Comparison*

- (18) The normal value per type was compared on a monthly basis with export prices for the corresponding type on a transaction-by-transaction basis.

As far as requests for allowances concerning differences in conditions and terms of sale are concerned, allowances were granted, pursuant to Article 2 (10) (c) of Regulation (EEC) No 2176/84, with regard to those differences which bear a direct relationship to the sales under consideration (commissions, handling, credit, transport and insurance) and for which satisfactory evidence was submitted.

An adjustment was requested for the hedging of exchange rates which Taiwanese firms practice so as to avoid losses from a possible dollar devaluation. Such allowance was not granted because Regulation (EEC) No 2176/84 does not provide for such adjustments. At any rate, it was considered that hedging is a financial device which is external to the commercial transaction, and which, in the framework of an anti-dumping investigation, is likely to be disclosed by the exporter only if it works to his advantage.

(d) *Dumping margins*

- (19) The preliminary investigation of the above facts revealed the existence of dumping, the dumping margins being equal to the difference between normal value and the export price to the Community, duly adjusted. The resulting weighted average dumping margins, using the free-at-Community-frontier price, are as follows:

— Chung Shing Textile Company Ltd, Taipei:	PTY	8,37 %,
— Far Eastern Textile Ltd, Taipei:	PTY	6,81 %,
	POY	0,27 %,
— Nan Ya Plastics Corp., Taipei:	PTY	5,84 %,
	POY	0,53 %,
— Shin Kong Synthetic Fibres Corp., Taipei:	PTY	5,79 %,
	POY	17,38 %,
— Tuntex Fibre Co., Ltd, Taipei:	PTY	0
	POY	0,45 %.

IV. Turkey

(a) *Normal value*

- (20) In general, normal value was provisionally determined on the basis of domestic prices of the producers who exported to the Community and who provided sufficient evidence. Normal value was calculated on a monthly basis per product type.

In the case of POY, where there were no domestic sales, normal value was established on the basis of a constructed value, i.e. cost of production plus a reasonable profit margin as established on the basis of profits made on the total sales of polyester yarn.

(b) *Export prices*

- (21) Export prices for all Turkish companies were determined on the basis of prices actually paid or payable for the products sold for export to the Community.

(c) *Comparison*

- (22) The normal value per type was compared on a monthly basis with export prices for the corresponding type on a transaction-by-transaction basis.

As far as requests for allowances concerning differences in conditions and terms of sale are concerned, allowances were granted, pursuant to Article 2 (10) (c) of Regulation (EEC) No 2176/84, with regard to those differences which bear a direct relationship to the sales under consideration (commissions, handling, credit, transport and insurance) and for which satisfactory evidence was submitted.

Pursuant to Article 2 (10) (d) of Regulation (EEC) No 2176/84, an allowance for the exemption of import charges on imports of raw materials to be physically incorporated in products destined for export to the Community was requested by and granted to those firms who provided satisfactory evidence.

(d) *Dumping margins*

- (23) The preliminary investigation of the above facts revealed the existence of dumping, the dumping margins being equal to the difference between normal value and the export price to the Community, duly adjusted. The resulting weighted average dumping margins, using the free-at-Community-frontier price, are as follows:

— SASA Artificial and Synthetic Fibres Inc, Adana:	PTY	11,13 %,
	POY	2,67 %,
— Sönmez Filament AS, Bursa:	PTY	13,18 %,
— Nergis AS, Bursa:	PTY	38,50 %,
— SIFAS Sentetik Iplik Fabrikalari AS, Bursa:	PTY	17,34 %,
— Polylen AS, Bursa:	PTY	27,60 %.

C. INJURY

I. Volume and price of imports

(a) *Volume*

- (24) The Commission found that imports of POY from Mexico, Taiwan, Turkey and South Korea amounted to 1 924 tonnes in 1984, 1 697 tonnes in 1985, 6 087 tonnes in 1986 and 8 370 tonnes in 1987. During the period under investigation, from January to June 1987, the amount amounted to 4 201 tonnes. After a certain decrease between 1984 and 1985, the yearly increase amounted to 259 % from 1985 to 1986 and to 37 % from 1986 to 1987.

The four countries under investigation have increased their share of Community imports from 21 % in 1984 and 14 % in 1985, to 36 % in 1986 and to 49 % in 1987.

- (25) It was also found that imports of PTY from Mexico, Taiwan, Turkey and South Korea amounted to 1 324 tonnes in 1984, 2 069 tonnes in 1985, 13 947 tonnes in 1986 and 23 982 tonnes in 1987. During the period under investigation, from January to June 1987, the amount amounted to 14 049 tonnes. The yearly increase was 56 % from 1984 to 1985, 574 % from 1985 to 1986 and 72 % from 1986 to 1987.

The four countries under investigation have increased their share of Community imports from 15 % in 1984 to 18 % in 1985, to 62 % in 1986 and 73 % in 1987.

- (26) The market share held in the Community by the imports of the four countries under investigation for POY was 2,8 % in 1984, 2,3 % in 1985 and increased to 7,8 % in 1986 and 10,6 % in 1987. For PTY, the market share of the four countries under investigation increased from 1,6 % in 1984 to 2,7 % in 1985, to 8,6 % in 1986 and to 13,4 % in 1987.

(b) *Prices*

- (27) The Commission also provisionally determined that, during the reference period, prices of imports from the four countries in question were significantly below the prices practised by EEC producers. Price undercutting found by comparing prices practiced by exporters with those charged by EEC producers for similar representative product types during the same month and in the same EEC region ranged from 6 % to 15 % for POY and from 14 % to 33 % for PTY.

II. Impact on the industry concerned

The Commission has taken note of the following elements :

(a) *Production in the Community*

- (28) From 1984 to 1987 Community production of polyester yarn has remained relatively stable between 230 000 and 240 000 tons.

(b) *Market share and consumption*

- (29) An examination of the information available to the Commission and relating to the factors listed in Article 4 (2) (c) of Regulation (EEC) No 2176/84 indicated that although the imports in question have had no significant adverse effect in the period 1984 to 1987 on the production, sales, stocks and employment of the Community industry concerned, they have led to a considerable decrease of the market share held by Community producers ; while the market share of the four exporting countries in question has increased, the market share of Community producers has decreased from 91 % in 1984 to 89 % in 1985, to 83 % in 1986 and to 79 % in 1987. The increase in Community consumption by 19 % between 1984 and 1987 has manifestly benefited the imports from the four countries under investigation.

(c) *Prices*

- (30) These imports have furthermore exerted a significant downward pressure on the prices prevailing on the Community market: the price depression found over the reference period ranged from 6 % to 16 % for POY and from 9 % to 24 % for PTY. It is therefore clear that, attempting to maintain their sales and market share in the EEC, Community producers have been forced to sell their

products at increasingly lower prices and even below costs.

(d) *Profitability*

- (31) As a result, towards the end of 1986 and during the reference period profitability deteriorated substantially and a significant number of Community producers suffered losses.

The profit (loss) development for the EEC producers concerned is demonstrated in the following table :

	1986	1987 (6 months)
(a) POY : Company A	12,5	(0,2)
B	18,3	(8,9)
C	18,8	5,4)
(b) PTY : Company A	6,9	4,4
B	8,0	(2,7)
C	7,1	2,1
D	9,3	2,6
E	(11,0)	(15,0)
F	3,5	(56,6)
G	2,2	(9,7)
H	1,3	(6,2)
I	(23,8)	(37,5)

(e) *Cumulation*

- (32) In establishing the impact of the dumped imports on the Community industry, the Commission has considered the effect of all dumped imports from the countries concerned in the present investigation. In analysing whether cumulation of these imports was appropriate, the Commission examined whether the imports at dumped prices contributed to the material injury suffered by the Community producers. For that purpose, the Commission has considered the comparability of the products imported with those manufactured in the Community in terms of physical characteristics. It has also examined the volumes imported, the level of prices of these imports and the extent to which imports from each country competed in the Community with a like product of the Community industry. The Commission noted that there has been an increase in 1986 and 1987 in imports of polyester yarn from each of the four countries concerned. The Commission has, on that basis, concluded that, for the purpose of establishing the level of injury sustained by the Community industry, regard should be paid to the effect of the dumped imports cumulated from all exporting countries concerned.

(f) *Causation and other factors*

- (33) The Commission noted that the rise in the imports in question during 1986 and in 1987 coincided with the weakening of the prices of the Community producers and, consequently, the deterioration in the profitability of the Community industry concerned.

The Commission has examined whether the injury suffered by Community producers has been caused by other factors such as imports from other third countries. It was found that, for POY, the market share of other imports into the Community was 10,7 % in 1984, 14,4 % in 1985, 13,5 % in 1986 and 11,0 % in 1987. For PTY, the market share held by other imports was 9,3 % in 1984, 7,6 % in 1985, 5,2 % in 1986 and 5,0 % in 1987. It is clear, from the above, that the other imports' market share has remained stable in the case of POY and has substantially diminished in the case of PTY. Moreover, there has been no indication that these other imports have been made at dumped prices.

As regards the argument that the decrease in raw material costs has not led to a corresponding diminution in the prices practiced by Community producers, the evidence at the Commission's disposal suggests that the price depression more than outweighs the incidence of the raw materials' cost reduction on total costs.

The Commission has therefore concluded, on the basis of the above elements, that the effects of imports from the four countries concerned by the present procedure constitute, taken in isolation, a cause of material injury to the Community producers concerned.

The Commission has, furthermore, taken into consideration all complainant Community producers, including Hoechst AG and ENKA AG, which are linked to the exporting companies Celanese Mexicana SA and fibras Quimicas SA, respectively, in view of the fact that the latter behave to a great extent as autonomous economic agents.

D. COMMUNITY INTEREST

- (34) In view of the particularly serious difficulties facing the Community producers of polyester yarn the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of this proceeding, such action should take the form of a provisional anti-dumping duty.

Community industries utilizing polyester yarn have argued that the introduction of protective measures would not be in the Community interest because it would make them less competitive. This argument, however, was not substantiated. In the view of the Commission, the incidence of a certain price increase on the cost of the processing industry is relatively low.

The Commission has also considered the fact that there are already certain regional quantitative

restrictions for Spain and Italy on imports into the Community of polyester yarn originating in South Korea and Taiwan, but considered these measures insufficient to relieve Community industry from the injury caused by dumping practices. In this context, the Commission has taken note of the fact that export prices practiced by these two countries undercut very significantly Community producers' prices. In any case, exports of polyester yarn from South Korea and Taiwan to the Community are oriented to the whole of the Community and not only to Spain and Italy.

E. PROVISIONAL DUTY

(a) Rate

- (35) For the purpose of establishing the level of the provisional duty, the Commission took account, on the one hand, of the dumping margins found and, on the other, of the level of duty necessary to eliminate injury. Consequently, import prices were compared to the cost of production plus a reasonable profit of a Community producer found to be the most representative.

The criteria utilized for establishing the most representative Community producer were its size, its efficiency and its cost structure. The production costs over the reference period of this producer were therefore taken as a basis for establishing the injury threshold. The profit added was the same producer's profit rate in 1986, that is before the impact of dumped imports became manifest.

The export prices utilized for the purpose of this comparison are the cif Community frontier duty unpaid prices plus the conventional duty plus an importers' profit margin.

In the absence of dumping or of elements constituting injury, no duty is to be applied. This applies in particular, on the basis of the above analysis, to certain producers of POY in Mexico, South Korea and Taiwan.

(b) Form

- (36) The Commission considered that, to ensure the efficiency of the protective measures and to ease customs clearance, the provisional duty should take the form of an *ad valorem* duty.

F. FINAL PROVISION

- (37) In the interests of sound administration, a reasonable period should be allowed for the parties which have cooperated fully in the investigation to make known their point of view on the findings contained in this Regulation and to request a hearing.

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of non-textured partially oriented polyester yarn (POY) falling within CN code 5402 42 00, originating in Mexico, Taiwan and Turkey.

2. The amount of the duty, based on the free-at-Community-frontier price, not cleared through customs, shall be :

— 18,7 % for POY originating in Mexico.

The following company is exempted from this duty :

— Celanese Mexicana SA, Mexico,

— 17,4 % for POY originating in Taiwan.

The following companies are exempted from this duty :

— Far Eastern Textile Ltd, Taipei,

— Nan Ya Plastics Corp., Taipei,

— Tuntex Fibre Co., Ltd, Taipei,

— 2,7 % for POY originating in Turkey.

3. The provisions in force concerning customs duties shall apply.

4. Release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

1. A provisional anti-dumping duty is hereby imposed on imports of textured polyester yarn (PTY) falling within CN codes 5402 33 10 and 5402 33 90, originating in Mexico, Taiwan, Turkey and South Korea.

2. The amount of the duty, based on the free-at-Community-frontier price not cleared through customs, shall be :

— 34,7 % for PTY originating in Mexico.

— For the companies hereunder, the following duties shall apply :

— Fibras Sinteticas SA, Monterrey : 26,0 %,

— Fibras Quimicas SA, Monterrey : 7,0 %,

— Kimex SA, Mexico : 21,6 %,

— 23,7 % for PTY originating in South Korea.

For the companies hereunder, the following duty shall apply :

— Kohap Ltd, Seoul : 8,2 %,

— Kolon Industries Inc., Seoul Industries Inc., Seoul : 5,7 %,

— Sam Yang Co., Ltd, Seoul : 18,7 %,

— 8,4 % for PTY originating in Taiwan.

For the companies hereunder, the following duty shall apply :

— Far Eastern Textile Ltd, Taipei : 6,8 %,

— Nan Ya Plastics Corp., Taipei : 5,8 %,

— Shin Kong Synthetic Fibres Corp., Taipei : 5,8 %,

— Tuntex Fibre Co., Ltd, Taipei, is exempted from the above duty,

— 13,2 % for PTY originating in Turkey.

For the companies hereunder, the following duty shall apply :

— SASA Artificial and Synthetic Fibres Inc., Adana :

11,1 %,

— Nergis AS, Bursa : 8,6 %,

— Sifas Sentetik Iplik Fabrikalari AG, Bursa : 7,2 %,

— Polylen AS, Bursa : 7,2 %.

3. The provisions in force concerning customs duties shall apply.

4. Release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 3

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, parties which have fully cooperated with the investigation may make known their point of view in writing and apply for a hearing by the Commission within one month from the entry into force of this Regulation.

Article 4

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 14 June 1988

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 1696/88

of 14 June 1988

imposing a provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 11 thereof,

Having informed the EEC-Turkey Association Council pursuant to Article 47 (2) of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽³⁾,

After consultations within the Advisory Committee as provided for by the abovementioned Regulation,

Whereas :

A. PROCEDURE

(1) In May 1987 the International Rayon and Synthetic Fibres Committee (IRSFC) lodged a complaint with the Commission on behalf of producers of synthetic fibres of polyesters whose collective output accounts for the bulk of Community production of the product in question. Two Community producers, Hoechst AG and Du Pont de Nemours GmbH, are not complainants with respect to the US exporters, on account of their respective interests in two exporting companies involved in the proceeding, Hoechst Celanese Corporation (New Jersey) and E. I. Du Pont de Nemours Co. Inc. (Delaware).

This complaint followed an earlier complaint lodged in December 1985 by the same organization concerning imports of the same product originating in the German Democratic Republic, Romania, Turkey and Yugoslavia, which was terminated by Commission Decision 87/236/EEC⁽⁴⁾ without measures being imposed.

The complaint relating to the current proceeding contained evidence of dumping and of material

injury resulting therefrom which was considered sufficient to warrant the opening of an investigation. The Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of synthetic fibres of polyesters, not carded, combed or otherwise processed for spinning, falling from 1 January 1988 within CN code 5503 20 00 and originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia, and commenced an investigation.

(2) The Commission officially notified the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) Most of the known producers/exporters and a number of importers made known their views in writing. Some of them requested and were granted hearings.

(4) The Commission sought and verified all information it considered necessary for a preliminary determination of dumping. It inspected the premises of the following companies :

(a) Community producers

- Du Pont de Nemours GmbH, Düsseldorf, Federal Republic of Germany,
- Enichem Fibre SpA, Milan, Italy,
- Enka AG, Wuppertal, Federal Republic of Germany,
- Hoechst AG, Frankfurt am Main, Federal Republic of Germany,
- Montefibre SpA, Milan, Italy,
- Nurel SA, Barcelona, Spain,
- Rhône Poulenc Fibres SA, Lyons, France,
- La Seda de Barcelona SA, Barcelona, Spain,
- Sociedad Anónima de Fibras Artificiales, Barcelona, Spain.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 293, 29. 12. 1972, p. 5.

⁽⁴⁾ OJ No L 103, 15. 4. 1987, p. 38.

⁽⁵⁾ OJ No C 173, 1. 7. 1987, p. 10.

(b) *Non-Community producers/exporters*

United States of America :

- BASF Corp., Williamsburg, Virginia,
- CIMCO Celanese Int. Marketing Co., New York,
- Consolidated Textiles, Charlotte, North Carolina,
- Eastman Chemical Products Inc., Kingsport, Tennessee,
- E.I. Du Pont de Nemours and Co., Wilmington, Delaware,
- Celanese Fibers Inc., Charlotte, North Carolina,
- Leigh Fibers Inc., Spartanburg, South Carolina,
- R & M International Sales Co., Philadelphia, Pennsylvania,
- RSM Co., Charlotte, North Carolina,
- Titan Textile Co. Inc., Paterson, New Jersey,
- William Barnet and Son Inc., Arcadia, South Carolina.

Mexico :

- Celanese Mexicana SA, Mexico City,
- Crisol Textil SA de C. V., Mexico City,
- Fibras Sinteticas SA, Monterrey,
- Kimex SA, Mexico City.

Taiwan :

- Chung Shing Textile Co. Ltd, Taipei,
- Far Eastern Textile Ltd, Taipei,
- Nan Ya Plastics Corp., Taipei,
- Shinkong Synthetic Fibres Corp., Taipei,
- Tuntex Distinct Corp., Taipei.

Turkey :

- SASA Artificial and Synthetic Fibres Inc., Adana, exporting exclusively through the associated company EXSA, Adana,
- Sönmez Filament, Bursa, exporting exclusively through Sönmez Textile, Bursa.

- (5) The Commission did not inspect the premises of exporters in the following countries :

(a) *Romania*

- Producer : Uzina de Fibre Sintetica Iasi, Iasi,
- Exporter : Ice Danubiana, Bucharest.

Romania does not have a market economy (see paragraph 10).

(b) *Yugoslavia*

- Ohis Commerce, Skopje :

In view of the results of the previous investigation, which showed that market prices corresponded with list prices, the Commission

considered that at this stage of the proceeding the list prices and other evidence supplied in response to the questionnaire provided an adequate basis for an examination of whether this company's exports were dumped.

- Vartilen, Varazdin :

This company replied to the questionnaire after the time limit had expired and the Commission accordingly disregarded the evidence supplied and established its preliminary conclusions on the basis of the information available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84.

- (6) The Commission received and used information from the following importers :

- Celanese SA, Brussels, Belgium,
- Libeltex, Meulebeke, Belgium,
- Tasibel, Hamme, Belgium,
- TOB Herman Industries NV, Antwerp, Belgium,
- Industria Bures, Barcelona, Spain,
- Mitasa, Barcelona, Spain,
- Sociedad Anónima Sans, Mataró, Spain,
- Dolfus Mieg & Cie, Paris, France,
- Soft SpA, Cerreto Castello, Biella, Italy,
- Chicopee BV, Cuijk, The Netherlands,
- Freudenberg, Weinheim, Federal Republic of Germany,
- Hugo Bartram, Neumünster, Federal Republic of Germany,
- J. Grundherr, Bremen, Federal Republic of Germany,
- Schoeller Textil FmbH, Düren, Federal Republic of Germany,
- James Robinson & Son, Bradford, United Kingdom,
- Mutual Mills, Heywood, United Kingdom.

- (7) The investigation covered the period 1 January to 1 July 1987.

B. DUMPING

(a) *Normal value**United States of America*

- (8) Normal value was provisionally determined on the basis of the domestic prices charged by the producers and dealers concerned to independent customers or, in the case of products sold at a loss or where there were no domestic sales, on the basis of constructed value. In the case of producers, constructed value was calculated on the basis of the cost of production plus a reasonable profit margin, corresponding to the profit made by those producers in previous periods.

In the case of dealers, constructed value was calculated on the basis of the prices which the dealers actually paid the producers, plus a reasonable margin to cover their expenses and a profit margin established on the basis of their sales of similar products.

Mexico

- (9) In general, normal value was provisionally calculated on the basis of the prices charged by Mexican producers which exported to the Community and which supplied sufficient information. It was established on a monthly basis and by type of product. Where there were no domestic sales of the type of product exported to the Community during a given month, the weighted average of domestic sales for the other months was used.

Where there were no domestic sales of a type of product exported to the Community, either the domestic prices of the nearest type or the constructed value was used. Constructed value was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the overall profits made on sales of similar products.

Romania

- (10) In order to establish whether the imports originating in Romania were being dumped, the Commission had to take account of the fact that Romania does not have a market economy, and accordingly based its calculations on the normal value of the products in question in a market economy country. As in the previous proceeding, the complainants suggested the Turkish market. Although a number of objections were raised concerning the high price levels on the Turkish market, the Commission received no properly reasoned request for another country to be chosen. The Commission found that there were no significant differences between the two countries in the production process, scale of production or type of products. It further established that the price levels and costs of production were in reasonable proportion. It accordingly concluded that it was appropriate and not unreasonable to determine the Romanian normal value on the basis of the domestic prices of the most efficient Turkish producer. (For the method used see Turkey.)

Taiwan

- (11) In general, normal value was provisionally calculated on the basis of the prices charged by Taiwanese producers which exported to the

Community and supplied sufficient information. It was established on a monthly basis and by type of product. Where there were no domestic sales of the type of product exported to the Community during a given month, the weighted average of domestic sales for the other months was used.

Where there were no domestic sales of a type of product exported to the Community, either the domestic prices of the nearest type or the constructed value was used. Where domestic sales were made at a loss, constructed value was used as normal value. Constructed value was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the overall profits made on sales of similar products.

Turkey

- (12) Normal value was provisionally calculated on the basis of the prices charged by Turkish producers which exported to the Community and supplied sufficient information. It was established on a monthly basis and by type of product. Where sales were made at a loss, constructed value was used as normal value. It was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the overall profits made on sales of similar products.

Yugoslavia

- (13) Normal value was provisionally determined on the basis of the domestic prices paid or payable for the product on the internal market as shown in the firm's price lists. During the previous investigation, it was established that actual prices were in line with list prices.

(b) Export prices

- (14) In general, export prices were established on the basis of the prices actually paid or payable for products sold for export to the Community. Where products were exported through subsidiaries established in the Community, the Commission calculated export prices on the basis of the prices at which they were sold on to the first independent buyer, adjusted to take account of all costs — including, where appropriate, customs duties — incurred between importation and resale, and a profit margin actually identified and considered reasonable in view of the profit margins of independent importers of the product in question.

(c) Comparison

- (15) In general, in its comparison of normal value and export prices, the Commission took account, in accordance with Article 2 (10) (c) of Regulation (EEC) No 2176/84 and according to the circumstances, of differences directly affecting price comparability such as credit terms and transport, insurance, handling and other costs, wherever it was satisfactorily established that the corresponding requests were justified. All comparisons were made deal by deal at the ex-works stage.

Mexico and Turkey

- (16) In accordance with Article 2 (10) (d) of Regulation (EEC) No 2176/84, the Commission accepted all justified requests for adjustments to the export prices charged by the Mexican and Turkish producers to take account of exemption from customs duties on the raw materials used for the production of goods exported to the Community.

Taiwan

- (17) However, the Commission did not accept requests for adjustments to the export prices charged by the Taiwanese producers to allow for the hedging of exchange rates, since such adjustments are not provided for in Regulation (EEC) No 2176/84. In any case, the Commission considered the hedging of exchange rates to be a financial technique independent of the commercial transaction proper. Moreover, such adjustments were requested only where they favoured the exporter.

(d) Dumping margins

- (18) The preliminary comparison of the above facts showed that imports had been dumped. The dumping margins were equal to the difference between normal value and the price on export to the Community duly adjusted, and varied from one exporter to the next. The weighted average dumping margins, adjusted to free-at-Community-frontier prices, were as follows for each of the exporters monitored:

*United States of America**Producers:*

— BASF Corp.:	23,1 %
— E. I. Du Pont de Nemours & Co.:	0 %
— Eastman Chemical Products Inc.:	9,9 %
— Hoechst Celanese Corp.:	9,2 %

Dealers:

— William Barnet and Son Inc.:	6,5 %
— Consolidated Textiles:	0 %

— Leigh Fibers Inc.:	6,7 %
— R & M International:	2,5 %
— RSM Co.:	2,5 %
— Titan:	3,6 %

Mexico

— Celanese Mexicana SA:	33,7 %
— Crisol Textil SA de C.V.:	10,1 %
— Fibras Sinteticas SA:	22,9 %
— Kimex SA:	43,6 %

Romania

— Ice Danubiana:	46,7 %
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Taiwan

— Chung Shing Textile Co. Ltd:	20,4 %
— Far Eastern Textile Ltd:	5,8 %
— Nan Ya Plastics Corp.:	7,2 %
— Shinkong Synthetic Fibres Corp.:	6,3 %

Turkey

— Sasa Artificial & Synthetic Fibres Inc.:	12,4 %
— Sönmez Filament:	11,9 %

Yugoslavia

— Ohis:	24,6 %
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For the exporters listed below, who failed to cooperate satisfactorily with the Commission investigation, dumping was determined on the basis of available information. The Commission considered the results of its investigation to be the most appropriate basis for determining the dumping margin, and that the fixing of a lower margin than the highest margin determined for an exporter which cooperated with the investigation would reward failure to cooperate and make it possible to evade duty. It accordingly applied the highest margin determined to the following exporters:

— Tuntex Distinct Corp., Taiwan:	20,4 %
— Vartilen, Yugoslavia:	24,6 %

C. INJURY**Volume and price of imports****(a) Volume**

- (19) Imports into the Community of polyester fibres originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia increased from 33 859 tonnes in 1984 to 37 897 tonnes in 1985, an increase of 12 %, and to 55 552 tonnes in 1986, an increase of 46,6 % compared with 1985. In 1987, imports originating in the said countries rose to 71 474 tonnes, a further increase of 28,6 % compared with 1986.

The Commission discovered that the said countries' share of total imports into the Community fell from 51,9 % in 1984 to 50,7 % in 1985 and then rose to 66,1 % in 1986 and 73,3 % in 1987. The said countries' market share increased from 9,6 % in 1984 to 17,8 % in 1987.

(b) *Prices*

- (20) The evidence available to the Commission shows that during the reference period the prices of the imports concerned were lower than the prices charged by Community producers. The differences in the prices of the most representative types on the main Community markets were as follows:

— Mexico :	around 30 % and up to 38 %,
— Romania :	around 30 % and up to 38 %,
— Taiwan :	around 22 % and up to 30 %,
— Turkey :	around 20 % and up to 34 %,
— United States :	around 10 % and up to 15 % (sub-standard fibres),
— Yugoslavia :	around 20 % and up to 25 %.

Impact on Community production

The Commission noted the following:

(a) *Community production*

- (21) From 1984 to 1987 Community production of polyester fibres remained relatively stable at between 370 000 and 380 000 tonnes.

(b) *Market share and consumption*

- (22) The market share of Community producers fell from 81,8 % in 1984 to 80,9 % in 1985, 78,6 % in 1986 and 75,7 % in 1987. Consumption of polyester fibres increased from 360 000 tonnes in 1984 to 402 000 tonnes in 1987, an increase of about 12 %, largely to the advantage of the exporters concerned by the investigation.

(c) *Prices*

- (23) In addition to the negative influence on Community producers' capacity utilization and market share, the imports concerned had a depressive effect on the prices charged by the Community producers. During the reference period the average price of first-quality fibres, which account for the bulk of Community production, fell by some 13 to 15 %.

(d) *Profits*

- (24) With the exception of two producers, the Community industry saw its profits fall, its profits turn to losses or its losses grow during the reference period by comparison with 1986, calculated on the basis of net sales, as shown in the following table:

Company	1986	06/1987	Company	1986	06/1987
A	+ 10	+ 3	E	+ 6	- 1
B	+ 14	+ 9	F	- 8	- 12
C	+ 5	+ 4	G	- 1	- 14
D	+ 3	- 2	H	- 6	- 8

- (25) The above data show that although the growth of imports did not lead to a fall in production it did deprive the Community industry of the benefits of increased consumption and had a depressive effect on prices; this led both to a fall in market share and a net worsening of the financial results of the Community industry.

Cumulation

- (26) In order to determine the impact of dumped imports on the Community industry, the Commission had to decide whether or not to cumulate overall imports originating in the countries concerned by the investigation.

In determining whether it was appropriate in this case to cumulate the imports referred to in the complaint, the Commission took account of the comparability of the imported products in terms of physical characteristics, the volumes imported, price levels and the degree to which they competed with similar Community products.

The US exporters claimed that the impact of their exports should be examined in isolation and judged not to have caused injury in so far as the volume of their exports was small, their market share had fallen and the quality of their products differed from the products both of the other countries referred to in the complaint and of Community producers.

The Commission discovered that in spite of the fall in US exports between 1985 and 1987, their volume remained some 17 % higher than in 1984 and was noticeably higher than that achieved by other exporters.

Nevertheless, the bulk of the exports of US producers were found to be speciality products exported to the Community at relatively high prices. The same did not apply to the exports of dealers, most of which were sub-standard fibres sold at very low prices.

The Commission accordingly concluded that the exports of the US producers should not be cumulated with the exports of the other countries covered by this proceeding, both because the physical characteristics of their products generally differed from those of Community products and other imported products and because these exports did not compete with Community production and other imports on account of their price levels.

The exports of the US dealers, on the other hand, although of a lower quality, were comparable to certain products of the Community industry and were sold at low prices. They therefore competed directly with Community products and should accordingly be cumulated.

Turning to Romanian exports, the Commission found that although their volume fell by 28 % between 1984 and 1987, they still accounted for 1,9 % of consumption and 10 % of the exports of the countries covered by this proceeding and exceeded the volume achieved by the exports originating in certain countries concerned. Furthermore, they involved the highest level of price undercutting. For these reasons, the Commission concluded that they should also be cumulated.

On the basis of the above, the Commission accordingly concluded that all imports of polyester fibres originating in the third countries concerned by this proceeding should be cumulated, with the exception of those exported by the producers investigated in the United States of America.

Causality and other factors

- (27) As regards causality, the Commission found that the increase in the imports in question between 1984 and the first six months of 1987 coincided with the fall in prices on the Community market and the worsening in the financial results of the Community producers concerned.

The Commission examined whether the injury suffered by the Community producers had been caused by other factors, such as imports originating in other third countries. It found that the market

share held by other third countries fell from 8,7 % in 1984 to 6,5 % in 1987. No evidence was supplied to show that these imports had been dumped.

A number of importers claimed that the growth in imports was the result of the fact that Community producers had been alone in not reducing their selling prices in line with the fall in the cost of raw materials. The information available to the Commission shows that this fall had only a small effect on total production costs. Thus this argument does not explain the fall in the prices of polyester fibres on the Community market.

- (28) In these circumstances, the Commission concluded that, taken in isolation, the effects of imports originating in the countries concerned by this proceeding, excluding imports from US producers, should be considered to have caused material injury to the Community producers concerned. The Commission took account of all the complainant Community producers, including those having links with the exporters concerned, such as Hoechst Celanese AG and Celanese Mexicana SA, since their subsidiaries behave largely as independent economic agents.

Community interest

- (29) In view of the serious difficulties confronting the Community industry concerned, the Commission concluded that it was in the Community interest to take steps to eliminate the injury caused to Community producers of polyester fibres. These measures, which would have a relatively small impact on the production costs of the textile industry and would have no significant impact on consumers, should take the form of a provisional anti-dumping duty.

In reaching this conclusion, the Commission was aware that exports originating in Romania were subject to quantitative restrictions in the Benelux countries and Italy. It nevertheless considered those restrictions to be insufficient to eliminate the injury suffered by all Community producers. In any case, the bulk of the exports concerned are sent to the Federal Republic of Germany and involve substantial price undercutting.

D. PROVISIONAL DUTY

(a) Rate of duty

- (30) In determining the rate of the provisional duty, the Commission took into account the dumping margins and the level of duty needed to eliminate the injury. To that end, it compared import prices with the production costs of the most representative Community producers, plus a reasonable profit margin.

The Commission selected those Community producers which it considered to be most representative on the basis of their size, the efficiency of their production plant and their overall costs of production.

The Commission noted the costs of production of the most representative Community producers during the reference period. It took as a reasonable profit margin the average positive margin of the said producers in 1985 and 1986, since for most of that period the impact of imports originating in the countries concerned was still moderate and only began to intensify during the second half of 1986.

The average costs of production plus the said profit margin were compared with the free-at-Community-frontier export prices plus customs duties and a profit margin for the importer.

However, no duty should be imposed on imports which are not dumped or where there is no evidence of injury, in particular on account of the high prices charged by the US producers covered by this investigation.

(b) Form

- (31) To ensure that these defensive measures are effective and to facilitate customs clearance, the Commission considered that the provisional duty should take the form of an *ad valorem* duty.

E. FINAL PROVISION

- (32) In the interests of good administration, a reasonable period should be fixed within which the parties which cooperated fully with this investigation can make known their views on the findings set out in this Regulation and request a hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. An anti-dumping duty is hereby imposed on imports of polyester fibres falling within CN code 5503 20 00 and originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia.

2. The amount of that duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs shall be:

- 6,7 % for polyester fibres originating in the United States of America, excluding those produced and exported by the following companies, which shall not be subject to such a duty:

- BASF Corp., Williamsburg,
- Consolidated Textiles, Charlotte,
- E. I. Du Pont de Nemours and Co., Wilmington,
- Eastman Chemical Products Inc., Kingsport,
- Hoechst Celanese Corp., Charlotte,

— as follows for the companies indicated below:

- William Barnet and Son Inc., Arcadia: 6,5 %,
- R & M International Sales Co., Philadelphia: 5,6 %,
- RSM Co., Charlotte: 2,5 %,
- Titan Textile Co. Inc., Paterson: 3,6 %,

— 43 % for polyester fibres originating in Mexico, but as follows for the companies indicated below:

- Fibras Sinteticas SA, Monterrey: 22,9 %,
- Crisol Textil SA de C.V., Mexico: 10,1 %,
- Celanese Mexicana SA, Mexico: 28,0 %,

— 45,8 % for polyester fibres originating in Romania,

— 20,4 % for polyester fibres originating in Taiwan, but as follows for the companies indicated below:

- Far Eastern Textile Ltd, Taipei: 5,8 %,
- Nan Ya Plastics Corp., Taipei: 7,2 %,
- Shinkong Synthetic Fibres Corp., Taipei: 6,3 %,

— 12,4 % for polyester fibres originating in Turkey, but as follows for the company indicated below:

- Sönmez Filament, Bursa 11,9 %,

— 24,6 % for polyester fibres originating in Yugoslavia.

3. The provisions in force concerning customs duties shall apply,

4. Release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the lodging of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties which cooperated fully with the investigation may make known their views in writing and request a hearing with the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months or until the Council adopts definitive measures, whichever is the earlier.

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

Done at Brussels, 14 June 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 1697/88

of 16 June 1988

re-establishing the levying of customs duties on 1,2,3,4,5,6-hexachlorocyclohexane 2903 51 00 originating in China to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas, pursuant to Article 1 of Regulation (EEC) No 3635/87, duties on certain products, originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 15.

Whereas, as provided for in Article 15 of that Regulation where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be reintroduced, once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 5 % of the total importations into the Community, originating from third countries in 1986;

Whereas, in the case of 1,2,3,4,5,6-hexachlorocyclohexane falling within CN code 2903 51 00 originating in China the individual ceiling was fixed at 264 000 ECU; whereas, on 14 June 1988, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 20 June 1988, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3635/87 shall be re-established on imports into the Community of the following products originating in:

CN code	Description
2903 51 10	1,2,3,4,5,6-hexachlorocyclohexane

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, 16 June 1988.

For the Commission

, COCKFIELD

Vice-President

⁽¹⁾ OJ No L 350, 12. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1698/88**of 16 June 1988****introducing a countervailing charge on apricots originating in Tunisia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 1560/88⁽³⁾ introduced a countervailing charge on apricots originating in Tunisia;

Whereas for apricots originating in Tunisia there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of apricots originating in Tunisia can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1560/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.⁽³⁾ OJ No L 140, 7. 6. 1988, p. 11.

COMMISSION REGULATION (EEC) No 1699/88**of 16 June 1988****prolonging the first suspension of the advance fixing of the import levy for
certain cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1097/88 ⁽²⁾, and in particular the first subparagraph of Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the levy may be suspended if the market in situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas Commission Regulation (EEC) No 1662/88 ⁽³⁾ suspended advance fixing of the import levy for certain cereals; whereas the reasons which led to that suspension

still exist; whereas it is important, therefore, to continue that measure for a period, which will make it possible to monitor the situation;

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

In Article 1 of Regulation (EEC) No 1662/88 '17 June 1988' is hereby replaced by '1 July 1988'.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 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 148, 15. 6. 1988, p. 17.

COMMISSION REGULATION (EEC) No 1700/88

of 16 June 1988

fixing the export refunds 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)
No 1097/88⁽²⁾, and in particular the fourth subparagraph
of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
that Regulation and prices for those products in the
Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds⁽³⁾, provides that when
refunds are being fixed, account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand, and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports and
the need to avoid disturbances on the Community
market;

Whereas Article 3 of Regulation (EEC) No 2746/75
defines the specific criteria to be taken into account when
the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat
and rye flour, groats and meal are concerned, in Article 4

of Regulation (EEC) No 2746/75; whereas furthermore,
when the refund on these products is being calculated,
account must be taken of the quantities of cereals
required for their manufacture; whereas these quantities
were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾,
as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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 rela-
tion to each other at any given moment within a band
of 2,25 % a rate of exchange based on their central
rate, multiplied by the corrective factor provided for in
the last paragraph of Article 3 (1) of Council Regula-
tion (EEC) No 1676/85⁽⁶⁾, as last amended by Regula-
tion (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 rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

Whereas it follows from applying the detailed rules set
out above to the present situation on the market in
cereals, and in particular to quotations or prices for these
products within the Community and on the world
market, that the refunds should be as set out in the
Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession
of Spain and Portugal, refunds may be granted in the case
of exports to Portugal; whereas, in the light of the situa-
tion and the level of prices no refund should be fixed in
the case of exports to Portugal;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

The refund on export to Portugal has not been fixed.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 16 June 1988 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	70,00
1001 10 90 000	04	30,00 (2)
	05	25,00 (2)
	07	24,00 (2)
	02	20,00 (2)
1001 90 91 000	01	70,00
1001 90 99 000	03	75,00
	02	25,00
	06	80,00
1002 00 00 000	03	75,00
	02	25,00
	06	75,00
1003 00 10 000	01	65,00
1003 00 90 000	03	70,00
	02	25,00
1004 00 10 000	01	50,00
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	95,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	100,00
1101 00 00 120	01	100,00
1101 00 00 130	01	90,00
1101 00 00 150	01	80,00
1101 00 00 170	01	70,00
1101 00 00 180	01	60,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	100,00
1102 10 00 200	01	100,00
1102 10 00 300	01	100,00
1102 10 00 500	01	100,00
1102 10 00 900	—	—
1103 11 10 100	01	150,00
1103 11 10 200	01	135,00
1103 11 10 500	01	105,00
1103 11 10 900	01	100,00
1103 11 90 100	01	100,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Zones II and III,
- 05 Algeria,
- 06 Zone II (b),
- 07 Tunisia,

(²) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Regulation (EEC) No 1569/77 with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis) ; 7 % maximum of which 5 % of soft wheat or other cereals.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988).

The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1701/88

of 16 June 1988

fixing the export refunds on 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 the fourth subparagraph
of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
those Regulations and prices for those products within
the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds ⁽³⁾, provides that when
refunds are being fixed account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports, and
the need to avoid disturbances on the Community
market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for

products processed from cereals and from rice ⁽⁴⁾, as last
amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, defines the
specific criteria to be taken into account when the refund
on these products is being calculated;

Whereas it follows from applying these detailed rules to
the present situation on the market in products processed
from cereals and rice that the export refund should be
fixed at an amount which will cover the difference
between Community prices and world market prices;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

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 rela-
tion to each other at any given moment within a band
of 2,25 %, a rate of exchange based on their central
rate, multiplied by the corrective factor provided for in
the last paragraph of Article 3 (1) of Council Regula-
tion (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regula-
tion (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 for a given period in rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession
of Spain and Portugal, refunds may be granted in the case
of exports to Portugal; whereas, in the light of the situa-
tion and the level of prices no refund should be fixed in
the case of exports to Portugal;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

The refund on export to Portugal has not been fixed.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 16 June 1988 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	90,00
1107 10 99 000	100,00
1107 20 00 000	120,00

NB: The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1702/88

of 16 June 1988

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1097/88 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 3990/87 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 ⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68 ⁽⁹⁾, as amended by Regulation (EEC) No 2764/71 ⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987, p. 15.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas Commission Regulation (EEC) No 2806/71 ⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽²⁾, as last amended by Regulation (EEC) No 1636/87 ⁽³⁾,
- 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 rela-

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 16 June 1988 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	140,00	1104 22 10 100	127,71
1102 20 10 300	120,00	1104 22 10 900	—
1102 20 10 900	—	1104 22 30 100	135,69
1102 20 90 100	120,00	1104 22 30 900	—
1102 20 90 900	—	1104 22 50 000	—
1102 30 00 000	—	1104 23 10 100	150,00
1102 90 10 100	122,24	1104 23 10 300	115,00
1102 90 10 900	83,12	1104 23 10 900	—
1102 90 30 100	143,68	1104 29 10 100	—
1102 90 30 900	—	1104 29 10 900	—
1103 12 00 100	143,68	1104 29 91 000	88,00
1103 12 00 900	—	1104 29 95 000	88,00
1103 13 11 100	180,00	1104 30 10 000	21,25
1103 13 11 300	140,00	1104 30 90 000	25,00
1103 13 11 500	120,00	1107 10 11 000	151,30
1103 13 11 900	—	1107 10 91 000	145,05
1103 13 19 100	180,00	1108 11 00 100	142,00
1103 13 19 300	140,00	1108 11 00 900	—
1103 13 19 500	120,00	1108 12 00 100	144,00
1103 13 19 900	—	1108 12 00 900	—
1103 13 90 100	120,00	1108 13 00 100	144,00
1103 13 90 900	—	1108 13 00 900	—
1103 14 00 000	—	1108 14 00 100	—
1103 19 10 000	88,00	1108 14 00 900	—
1103 19 30 100	126,31	1108 19 10 100	208,12
1103 19 30 900	—	1108 19 10 900	—
1103 21 00 000	86,70	1108 19 90 100	—
1103 29 20 000	83,12	1108 19 90 900	—
1103 29 30 000	—	1109 00 00 100	0
1103 29 40 000	102,00	1109 00 00 900	—
1104 11 90 100	122,24	1702 30 91 000	188,10
1104 11 90 900	—	1702 30 99 000	144,00
1104 12 90 100	159,64	1702 40 90 000	144,00
1104 12 90 300	127,71	1702 90 50 100	188,10
1104 12 90 900	—	1702 90 50 900	144,00
1104 19 10 000	86,70	1702 90 75 000	197,10
1104 19 50 110	160,00	1702 90 79 000	136,80
1104 19 50 130	130,00	2106 90 55 000	144,00
1104 19 50 150	—	2302 10 10 000	21,32
1104 19 50 190	—	2302 10 90 100	21,32
1104 19 50 900	—	2302 10 90 900	—
1104 19 91 000	—	2302 20 10 000	21,32
1104 21 10 100	122,24	2302 20 90 100	21,32
1104 21 10 900	—	2302 20 90 900	—
1104 21 30 100	122,24	2302 30 10 000	21,32
1104 21 30 900	—	2302 30 90 000	21,32
1104 21 50 100	162,98	2302 40 10 000	21,32
1104 21 50 300	130,38	2302 40 90 000	21,32
1104 21 50 900	—	2303 10 11 100	72,00
		2303 10 11 900	—

NB: The products codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1703/88**of 16 June 1988****fixing the export refunds on cereal-based compound feedingstuffs**

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 the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as amended by Regulation (EEC) No 944/87⁽⁵⁾, provides that, when

export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 296/88⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 30, 2. 2. 1988, p. 9.

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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situa-

tion and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 16 June 1988 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	5,50
	09	—
2309 10 11 190	01	4,58
	09	—
2309 10 11 210	01	11,00
	09	—
2309 10 11 290	01	9,16
	09	—
2309 10 11 310	01	22,00
	09	—
2309 10 11 390	01	18,31
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	5,50
	09	—
2309 10 13 190	01	4,58
	09	—
2309 10 13 210	01	11,00
	09	—
2309 10 13 290	01	9,16
	09	—
2309 10 13 310	01	22,00
	09	—
2309 10 13 390	01	18,31
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	5,50
	09	—
2309 10 31 190	01	4,58
	09	—
2309 10 31 210	01	11,00
	09	—
2309 10 31 290	01	9,16
	09	—
2309 10 31 310	01	22,00
	09	—
2309 10 31 390	01	18,31
	09	—
2309 10 31 410	01	33,00
	09	—
2309 10 31 490	01	27,47
	09	—
2309 10 31 510	01	44,00
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 31 590	01	36,63
	09	—
2309 10 31 610	01	55,00
	09	—
2309 10 31 690	01	45,78
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	5,50
	09	—
2309 10 33 190	01	4,58
	09	—
2309 10 33 210	01	11,00
	09	—
2309 10 33 290	01	9,16
	09	—
2309 10 33 310	01	22,00
	09	—
2309 10 33 390	01	18,31
	09	—
2309 10 33 410	01	33,00
	09	—
2309 10 33 490	01	27,47
	09	—
2309 10 33 510	01	44,00
	09	—
2309 10 33 590	01	36,63
	09	—
2309 10 33 610	01	55,00
	09	—
2309 10 33 690	01	45,78
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	5,50
	09	—
2309 10 51 190	01	4,58
	09	—
2309 10 51 210	01	11,00
	09	—
2309 10 51 290	01	9,16
	09	—
2309 10 51 310	01	22,00
	09	—
2309 10 51 390	01	18,31
	09	—
2309 10 51 410	01	33,00
	09	—
2309 10 51 490	01	27,47
	09	—
2309 10 51 510	01	44,00
	09	—
2309 10 51 590	01	36,63
	09	—
2309 10 51 610	01	55,00
	09	—

Product code	Destination (1)	Amount of refund (ECU/tonne)
2309 10 51 690	01	45,78
	09	—
2309 10 51 710	02	66,00
	03	145,00
	09	—
2309 10 51 790	02	54,94
	03	145,00
	09	—
2309 10 51 810	02	72,00
	03	145,00
	09	—
2309 10 51 890	02	59,94
	03	145,00
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	5,50
	09	—
2309 10 53 190	01	4,58
	09	—
2309 10 53 210	01	11,00
	09	—
2309 10 53 290	01	9,16
	09	—
2309 10 53 310	01	22,00
	09	—
2309 10 53 390	01	18,31
	09	—
2309 10 53 410	01	33,00
	09	—
2309 10 53 490	01	27,47
	09	—
2309 10 53 510	01	44,00
	09	—
2309 10 53 590	01	36,63
	09	—
2309 10 53 610	01	55,00
	09	—
2309 10 53 690	01	45,78
	09	—
2309 10 53 710	02	66,00
	03	145,00
	09	—
2309 10 53 790	02	54,94
	03	145,00
	09	—
2309 10 53 810	02	72,00
	03	145,00
	09	—
2309 10 53 890	02	59,94
	03	145,00
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	5,50
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 90 31 190	01	4,58
	09	—
2309 90 31 210	01	11,00
	09	—
2309 90 31 290	01	9,16
	09	—
2309 90 31 310	01	22,00
	09	—
2309 90 31 390	01	18,31
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	5,50
	09	—
2309 90 33 190	01	4,58
	09	—
2309 90 33 210	01	11,00
	09	—
2309 90 33 290	01	9,16
	09	—
2309 90 33 310	01	22,00
	09	—
2309 90 33 390	01	18,31
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	5,50
	09	—
2309 90 41 190	01	4,58
	09	—
2309 90 41 210	01	11,00
	09	—
2309 90 41 290	01	9,16
	09	—
2309 90 41 310	01	22,00
	09	—
2309 90 41 390	01	18,31
	09	—
2309 90 41 410	01	33,00
	09	—
2309 90 41 490	01	27,47
	09	—
2309 90 41 510	01	44,00
	09	—
2309 90 41 590	01	36,63
	09	—
2309 90 41 610	01	55,00
	09	—
2309 90 41 690	01	45,78
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	5,50
	09	—
2309 90 43 190	01	4,58
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 90 43 210	01	11,00
	09	—
2309 90 43 290	01	9,16
	09	—
2309 90 43 310	01	22,00
	09	—
2309 90 43 390	01	18,31
	09	—
2309 90 43 410	01	33,00
	09	—
2309 90 43 490	01	27,47
	09	—
2309 90 43 510	01	44,00
	09	—
2309 90 43 590	01	36,63
	09	—
2309 90 43 610	01	55,00
	09	—
2309 90 43 690	01	45,78
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	5,50
	09	—
2309 90 51 190	01	4,58
	09	—
2309 90 51 210	01	11,00
	09	—
2309 90 51 290	01	9,16
	09	—
2309 90 51 310	01	22,00
	09	—
2309 90 51 390	01	18,31
	09	—
2309 90 51 410	01	33,00
	09	—
2309 90 51 490	01	27,47
	09	—
2309 90 51 510	01	44,00
	09	—
2309 90 51 590	01	36,63
	09	—
2309 90 51 610	01	55,00
	09	—
2309 90 51 690	01	45,78
	09	—
2309 90 51 710	02	66,00
	03	145,00
	09	—
2309 90 51 790	02	54,94
	03	145,00
	09	—
2309 90 51 810	02	72,00
	03	145,00
	09	—

(ECU/tonne)

Product code	Destination (¹)	Amount of refund
2309 90 51 890	02	59,94
	03	145,00
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	5,50
	09	—
2309 90 53 190	01	4,58
	09	—
2309 90 53 210	01	11,00
	09	—
2309 90 53 290	01	9,16
	09	—
2309 90 53 310	01	22,00
	09	—
2309 90 53 390	01	18,31
	09	—
2309 90 53 410	01	33,00
	09	—
2309 90 53 490	01	27,47
	09	—
2309 90 53 510	01	44,00
	09	—
2309 90 53 590	01	36,63
	09	—
2309 90 53 610	01	55,00
	09	—
2309 90 53 690	01	45,78
	09	—
2309 90 53 710	02	66,00
	03	145,00
	09	—
2309 90 53 790	02	54,94
	03	145,00
	09	—
2309 90 53 810	02	72,00
	03	145,00
	09	—
2309 90 53 890	02	59,94
	03	145,00
	09	—
2309 90 53 900	—	—

(¹) The destinations are as follows:

01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77,

02 Zones A, B, C (with the exception of North Yemen) D and E as specified in Annex II to Regulation No 1124/77, (OJ No L 65, 11. 3. 1988, p. 18),

03 North Yemen, (OJ No L 65, 11. 3. 1988, p. 18),

09 Other destinations.

NB: The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1704/88

of 16 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 prices;

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:

	ECU/tonne
(i) for maize starch and products derived from maize starch:	133,65
(ii) for rice starch and products derived from rice starch:	130,45
(iii) for wheat starch and products derived from wheat starch:	127,25
(iv) for potato starch and products derived from potato starch:	133,65

Article 2

This Regulation shall enter into force on 17 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, 16 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1705/88

of 16 June 1988

altering, from 17 June 1988, the rate of refunds applicable for certain products of the cereals and rice sectors, exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1097/88 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 3990/87 ⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas the rates of the refunds applicable from 1 May 1988 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EEC) No 1190/88 ⁽⁵⁾, as modified by Regulation (EEC) No 1625/88 ⁽⁶⁾

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1190/88 to the

information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex to this Regulation;

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 rates of refund fixed by Regulation (EEC) No 1190/88 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 June 1988.

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

Done at Brussels, 16 June 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987, p. 15.

⁽⁵⁾ OJ No L 111, 30. 4. 1988, p. 78.

⁽⁶⁾ OJ No L 145, 11. 6. 1988, p. 29.

ANNEX

to the Commission Regulation of 16 June 1988 altering the rates of the refunds applicable from 17 June 1988 to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
1001 10 90	Durum wheat : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	10,652 13,150
1001 90 99	Common wheat, and meslin (mixed wheat and rye) : — For the manufacture of starch — Other than for the manufacture of starch : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	7,786 7,441 9,186
1002 00 00	Rye	9,296
1003 00 90	Barley	10,482
1004 00 90	Oats	9,103
1005 90 00	Maize, other than hybrid maize for sowing : — For the manufacture of starch — Other than for the manufacture of starch	9,000 10,000
1006 20 10	Round grain husked rice	40,727
1006 20 90	Long grain husked rice	37,279
1006 30 91	Round grain wholly milled rice	52,551
1006 30 99	Long grain wholly milled rice	54,028
1006 40 00	Broken rice : — For the manufacture of starch — Other than for the manufacture of starch	15,100 16,300
1007 00 90	Sorghum	7,406
1101 00 00	Wheat or meslin flour : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	8,785 10,846
1102 10 00	Rye flour	21,300
1103 11 10	Durum wheat groats and meal : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	16,510 20,383
1103 11 90	Common wheat groats and meal : — On exports of goods falling within subheadings 1902 11 00 and 1902 19 to the United States of America — In all other cases	8,785 10,846

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 13 June 1988

amending Directive 83/181/EEC determining the scope of Article 14 (1) (d) of Directive 77/388/EEC as regards exemption from value-added tax on the final importation of certain goods

(88/331/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

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

Whereas the arrangements for exemption from the value-added tax of certain imports, as laid down by Directive 83/181/EEC⁽³⁾, as last amended by Directive 85/346/EEC⁽⁴⁾, refer to the greatest possible degree of uniformity between the system for customs duties and that for value-added tax; whereas the Council, by Regulation (EEC) No 1315/88⁽⁵⁾, has adopted amendments to the system for customs duties; whereas it is appropriate to incorporate some of these amendments into Directive 83/181/EEC, to the extent that they meet the objectives of tax harmonization;

Whereas Directive 83/181/EEC determines not only the scope of Article 14 (1) (d) of Directive 77/388/EEC⁽⁶⁾, as last amended by Directive 84/386/EEC⁽⁷⁾, but is aimed also at establishing Community tax rules for VAT exemption on the final import of goods, which go beyond the scope of the said Article; whereas these rules should

be amended or supplemented in such a way as to bring about a more uniform application thereof at Community level;

Whereas, in the interests of legal clarity, the wording of Article 11 (2) of Directive 83/181/EEC should be accurately rendered,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 83/181/EEC is hereby amended as follows:

1. Article 11 (2) is replaced by the following:

'2. Exemption shall also be granted in respect of presents customarily given on the occasion of a marriage which are received by a person fulfilling the conditions laid down in paragraph 1 from persons having their normal place of residence in a country situated outside the Community. the exemption shall apply to presents of a unit value of not more than 200 ECU. Member States may, however, grant exemption for more than 200 ECU provided that the value of each exempt present does not exceed 1 000 ECU.'

2. Article 22 is replaced by the following:

Article 22

Goods of a total value not exceeding 10 ECU shall be exempt on admission. Member States may grant exemption for imported goods of a total value of more than 10 ECU but not exceeding 22 ECU.

⁽¹⁾ OJ No C 318, 30. 11. 1987, p. 21.

⁽²⁾ OJ No C 180, 8. 7. 1987, p. 14.

⁽³⁾ OJ No L 105, 23. 4. 1983, p. 38.

⁽⁴⁾ OJ No L 183, 16. 7. 1985, p. 21.

⁽⁵⁾ OJ No L 123, 17. 5. 1988, p. 2.

⁽⁶⁾ OJ No L 145, 13. 6. 1977, p. 1.

⁽⁷⁾ OJ No L 208, 3. 8. 1984, p. 58.

However, Member States may exclude goods which have been imported on mail order from the exemption provided for in the first sentence of the first subparagraph.'

3. In the second indent of Article 35 (1) (b) the words 'Article 60 (1) (b)' are replaced by 'Article 60'.

4. The following Chapter is inserted after Article 38 :

'Chapter IIa

Reference substances for the quality control of medical products

Article 38 (a)

Consignments which contain samples of reference substances approved by the World Health Organization for the quality control of materials used in the manufacture of medicinal products and which are addressed to consignees authorized by the competent authorities of the Member States to receive such consignments free of tax shall be exempt on admission.'

5. The following is added to Article 56 :

'(d) Awards, trophies and souvenirs of a symbolic nature and of limited value intended for distribution free of charge to persons normally resident in a country other than that of import, at business conferences or similar international events; their nature, unitary value or other features, must not be such as might indicate that they are intended for commercial purposes.'

6. Articles 62 and 63 are replaced by the following :

'Article 62

Subject to Article 63, printed advertising matter such as catalogues, price lists, directions for use or brochures shall be exempt on admission provided that they relate to :

- (a) goods for sale or hire by a person established outside the Member State of import, or
- (b) services offered by a person established in another Member State, or
- (c) transport, commercial insurance or banking services offered by a person established in a third country.

Article 63

The exemption referred to in Article 62 shall be limited to printed advertisements which fulfil the following conditions :

- (a) printed matter must clearly display the name of the undertaking which produces, sells or hires out the goods, or which offers the services to which it refers ;

- (b) each consignment must contain no more than one document or a single copy of each document if it is made up of several documents. Consignments comprising several copies of the same document may nevertheless be granted exemption provided their total gross weight does not exceed one kilogram ;

- (c) printed matter must not be the subject of grouped consignments from the same consignor to the same consignee.

However, the conditions under (b) and (c) shall not apply to printed matter relating to either goods for sale or hire or services offered by a person established in another Member State provided that the printed matter has been imported, and will be distributed, free of charge.'

7. The following is added to Article 79 :

'(s) importations of official publications issued under the authority of the country of export, international institutions, regional or local authorities and bodies under public law established in the country of export, and printed matter distributed on the occasion of elections to the European Parliament or on the occasion of national elections in the country in which the printed matter originates by foreign political organizations officially recognized as such in the Member States, insofar as such publications and printed matter have been subject to tax in the country of export and have not benefited from remission of tax on export.'

8. The title of Chapter VI is replaced by the following :

'Fuels and lubricants present in land motor vehicles and special containers'.

9. Article 82 is replaced by the following :

'Article 82

1. Subject to Articles 83, 84 and 85, the following shall be exempt on admission :

- (a) fuel contained in the standard tanks of :
 - private and commercial motor vehicles and motor cycles ;
 - special containers ;
- (b) fuel contained in portable tanks carried by private motor vehicles and motor cycles, up to a maximum of 10 litres per vehicle and without prejudice to national provisions on the holding and transport of fuel.

2. For the purpose of paragraph 1 :

- (a) 'commercial motor vehicle' means any motorized road vehicle (including tractors with trailers) which, by its type of construction and equipment, is designed for, and capable of, transporting, whether for payment or not :

- more than nine persons including the driver,
 - goods,
- and any road vehicle for a special purpose other than transport as such ;
- (b) 'private motor vehicle' means any motor vehicle not covered by the definition set out in (a) ;
- (c) 'standard tanks' means :
- the tanks permanently fixed by the manufacturer to all motor vehicles of the same type as the vehicle in question and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation, during transport, of refrigeration systems and other systems.
- Gas tanks fitted to motor vehicles designed for the direct use of gas as a fuel and tanks fitted to ancillary systems with which the vehicle may be equipped shall also be considered to be standard tanks,
- tanks permanently fixed by the manufacturer to all containers of the same type as the container in question and whose permanent fitting enables fuel to be used directly for the operation, during transport, of refrigeration systems and other systems with which special containers are equipped ;
- (d) 'special container' means any container fitted with specially designed apparatus for refrigeration systems, oxygenation systems, thermal insulation systems, or other systems.
10. The first paragraph of Article 83 is amended as follows :
- in the introduction, the words 'and special containers' are inserted after the words 'commercial motor vehicles',
 - after (b), the following is added :
'(c) to 200 litres per special container and per journey.'
11. The following is added at the end of Article 90 (3) :
'... or to a reduction in that exemption.'
12. The following is added to Article 91 :
'(c) exemptions in the context of agreements entered into on the basis of reciprocity with third countries that are Contracting Parties to the Convention on International Civil Aviation (Chicago 1944) for the purpose of implementing Recommended Practices 4.42 and 4.44 in Annex 9 to the Convention (eighth edition, July 1980).'
- Article 2*
- Member States shall take the measures necessary to comply with this Directive not later than 1 January 1989. They shall forthwith inform the Commission thereof.
- Article 3*
- This Directive is addressed to the Member States.
- Done at Luxembourg, 13 June 1988.
- For the Council*
The President
G. STOLTENBERG

COUNCIL DIRECTIVE

of 13 June 1988

amending certain Directives on the marketing of seed and propagating material so as to provide for rules for applying the provisions relating to seed and propagating material satisfying less stringent requirements

(88/332/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas the following Directives, which lay down requirements for the marketing of seed and propagating material, contain provisions whereby Member States may be authorized to permit, for a specified period, the marketing of seed or propagating material of a category subject to less stringent requirements, or of seed or propagating material of varieties not included in the common catalogues of varieties of agricultural and vegetable species or in their national catalogues of varieties:

- Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed ⁽³⁾, as last amended by Directive 88/95/EEC ⁽⁴⁾,
- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽⁵⁾, as last amended by Directive 87/480/EEC ⁽⁶⁾,
- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽⁷⁾, as last amended by Directive 87/120/EEC ⁽⁸⁾,
- Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes ⁽⁹⁾, as last amended by Directive 87/374/EEC ⁽¹⁰⁾,
- Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material ⁽¹¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽¹²⁾,

- Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽¹³⁾, as last amended by Directive 86/155/EEC ⁽¹⁴⁾,
- Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants ⁽¹⁵⁾, as last amended by Directive 87/480/EEC,
- Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed ⁽¹⁶⁾, as last amended by Directive 87/481/EEC ⁽¹⁷⁾;

Whereas the adoption of rules for the application of those provisions may be considered appropriate for the more efficient functioning thereof;

Whereas it is appropriate for such rules to be adopted under the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph is hereby added to Article 17 of Directive 66/400/EEC:

- '3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21.'

Article 2

The following paragraph is hereby added to Article 17 of Directive 66/401/EEC:

- '3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21.'

⁽¹⁾ OJ No C 287, 14. 11. 1986, p. 4.

⁽²⁾ OJ No C 7, 12. 1. 1987, p. 298.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2290/66.

⁽⁴⁾ OJ No L 56, 2. 3. 1988, p. 42.

⁽⁵⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽⁶⁾ OJ No L 273, 26. 9. 1987, p. 43.

⁽⁷⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽⁸⁾ OJ No L 49, 18. 2. 1987, p. 39.

⁽⁹⁾ OJ No 125, 11. 7. 1966, p. 2320/66.

⁽¹⁰⁾ OJ No L 197, 18. 7. 1987, p. 36.

⁽¹¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽¹²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽¹³⁾ OJ No L 93, 17. 4. 1968, p. 15.

⁽¹⁴⁾ OJ No L 118, 7. 5. 1986, p. 23.

⁽¹⁵⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽¹⁶⁾ OJ No L 225, 12. 10. 1970, p. 7.

⁽¹⁷⁾ OJ No L 273, 26. 9. 1987, p. 45.

Article 3

The following paragraph is hereby added to Article 17 of Directive 66/402/EEC:

'3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 21.'

Article 4

The following paragraph is hereby added to Article 16 of Directive 66/403/EEC:

'3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 19.'

Article 5

The following paragraph is hereby added to Article 15 of Directive 66/404/EEC:

'3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 17.'

Article 6

The following paragraph is hereby added to Article 14 of Directive 68/193/EEC:

'3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 17.'

Article 7

The following paragraph is hereby added to Article 16 of Directive 69/208/EEC:

'3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 20.'

Article 8

The following paragraph is hereby added to Article 33 of Directive 70/458/EEC:

'3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in Article 40.'

Article 9

This Directive is addressed to the Member States.

Done at Luxembourg, 13 June 1988.

For the Council

The President

I. KIECHLE