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Contents

I *Acts whose publication is obligatory*

- Commission Regulation (EEC) No 2126/88 of 18 July 1988 on the supply of various consignments of cereals to non-governmental organizations (NGOs) as food aid 1
- Commission Regulation (EEC) No 2127/88 of 18 July 1988 on the supply of various consignments of cereals to the World Food Programme (WFP) as food aid 6
- * Commission Regulation (EEC) No 2128/88 of 18 July 1988 re-establishing the levying of customs duties on gloves, mittens and mitts, not knitted or crocheted, products of category 87 (order No 40.0870) and wadding of textile materials and articles thereof, flock, dust and mill neps, products of category 94 (order No 40.0940), originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply 10
- * Commission Regulation (EEC) No 2129/88 of 18 July 1988 re-establishing the levying of customs duties on men's or boys' knitted or crocheted suits and ensembles, products of category 75 (order No 40.0750), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply 12
- * Commission Regulation (EEC) No 2130/88 of 18 July 1988 re-establishing the levying of customs duties on other footwear, falling within CN codes 6404 and 6405 90 10, originating in the Philippines, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply 13
- * Commission Decision No 2131/88/ECSC of 18 July 1988 imposing a definitive anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia and definitively collecting the provisional anti-dumping duty imposed on those imports 14

* Commission Decision No 2132/88/ECSC of 18 July 1988 imposing a definitive anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia and definitively collecting the provisional anti-dumping duties imposed on those imports	18
Commission Regulation (EEC) No 2133/88 of 18 July 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal	20
Commission Regulation (EEC) No 2134/88 of 18 July 1988 fixing the premiums to be added to the import levies on cereals, flour and malt	22
* Commission Regulation (EEC) No 2135/88 of 18 July 1988 amending Regulation (EEC) No 480/87 laying down rules for implementing the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff, originating in Thailand and exported from that country in 1987, 1988, 1989 and 1990	24
* Commission Regulation (EEC) No 2136/88 of 18 July 1988 determining, for the period 1 July 1988 to 31 January 1989, the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86	26
* Commission Regulation (EEC) No 2137/88 of 18 July 1988 adopting measures for the supply of raw sugar from beet harvested in the Community to Portuguese refineries during the 1987/88 marketing year	28
Commission Regulation (EEC) No 2138/88 of 18 July 1988 concerning applications for STM licences for cereals submitted during the first 10 days of July 1988 ...	31
Commission Regulation (EEC) No 2139/88 of 18 July 1988 amending for the second time Regulation (EEC) No 2001/88 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)	32
Commission Regulation (EEC) No 2140/88 of 18 July 1988 abolishing a countervailing charge on cherries originating in Hungary	33
Commission Regulation (EEC) No 2141/88 of 18 July 1988 introducing a countervailing charge on aubergines originating in Spain (except the Canary Islands)	34
Commission Regulation (EEC) No 2142/88 of 18 July 1988 fixing the import levies on white sugar and raw sugar	36
Commission Regulation (EEC) No 2143/88 of 18 July 1988 altering the export refunds on white sugar and raw sugar exported in the natural state	38

II Acts whose publication is not obligatory

Commission

88/391/EEC:

- | | |
|--|----|
| * Commission Decision of 13 June 1988 approving an integrated Mediterranean programme for the Liguria region | 40 |
|--|----|

88/392/EEC:

- | | |
|--|----|
| * Commission Decision of 13 June 1988 approving an integrated Mediterranean programme for the Toscana region | 42 |
|--|----|

88/393/EEC :

- * **Commission Decision of 14 June 1988 approving a specific programme notified by the Kingdom of Spain on the improvement of structures for marketing flowers and live plants in Spain, in accordance with Council Regulation (EEC) No 355/77** 43

88/394/Euratom :

- * **Commission opinion of 14 June 1988 concerning the nuclear power-station Vandellòs II (Spain)** 44

88/395/EEC :

- * **Commission Decision of 15 June 1988 requiring Italy to rescind the further measures taken to protect itself against the introduction of harmful organisms associated with fresh cultivated mushrooms** 46

88/396/EEC :

Commission Decision of 21 June 1988 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe 48

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2126/88

of 18 July 1988

on the supply of various consignments of cereals to non-governmental organizations (NGOs) as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1870/88 ⁽²⁾, and in particular Article 6 (1)(c) thereof,

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

Whereas, by its Decisions of 15 December 1987 and 16 March 1988 on the supply of food aid to NGOs the Commission allocated to those organizations 10 851 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation No⁽¹⁾:** 668 and 669/88
2. **Programme:** 1987
3. **Recipient:** Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oestgeest
4. **Representative of the recipient⁽²⁾:** see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination:** Algeria, Djibouti
6. **Product to be mobilized:** milled long-grain rice (not parboiled)
7. **Characteristics and quality of the goods⁽³⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.10)
8. **Total quantity:** 320 tonnes (768 tonnes cereals)
9. **Number of lots:** one (in two parts: Part I: 300 tonnes; Part II: 20 tonnes)
10. **Packaging and marking⁽⁴⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.1.C)
— marking on the bags in letters at least 5 cm high:
Part I. 300 tonnes: 'ACTION N° 668/88 RIZ / ALGÉRIE / CARITAS BELGICA / 80232 / ALGER / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / POUR DISTRIBUTION GRATUITE'
Part II. 20 tonnes: 'ACTION N° 669/88 / RIZ / DJIBOUTI / CARITAS BELGICA / 80233 / DJIBOUTI / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / POUR DISTRIBUTION GRATUITE'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 15 to 31 August 1988
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 2 August 1988 at 12 noon (Brussels time)
21. **In the case of a second invitation to tender:**
(a) deadline for the submission of tenders: 16 August 1988 at 12 noon (Brussels time)
(b) period for making the goods available at the port of shipment: 1 to 15 September 1988
(c) deadline for the supply: —
22. **Amount of the tendering security:** 5 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders⁽⁵⁾:**
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels, telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁶⁾:**
Refund applicable on 10 July 1988 fixed by Regulation (EEC) No 1877/88 in *Official Journal of the European Communities* No L 168 of 1 July 1988, page 30

ANNEX II

1. **Operation Nos** ⁽¹⁾: 565, 566 and 702/88
2. **Programme**: 1988
3. **Recipient**: Euronaid, Rhijngeestersstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination**: Guatemala, Somalia
6. **Product to be mobilized**: rolled oats
7. **Characteristics and quality of the goods** ⁽³⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II. A. 9)
8. **Total quantity**: 60 tonnes (104 tonnes of cereals)
9. **Number of lots**: one (in three parts: Part I: 30 tonnes; Part II: 18 tonnes; Part III: 12 tonnes)
10. **Packaging and marking** ⁽⁴⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II. B. 3)
— marking on the bags in letters at least 5 cm high:
Part I. 30 tonnes: 'ACCIÓN Nº 565/88 / COPOS DE AVENA / GUATEMALA / CAM / 82007 / SAN PEDRO DE CARCHA VÍA SANTO TOMÁS DE CASTILLA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA'.
Part II. 18 tonnes: 'ACCIÓN Nº 566/88 / COPOS DE AVENA / GUATEMALA / CAM / 82008 / GUATEMALA CITY VÍA SANTO TOMÁS DE CASTILLA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA'.
Part III. 12 tonnes: 'ACTION No 702/88 / ROLLED OATS / SOMALIA / CARITAS ITALIANA / 80615 / MOGADISHU / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / FOR FREE DISTRIBUTION'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15 to 31 August 1988
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 2 August 1988
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 16 August 1988* at 12 noon (Brussels time)
(b) period for making the goods available at the port of shipment: 1 to 15 September 1988
(c) deadline for the supply: —
22. **Amount of the tendering security**: 5 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** ⁽⁵⁾:
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels, telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾:
Refund applicable on 10 July 1988 fixed by Regulation (EEC) No 1877/88 in *Official Journal of the European Communities* No L 168 of 1 July 1988, page 30

ANNEX III

1. Operation No ⁽¹⁾: 701/88
2. Programme: 1987
3. Recipient: Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. Representative of the recipient ⁽²⁾: see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. Place or country of destination: Ethiopia
6. Product to be mobilized: common wheat
7. Characteristics and quality of the goods ⁽³⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.1)
8. Total quantity: 10 000 tonnes
9. Number of lots: one
10. Packaging and marking ⁽⁴⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.1.C)
— marking on the bags, in letters at least 5 cm high:
‘ACTION No 701/88 / WHEAT / ETHIOPIA / LWF/JRP/75 102 / ASSAB / FOR FREE DISTRIBUTION / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY’
11. Method of mobilization: the Community market
12. Stage of supply: free at port of shipment
13. Port of shipment: —
14. Port of landing specified by the recipient: —
15. Port of landing: —
16. Address of the warehouse and, if appropriate, port of landing: —
17. Period for making the goods available at the port of shipment: 15 to 31 August 1988
18. Deadline for the supply: —
19. Procedure for determining the costs of supply: tendering
20. Date of expiry of the period allowed for submission of tenders: 12 noon (Brussels time) on 2 August 1988
21. In the case of a second invitation to tender:
 - (a) deadline for the submission of tenders: 16 August 1988 at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment: 1 to 15 September 1988
 - (c) deadline for the supply: —
22. Amount of the tendering security: 5 ECU/tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ECU
24. Address for submission of tenders ⁽⁵⁾:
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels, telex: AGREC 22037 B
25. Refund payable on request by the successful tenderer ⁽⁶⁾:
Refund applicable on 10 July 1988, fixed by Regulation (EEC) No 1877/88 in *Official Journal of the European Communities* No L 168 of 1 July 1988, page 30.

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

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

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

- phytosanitary certificate,
- certificate of origin.

The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.

- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
235 01 32,
236 10 97,
235 01 30,
236 20 05.
- (⁶) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
-

COMMISSION REGULATION (EEC) No 2127/88

of 18 July 1988

on the supply of various consignments of cereals to the World Food Programme (WFP) as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1870/88⁽²⁾, and in particular Article 6(1)(c) thereof,

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

Whereas, by its Decisions of 15 April 1987 and 16 March 1988 on the supply of food aid to the World Food Programme the Commission allocated to that organization 9 744 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of cereals to the World Food Programme in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexes hereto.

Article 2

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

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation Nos⁽¹⁾:** 773 and 774/88
2. **Programme:** 1988
3. **Recipient:** World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma, telex: 626675 WFP I
4. **Representative of the recipient⁽²⁾:** see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination:** People's Democratic Republic of Yemen
6. **Product to be mobilized:** common wheat flour
7. **Characteristics and quality of the goods⁽³⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under IIA.6)
8. **Total quantity:** 2 650 tonnes (equal to 3 630 tonnes of cereals)
9. **Number of lots:** two (Lot A: 1 400 tonnes; Lot B: 1 250 tonnes)
10. **Packaging and marking⁽⁴⁾:**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under IIB.2. (a))
— marking on the bags in letters at least 5 cm high:
Lot A: 'ACTION No 773/88 / PDR YEMEN 0258000 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ADEN'
Lot B: 'ACTION No 774/88 / PDR YEMEN 0258001 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ADEN'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** Lot A: 15 to 31 August 1988; Lot B: 1 to 15 September 1988
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 2 August 1988 at 12 noon (Brussels time)
21. **In the case of a second invitation to tender:**
(a) deadline for the submission of tenders: 16 August 1988 at 12 noon (Brussels time)
(b) period for making the goods available at the port of shipment: Lot A: 1 to 15 September 1988; Lot B: 15 to 30 September 1988
(c) deadline for the supply: —
22. **Amount of the tendering security:** 5 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders⁽⁵⁾:**
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels, telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁶⁾:**
Refund applicable on 10 July 1988 fixed by Regulation (EEC) No 1877/88 in *Official Journal of the European Communities* No L 168 of 1 July 1988, page 30

ANNEX II

1. **Operation No⁽¹⁾:** 234/88
2. **Programme :** 1987
3. **Recipient :** World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome telex : 626675 WFP I
4. **Representative of the recipient⁽²⁾ :** see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination :** Ethiopia
6. **Product to be mobilized :** common wheat
7. **Characteristics and quality of the goods⁽³⁾ :**
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.1)
8. **Total quantity :** 6 114 tonnes
9. **Number of lots :** one
10. **Packaging :** in bulk, plus
 - 129 000 empty new jute sacks, minimum weight 600 g, of a capacity of 50 kilograms, and 75 needles and sufficient twine
 - marking on the bags, in letters at least 5 cm high :
'ACTION No 234/88 / ETHIOPIA 0248802 / WHEAT / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / MASSAWA'
11. **Method of mobilization :** the Community market
12. **Stage of supply :** free at port of shipment
13. **Port of shipment :** —
14. **Port of landing specified by the recipient :** —
15. **Port of landing :** —
16. **Address of the warehouse and, if appropriate, port of landing :** —
17. **Period for making the goods available at the port of shipment :** 1 to 30 October 1988
18. **Deadline for the supply :** —
19. **Procedure for determining the costs of supply :** tendering
20. **Date of expiry of the period allowed for submission of tenders :** 12 noon (Brussels time) on 2 August 1988
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 16 August 1988 (Brussels time)
 - (b) period for making the goods available at the port of shipment : 1 to 30 October 1988
 - (c) deadline for the supply : —
22. **Amount of the tendering security :** 5 ECU/tonne
23. **Amount of the delivery security :** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders⁽⁴⁾ :**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Brussels, telex : AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁵⁾ :**
Refund applicable on 10 July 1988 fixed by Regulation (EEC) No 1877/88 in *Official Journal of the European Communities* No L 168 of 1 July 1988, page 30.

Notes :

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to be contacted by the successful tenderer :
- I — See list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- II — Mr Haffner, Tedla Desta Building, Africa Avenue (Bole Road), first floor, PO Box 5570 Addis Ababa (telex 21135 DELEGEUR-ADDIS ABABA).
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 level.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- certificate of origin,
 - phytosanitary certificate.
- (4) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (5) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (6) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

COMMISSION REGULATION (EEC) No 2128/88

of 18 July 1988

re-establishing the levying of customs duties on gloves, mittens and mitts, not knitted or crocheted, products of category 87 (order No 40.0870) and wadding of textile materials and articles thereof, flock, dust and mill neps, products of category 94 (order No 40.0940), originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, in respect of gloves, mittens and mitts, not knitted or crocheted, products of category 87 (order No 40.0870) and wadding of textile materials and articles thereof, flock, dust and mill neps, products of category 94 (order No 40.0940) the relevant ceiling amounts to 5 000 and 16 000 tonnes respectively;

Whereas on 8 July 1988 imports of the products in question into the Community, originating in South Korea, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 July 1988, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3782/87, shall be re-established in respect of the following products, imported into the Community and originating in South Korea:

Order No	Category	CN code	Description
40.0870	87 (tonnes)	ex 6209 10 00 ex 6209 20 00 ex 6209 30 00 ex 6209 90 00 6216 00 00	Gloves, mittens and mitts, not knitted or crocheted
40.0940	94 (tonnes)	5601 10 10 5601 10 90 5601 21 10 5601 21 90 5601 22 10 5601 22 91 5601 22 99 5601 29 00 5601 30 00	Wadding of textile materials and articles thereof, textile fibres, not exceeding 5 mm in length (flock), textile dust and mill neps

⁽¹⁾ OJ No L 367, 28. 12. 1987, p. 58.

⁽²⁾ OJ No L 367, 28. 12. 1987, p. 1.

Article 2

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

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

Done at Brussels, 18 July 1988.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 2129/88
of 18 July 1988

re-establishing the levying of customs duties on men's or boys' knitted or crocheted suits and ensembles, products of category 75 (order No 40.0750), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply

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

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

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

Whereas, in respect of men's or boys' knitted or crocheted suits and ensembles, products of category 75 (order No 40.0750) the relevant ceiling amounts to 12 000 pieces;

Whereas on 8 July 1988 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 July 1988, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3782/87, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Order No	Category	CN code	Description
40.0750	75 (1 000 pieces)	6103 11 00 6103 12 00 6103 19 00 6103 21 00 6103 22 00 6103 23 00 6103 29 00	Men's or boys' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits

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, 18 July 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 367, 28. 12. 1987, p. 58.

⁽²⁾ OJ No L 367, 28. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 2130/88

of 18 July 1988

re-establishing the levying of customs duties on other footwear, falling within CN codes 6404 and 6405 90 10, originating in the Philippines, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

Whereas, in the case of other footwear, falling within CN codes 6404 and 6405 90 10, originating in the Philippines, the individual ceiling was fixed at 2 400 000 ECU; whereas, on 24 June 1988, imports of these products into the Community originating in the Philippines 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 the Philippines,

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 July 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 the Philippines:

Order No	CN code	Description
10.0680	6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials
	6405 90 10	Other footwear, with outer soles of rubber, of plastics, of leather or of composition leather

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, 18 July 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 350, 12. 12. 1987, p. 1.

COMMISSION DECISION No 2131/88/ECSC

of 18 July 1988

imposing a definitive anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia and definitively collecting the provisional anti-dumping duty imposed on those imports

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 12 thereof,

After consultations within the Advisory Committee as provided for under the above Decision,

Whereas :

A. Provisional measures

- (1) The Commission, by Decision No 229/88/ECSC⁽²⁾, as amended by Decision No 980/88/ECSC⁽³⁾, reimposed a provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia, following complaints that an undertaking given by the Yugoslav exporters had been breached.

B. Subsequent procedure

- (2) At the request of the Yugoslav exporters, which represent all the trade involved, the Commission, by Decision No 1321/88/ECSC⁽⁴⁾, extended the validity of the provisional duty for a further period of two months.
- (3) By a notice published in the *Official Journal of the European Communities*⁽⁵⁾ the Commission announced the reopening of an anti-dumping investigation concerning imports of certain sheets and plates, of iron or steel, originating in Yugoslavia. The products in question are certain flat-rolled products, of iron or non-alloy steel, of a width exceeding 500 mm, of a thickness of 3 mm or more, not in coils, not further worked than hot rolled, containing by weight less than 0,6 % of carbon, falling within CN codes :

ex 7208 32 10,	ex 7208 32 30,	ex 7208 32 51,
ex 7208 32 59,	ex 7208 32 91,	ex 7208 32 99,

ex 7208 33 10,	ex 7208 33 91,	ex 7208 33 99,
ex 7208 34 10,	ex 7208 34 90,	ex 7208 42 10,
ex 7208 42 30,	ex 7208 42 51,	ex 7208 42 59,
ex 7208 42 91,	ex 7208 42 99,	ex 7208 43 10,
ex 7208 43 91,	ex 7208 43 99,	ex 7208 44 10,
ex 7208 44 90,	ex 7211 12 10,	ex 7211 19 10,
ex 7211 22 10 and ex 7211 29 10.		

- (4) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (5) All of the Yugoslav producers/exporters known to the Commission made known their views in writing. They requested and were granted an opportunity to be heard by the Commission and made submissions expressing their views on the duty.
- (6) No submissions were made by or on behalf of Community purchasers or processors of sheets and plates of iron or steel.
- (7) The Commission sought and verified all information it deemed to be necessary for the purposes of its determination and carried out investigations at the premises of the following companies :

Community producers :

- Thyssen Stahl AG, Duisburg, Germany,
- Peine-Salzgitter AG, Salzgitter, Germany,
- Nuova Italsider SpA, Genoa, Italy;

Community importer :

Metallia Handelsgesellschaft mbH, Düsseldorf, Germany.

- (8) The Commission requested and received detailed written submissions from complainant Community producers and verified the information therein to the extent considered necessary.
- (9) The Commission also sent questionnaires to the Yugoslav producers known to be concerned in order to obtain the necessary information. However, information submitted by the Yugoslav producers was incomplete and they refused in particular to disclose details of quantities and prices with regard to their domestic market and certain

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 17.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 13.

⁽³⁾ OJ No L 98, 15. 4. 1988, p. 33.

⁽⁴⁾ OJ No L 123, 17. 5. 1988, p. 20.

⁽⁵⁾ OJ No C 22, 28. 1. 1988, p. 10.

export transactions. Under these circumstances the Commission concluded that on-the-spot verification was not warranted and decided to base its preliminary determinations on the available evidence.

- (10) The investigation of dumping covered the period from 1 January to 31 December 1987.

C. Normal value

- (11) As all the Yugoslav producers refused to submit information with regard to sales of sheets and plates of iron or steel on their domestic market, the Commission established normal values on the basis of the published basic prices⁽¹⁾, as they applied during the investigation period, and in the light of the price rules agreed upon under the terms of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part (83/42/ECSC⁽²⁾).

D. Export prices

- (12) Since the necessary information on export prices was not made available to the Commission, export prices were determined according to Article 7 (7) (b) of Decision No 2177/84/ECSC on the basis of the facts available. For this purpose the Commission used information from import licence applications, in particular the purchase prices which were declared by the importers.

E. Comparison

- (13) As far as the information available to the Commission permitted, export prices were compared with the normal value derived from the published basic prices for standard steel qualities without extras.
- (14) In comparing normal value, i.e. basic prices less customs duty, with export prices the Commission took account, where appropriate and to the extent of the evidence available, of differences in conditions and terms of sale such as transport, insurance, forwarding and handling costs.
- (15) Since the basic prices are calculated cif Community frontier, all comparisons were made at the level cif Community frontier, duty unpaid.

F. Margins

- (16) The above examination of the facts shows that, since the acceptance of the undertaking by Commission Decision No 86/639/ECSC⁽³⁾, the

Yugoslav exporters have continued to be involved in dumping, the margins of dumping being equal to the amount by which the normal value as established exceeds the prices for export to the Community. Since the information on export prices derived from licence applications of Community importers did not include a breakdown of export transactions carried out by different exporters, the Commission considered it appropriate to determine a single dumping margin for exports of sheets and plates of iron or steel, originating in Yugoslavia. The weighted average margin expressed as a percentage of total cif values amounts to 15,4 %.

- (17) The determination of the above margin takes account of changed circumstances since the acceptance of the undertaking given by the Yugoslav importers, in particular the revision of the basic prices from which normal value was derived, and is considered by the Commission to be definitive.

G. Breach of undertaking and consequent impact

- (18) The Commission had terminated the investigation concerning imports of sheets and plates of iron and steel originating in Yugoslavia without imposing definitive protective measures by accepting an undertaking pursuant to which the Yugoslav exporters undertook to follow a pricing and marketing policy for sheets and plates of iron or steel which would not disrupt the sheets and plates market and the traditional trading pattern in the Community and to reduce these exports to a level at which there would be no further injury to the Community industry.
- (19) The evidence available to the Commission shows that, contrary to this commitment, the exporters have not reduced the volume of their exports in the manner foreseen in the undertaking. In fact, imports of sheets and plates from Yugoslavia differed substantially from the traditional trading pattern in certain Member States of the Community. In particular, as regards Italy, in 1987 imports exceeded the target volume in the undertaking by 115 %; thus, the market share held by Yugoslav imports in Italy was practically not reduced.
- (20) The evidence available to the Commission also indicates that the prices at which the dumped products were sold in the Community undercut the list prices notified by Community producers to the Commission to a varying degree — by between 17 and 28 %. The evidence of price undercutting is

⁽¹⁾ OJ No C 119, 5. 5. 1987, p. 3.

⁽²⁾ OJ No L 41, 14. 2. 1983, p. 113.

⁽³⁾ OJ No L 371, 31. 12. 1986, p. 84.

substantiated by notifications of price alignments to offers for sale of the dumped Yugoslav products in the Community, submitted to the Commission by Community producers within the framework of the ECSC price rules.

- (21) Under these conditions the imports in question continued to have a price-depressing effect, forcing Community producers to align their prices and to sustain considerable financial losses.
- (22) These factors led the Commission to determine that the imports under consideration have continued to cause material injury to the Community industry concerned and that the undertaking accepted from the Yugoslav exporters has not served its purpose of eliminating the injury.

H. Community interest

- (23) No observations were received from any user of sheets and plates, of iron or steel, imported from Yugoslavia and subject to the provisional anti-dumping duty, within the time limit laid down in Article 2 of Decision No 229/88/ECSC.
- (24) The Commission, therefore, confirms its conclusion that it is in the Community's interest that action be taken. Under these circumstances, protection of the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia.

I. Undertaking

- (25) The exporters of the Yugoslav products, having been informed of the Commission's intention to take action in the form of the imposition of a definitive anti-dumping duty, offered a new undertaking concerning the exports of certain plates and sheets, of iron or steel, to the Community.
- (26) After consulting the Advisory Committee, the Commission did not accept the undertaking offered and informed the exporters concerned of the reasons for its decision.

J. Rate of duty

- (27) The Commission had determined the rate of the provisional duty in accordance with Article 10 (6) of Commission Decision No 2177/84/ECSC on the basis of facts established before the acceptance of the first undertaking offered by the Yugoslav exporters, as set out in Commission Decision No 2767/86/ECSC⁽¹⁾.
- (28) The Commission took into consideration the fact that the circumstances had changed in the mean

time, in particular, the downward revision of basis prices from which normal value had been derived and changes in the effective list prices of Community producers. These factors leading to a smaller dumping margin and a lesser rate of price undercutting should be reflected in the rate of the definitive duty.

- (29) Taking into account that it is necessary for the Community industry to achieve the published prices for plates and sheets in order to generate a sufficient flow of earnings to cope with restructuring and to keep the impact on employment within acceptable limits, the duty should be sufficient to eliminate as far as possible the price undercutting but not exceed the dumping margin and be expressed as an amount in ECU to be paid on each tonne imported into the Community. This form of duty appears more appropriate in the light of the specific circumstances of the market for the relevant products in order to ensure the effectiveness of the measure. On this basis the Commission calculated the amount of the definitive duty at 48 ECU per 1 000 kilograms.

K. Collection of provisional duty

- (30) In view of the breach of the undertaking, the continuing dumping margins and the injury caused to Community producers, it is considered necessary that amounts secured by way of provisional anti-dumping duty should be collected up to a maximum of the duty definitively imposed,

HAS ADOPTED THIS DECISION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of certain flat-rolled products of iron or non-alloy steel, of a width exceeding 500 mm, of a thickness of 3 mm or more, not in coils, not further worked than hot-rolled, containing by weight less than 0,6 % of carbon, falling within CN codes:

ex 7208 32 10,	ex 7208 32 30,	ex 7208 32 51,
ex 7208 32 59,	ex 7208 32 91,	ex 7208 32 99,
ex 7208 33 10,	ex 7208 33 91,	ex 7208 33 99,
ex 7208 34 10,	ex 7208 34 90,	ex 7208 42 10,
ex 7208 42 30,	ex 7208 42 51,	ex 7208 42 59,
ex 7208 42 91,	ex 7208 42 99,	ex 7208 43 10,
ex 7208 43 91,	ex 7208 43 99,	ex 7208 44 10,
ex 7208 44 90,	ex 7211 12 10,	ex 7211 19 10,
ex 7211 22 10 and ex 7211 29 10,		

originating in Yugoslavia.

⁽¹⁾ OJ No L 254, 6. 9. 1986, p. 18.

2. The amount of the duty shall be 48 ECU per 1 000 kilograms.

Yugoslavia, shall be definitively collected up to a maximum of 48 ECU per 1 000 kilograms.

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

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Decision No 229/88/ECSC on imports of certain sheets and plates, of iron or steel, originating in

Article 3

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

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

Done at Brussels, 18 July 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION No 2132/88/ECSC

of 18 July 1988

imposing a definitive anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia and definitively collecting the provisional anti-dumping duties imposed on those imports

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 12 thereof,

After consultations within the Advisory Committee as provided for under the above Decision,

Whereas :

A. Provisional measures

- (1) The Commission, by Decision No 163/88/ECSC⁽²⁾, as amended by Decision No 979/88/ECSC⁽³⁾, imposed a provisional anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, all the exporters requested and were granted an opportunity to be heard by the Commission and made submissions expressing their views on the duty.
- (3) At the request of the Yugoslav exporters concerned, which represent a significant percentage of the trade involved, the Commission, by Decision No 1322/88/ECSC⁽⁴⁾, extended the validity of the provisional duty for a further period of two months.

C. Dumping

- (4) No new evidence on dumping has been received since the imposition of the provisional duty and the Commission therefore considers its findings on dumping as set out in Decision No 163/88/ECSC to be definitive.

Consequently, the preliminary determinations on dumping are confirmed.

D. Injury

- (5) As no fresh evidence regarding injury to the Community industry was received, the Commission also confirms the conclusions on injury reached in Decision No 163/88/ECSC.

E. Community interest

- (6) No observations were received from any user of hot-rolled coils, of iron or steel, imported from Mexico, Algeria and Yugoslavia and subject to provisional anti-dumping duties, within the time limit laid down in Article 2 of Decision No 163/88/ECSC.
- (7) The Commission, therefore, confirms its conclusion that it is in the Community's interest that action be taken. Under these circumstances, protection of the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia.

F. Undertaking

- (8) The exporters of the Yugoslav product and an exporter of the Mexican product, having been informed that the main findings of the preliminary investigation would be confirmed, offered undertakings concerning their exports of certain iron or steel coils to the Community.
- (9) After consulting the Advisory Committee, the Commission did not accept the undertakings offered and informed the exporters concerned of the reasons for its decision.

G. Rate of definitive duty

- (10) In the light of the above determination, the amounts of the definitive anti-dumping duty should be the same as the amounts of the provisional anti-dumping duty.

H. Collection of provisional duty

- (11) In view of the importance of the dumping margins found and the seriousness of the injury caused to Community producers, it is considered necessary that amounts secured by way of provisional anti-dumping duty should be collected in full,

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 17.

⁽²⁾ OJ No L 18, 22. 1. 1988, p. 31.

⁽³⁾ OJ No L 98, 15. 4. 1988, p. 32.

⁽⁴⁾ OJ No L 123, 17. 5. 1988, p. 21.

HAS ADOPTED THIS DECISION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of certain flat-rolled products of iron or non-alloy steel, of a width exceeding 500 mm, not less than 1,5 mm thick, in coils, not further worked than hot rolled, containing by weight less than 0,6 % of carbon, falling within CN codes :

ex 7208 11 00,	ex 7208 12 91,	ex 7208 12 99,
ex 7208 13 91,	ex 7208 13 99,	ex 7208 14 90,
ex 7208 21 10,	ex 7208 21 90,	ex 7208 22 91,
ex 7208 22 99,	ex 7208 23 91,	ex 7208 23 99,
ex 7208 24 90,	ex 7211 12 10,	ex 7211 19 10,
ex 7211 22 10 and ex 7211 29 10,		

originating in Algeria, Mexico and Yugoslavia.

2. The amount of the duty shall be for the products listed in paragraph 1 originating in :

— Algeria :	15 ECU per 1 000 kilograms,
— Mexico :	50 ECU per 1 000 kilograms,
— Yugoslavia :	64 ECU per 1 000 kilograms.

3. Notwithstanding paragraph 2, the rate of the provisional anti-dumping duty shall be 39 ECU per 1 000 kilograms for products manufactured by Hylsa SA de CV, Monterrey, Mexico and exported by Hylsa International Corporation, Houston, Texas, USA.

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

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Decision No 163/88/ECSC shall be definitively collected in full.

Article 3

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

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

Done at Brussels, 18 July 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2133/88

of 18 July 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 1871/88⁽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 July 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 19 July 1988.

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

Done at Brussels, 18 July 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 168, 1. 7. 1988, p. 8.

ANNEX

to the Commission Regulation of 18 July 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	12,38	126,88
0712 90 19	12,38	126,88
1001 10 10	24,08	150,38 ⁽¹⁾ ⁽²⁾
1001 10 90	24,08	150,38 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	132,73
1001 90 99	0,00	132,73
1002 00 00	25,83	93,36 ⁽³⁾
1003 00 10	19,52	103,99
1003 00 90	19,52	103,99
1004 00 10	76,15	47,29
1004 00 90	76,15	47,29
1005 10 90	12,38	126,88 ⁽²⁾ ⁽³⁾
1005 90 00	12,38	126,88 ⁽²⁾ ⁽³⁾
1007 00 90	35,85	134,84 ⁽⁴⁾
1008 10 00	19,52	26,32
1008 20 00	19,52	52,25 ⁽⁴⁾
1008 30 00	19,52	0 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	19,52	0
1101 00 00	7,18	198,82
1102 10 00	49,16	143,70
1103 11 10	50,32	246,09
1103 11 90	7,75	214,73

⁽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 2134/88

of 18 July 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 1872/88⁽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 July 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 19 July 1988.

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

Done at Brussels, 18 July 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 168, 1. 7. 1988, p. 11.

ANNEX

to the Commission Regulation of 18 July 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 7	1st period 8	2nd period 9	3rd period 10
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 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 2135/88

of 18 July 1988

amending Regulation (EEC) No 480/87 laying down rules for implementing the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff, originating in Thailand and exported from that country in 1987, 1988, 1989 and 1990

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff and coming from third countries, and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 480/87⁽²⁾ lays down the rules for implementing the import arrangements applicable to manioc originating in Thailand and exported from that country in 1987, 1988, 1989 and 1990;

Whereas, in the light of experience, it was agreed with the exporting country that where quantities unloaded exceed the quantities in the export licence by up to a certain amount (2 %), the release for free circulation of the excess quantities should be authorized under the voluntary restraint agreement on the lodging by the importer of a security, pending the issue of an export licence for the additional quantity; whereas provision should be made for the resulting detailed rules of application concerning the issue of an import licence for the additional quantity and the conditions for releasing the abovementioned security; whereas the detailed rules laid down in this Regulation either are additional to or derogate from the provisions of Commission Regulation (EEC) No 3183/80 of 3 December 1980 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EEC) No 2082/87⁽⁴⁾;

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

Regulation (EEC) No 480/87 is hereby amended as follows:

1. Article 4 (2) is replaced by the following:

'2. Where it is found that the quantities actually unloaded exceed by no more than 2 % those covered by the import licences issued corresponding to the export licences allocated to the vessel in question, the competent authorities in the Member State of release for free circulation shall, at the request of the importer, authorize the release for free circulation of the excess quantities under the conditions laid down in the voluntary restraint agreement between the European Economic Community and Thailand, on the lodging by the importer of a security equal to the difference between the levy at the full rate and the levy subject to a ceiling of 6 % *ad valorem* laid down in the abovementioned agreement.

The security shall be released on submission of an import licence for the additional quantity. The licence shall be issued on presentation of one or more export licences for additional quantities issued by the Thai authorities for the quantities in question. Section 12 of the import licence for the additional quantity shall also bear one of the following:

- Certificado complementario. Apartado 2 del artículo 4 del Reglamento (CEE) nº 480/87
- Supplerende licens. Forordning (EØF) nr. 480/87, artikel 4, stk. 2
- Zusätzliche Lizenz — Artikel 4 Absatz 2 der Verordnung (EWG) Nr. 480/87
- Συμπληρωματικό πιστοποιητικό. Κανονισμός (ΕΟΚ) αριθ. 480/87 άρθρο 4 παράγραφος 2
- Licence for additional quantity. Article 4 (2) of Regulation (EEC) No 480/87
- Certificat complémentaire. Règlement (CEE) nº 480/87, article 4 paragraphe 2
- Titolo complementare. Regolamento (CEE) n. 480/87, articolo 4, paragrafo 2
- Aanvullend certificaat — artikel 4, lid 2, van Verordening (EEG) nr. 480/87
- Certificado complementar. Nº 2 do artigo 4º do Regulamento (CEE) nº 480/87.

The security provided shall be forfeited in respect of quantities for which an import licence for the additional quantity is not submitted within four months, except in cases of *force majeure*, from the date of acceptance of the declaration of release for free circulation referred to in the first subparagraph.

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 49, 18. 2. 1987, p. 13.

⁽³⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽⁴⁾ OJ No L 195, 16. 7. 1987, p. 11.

The competent authorities of the Member State of release for free circulation shall notify to the Commission by telex, case by case, and as soon as possible, the number or numbers of Thai export certificates for additional quantities, the number or numbers of import licences for additional quantities and the excess quantity concerned.'

2. The following paragraph 3 is added to Article 4:

'3. Applications for licences shall be lodged in any Member State and licences issued shall be valid in the 12 Member States.

The third indent of Article 5 (1) and Article 8 (4) and (5) of Regulation (EEC) No 3183/80 shall not apply.'

3. Article 6 (3) is replaced by the following:

'3. Subject to the application of Article 4 (2) and by way of derogation from Article 8 (4) of Regulation (EEC) No 3183/80, the quantity released for free circulation may not exceed that indicated in sections 10 and 11 of the import licences. The figure 0 shall be entered to that effect in section 22 of the said licences'.

Article 2

This Regulation shall enter into force on the eighth 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, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2136/88

of 18 July 1988

determining, for the period 1 July 1988 to 31 January 1989, the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1107/88⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for the raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar; whereas the final production of the French overseas department of Réunion for the 1988/89 marketing year will not be definitively established until the end of January 1989; whereas in these circumstances provision should be made as a first step for an apportionment of the quantity which is sufficient to enable the refineries in question to be supplied during the period 1 July 1988 to 31 January 1989;

Whereas Commission Regulation (EEC) No 2145/87⁽⁴⁾ on the one hand laid down the detailed rules for the granting of the refining aid for the sugar produced in the

French overseas departments and on the other hand determined the quantities of raw sugar in question for the 1987/88 marketing year; whereas it was not possible for all of those quantities to be refined in due time but, in being considered as working stock, those quantities are eligible to the refining aid; whereas it is as a consequence appropriate to provide that the refining aid should be applied to those quantities by attributing them to the quantities fixed by Regulation (EEC) No 2145/87 for the 1987/88 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of sugar referred to in Article 3 (2) of Regulation (EEC) No 2225/86 shall be fixed for the period 1 July 1988 to 31 January 1989 in accordance with the Annex to this Regulation.

Article 2

For the quantities of raw sugar falling within the quantities referred to in the Annex to Regulation (EEC) No 2145/87 but for which refining took place as from 1 July 1988, the refining aid in force during the 1988/89 marketing year, by virtue of Article 3 of Regulation (EEC) No 2225/86 shall be applicable. Those quantities shall be attributed to the quantities laid down in the Annex to Regulation (EEC) No 2145/87 for the 1987/88 marketing year.

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 with effect from 1 July 1988.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 201, 22. 7. 1987, p. 21.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Quantities of raw cane sugar, expressed as tonnes of white sugar:

Originating from the French overseas departments	For refining			
	in metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	170	10	0	0
2. Guadeloupe and Martinique	32	30	0	0

COMMISSION REGULATION (EEC) No 2137/88

of 18 July 1988

adopting measures for the supply of raw sugar from beet harvested in the Community to Portuguese refineries during the 1987/88 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1107/88⁽²⁾, and in particular Article 9 (6) and the second subparagraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purpose of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 12 thereof,

Whereas the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 stipulates that, to the extent necessary for the supply of refineries, provision may be made for the same measures as those taken in regard to raw sugar produced in the French overseas departments to be applied to raw sugar produced from beet harvested in the Community; whereas the raw sugar forward supply estimate for all refineries indicates that such sugar is available for Portuguese refineries for the 1988/89 marketing year;

Whereas Commission Regulation (EEC) No 2136/88⁽⁵⁾ lays down for the 1988/89 marketing year measures for the disposal of raw sugar produced in the French overseas departments and intended for refining in the European regions of the Community; whereas these measures consist of a flat-rate aid for transport to those regions and a refining aid; whereas the abovementioned raw sugar forward supply estimate indicates, after taking account of the quantities imported by Portugal at a reduced levy in accordance with the provisions of the first and second subparagraphs of Article 303 of the Act of Accession of Spain and Portugal, the existence of a supplementary requirement for the Portuguese refineries; whereas this requirement can be met for the said marketing year from supplies available in the Community by making available to the refineries a quantity of sugar, expressed as white sugar, obtained from beet harvested in the Community; whereas the application to this sugar of the measures

provided for in the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 makes such action possible at the least cost; whereas consequently the same aid measures should be adopted for these quantities of raw beet sugar as those prescribed by Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽⁶⁾;

Whereas certain detailed rules relating to the determination of weights and sugar yields should be laid down, particularly in the case of transport in bulk in the same vessel but on behalf of several sellers;

Whereas in general a considerable period of time elapses between the date on which the sugar in question is loaded and that on which the formalities required for payment of the aid by the competent agency are concluded on arrival; whereas provision should therefore be made for advance payment;

Whereas suitable control provisions with regard to the refined sugar, including a definition of the term 'refining', should be laid down;

Whereas, for conversion into escudos of the aid amounts, the conversion rate applicable to the transport aid and to the advance of that aid should be the agricultural conversion rate in force on the day when the bill of lading is made out for the sugar transported, all of which will be transported by sea, and, in so far as the refining aid is concerned, the conversion rate should be the agricultural conversion rate in force on the day when the sugar in question is refined;

Whereas Commission Regulation (EEC) No 2146/87⁽⁷⁾ determined the quantities of raw sugar obtained from beet harvested in the Community intended, for the 1987/88 marketing year, for the Portuguese refineries and entitled hereby to benefit from the same aids as those granted for the raw sugar produced in the French overseas departments; whereas it was not possible for all of those quantities to be refined in good time but, in being considered as working stock, those quantities are eligible for the refining aid; whereas it is appropriate to provide that the refining aid should be applied to those quantities by attributing them to the quantities fixed in Article 1 of Regulation (EEC) No 2146/87 for the 1987/88 marketing year;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ See page 26 of this Official Journal.

⁽⁶⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁷⁾ OJ No L 201, 22. 7. 1987, p. 23.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1988/89 marketing year, flat-rate Community aids shall be granted, as an intervention measure, in accordance with the conditions set out in this Regulation, for the transport to and refining in Portugal of raw sugar obtained from beet harvested in the Community, up to a limit equivalent to 20 000 tonnes of white sugar.

Article 2

1. There shall be granted for the sugar referred to in Article 1 delivered to Portuguese refineries and within the prescribed limit:

(a) a flat-rate aid for transport equal to the total aid granted during the 1988/89 marketing year under Article 2 of Regulation (EEC) No 2225/86 for the transport of raw sugar produced in the French overseas departments;

and

(b) an aid for refining in Portuguese refineries made up of:

(aa) an amount per 100 kilograms of raw sugar of standard quality equal to the difference between the storage levy as referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81 that was actually collected for the sugar in question and three times the amount of the monthly reimbursement of storage costs as referred to in the first subparagraph of Article 8 (2) of that Regulation which is applicable during the refining of the sugar;

and

(bb) for each tenth of a percentage point of yield in excess of 92 %, an amount equal to 0,0387 % of the intervention price for raw sugar for the 1988/89 marketing year.

2. The aid specified in paragraph 1 shall be granted on application by the Portuguese undertakings refining the sugar in question to the competent Portuguese authorities.

Article 3

1. The transport aid referred to in Article 2 (1) (a):

(a) shall, be applicable to the accepted arrival weight expressed as white sugar using the yield formula referred to in Article 1 (3) of Council Regulation (EEC) No 431/68⁽¹⁾.

In the case of transport in bulk which does not allow the identification of individual lots, the average yield

of the whole quantity delivered shall be applied to all the sugar in question;

(b) shall be paid on presentation by the refiner:

— of the customs document of entry for consumption in Portugal or of the copy or photocopy of that document certified to be a true copy either by the body which approved the original document or by the official Portuguese services, and

— the bill of lading, the results of the analyses and the final invoice.

2. The analyses shall be carried out on delivery, in respect of the entire shipment, by 250-tonne lots, by a laboratory approved by Portugal.

3. An advance on the aid referred to in paragraph 1 may be paid, representing 90 % of the amount determined on the basis of the weight shown on the provisional invoice converted into white sugar on the basis of a standard yield of 94 %.

Applications for advance payment shall be made by the refiner concerned and accompanied by the customs document of entry into Portugal, the bill of lading and the provisional invoice.

Article 4

For the granting of the aid referred to in Article 2 (1) (b):

(a) the raw sugar concerned shall, at the refiner's request, be placed under customs control or under another form of administrative control providing the same safeguards;

(b) refining shall be understood to be the conversion of raw sugar as defined in Article 1 (2) (b) of Regulation (EEC) No 1785/81 into white sugar as defined in Article 1 (2) (a) of the said Regulation.

Article 5

1. The aids referred to in Article 2 (1) shall be granted only if the application presented by the refiner is accompanied by evidence recognized by Portugal that the raw sugar in question was obtained from beet harvested in the Community and if the bill of lading for the transported sugar was drawn up on or after 1 July 1988.

2. To permit the granting of the transport aid referred to in Article 2 (1) (a), the Commission shall notify the competent Portuguese authorities of the unit transport aid amounts applicable during the 1988/89 marketing year.

3. Within two months following each relevant month, Portugal shall notify the Commission of the quantities, expressed as white sugar, for which the aid specified in Article 2 (1) has been granted and the sums corresponding to those quantities.

⁽¹⁾ OJ No L 89, 10. 4. 1968, p. 3.

Article 6

For the quantities of sugar falling within the quantity fixed in Article 1 of Regulation (EEC) No 2146/87 for which refining took place as from 1 July 1988, the refining aid in force during the 1988/89 marketing year by virtue of Article 2 (b) of this Regulation shall be applicable. The quantities so refined shall be attributed to the quantity fixed in Article 1 of Regulation (EEC) No 2146/87 for the 1987/88 marketing year.

Article 7

The conversion into escudos :

- (a) of the aid referred to in Article 2 (1) (a) and of the advance payments referred to in Article 3 (3) shall be at the agricultural conversion rate applicable on the

day when the bill of lading for the transported sugar is drawn up ;

- (b) of the aid referred to in Article 2 (1) (b) shall be at the agricultural conversion rate applicable on the day when the quantity of sugar concerned is refined.

Article 8

This 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 July 1988.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2138/88**of 18 July 1988****concerning applications for STM licences for cereals submitted during the first 10 days of July 1988**

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 Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽¹⁾, as last amended by Regulation (EEC) No 2159/87⁽²⁾, and in particular Article 6 (4) thereof,

Whereas Commission Regulation (EEC) No 598/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of common wheat of bread-making quality from the Community as constituted at 31 December 1985⁽³⁾, as amended by Regulation (EEC) No 3592/86⁽⁴⁾, lays down that STM licences issued during any one month may not be issued for quantities totalling more than 50 % of the guide quantity;

Whereas, pursuant to Article 6 (3) of Regulation (EEC) No 574/86, the Commission has been notified of the admis-

sible applications for STM licences for imports of common wheat of bread-making quality into Spain during the first 10 days of July 1988; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences for common wheat of bread-making quality falling within subheading 1001 90 99 of the combined nomenclature submitted during the first 10 days of July 1988 and notified to the Commission shall be accepted for the tonnages applied for adjusted by a coefficient of 0,17242.

Article 2

This Regulation shall enter into force on 19 July 1988.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 16.

⁽⁴⁾ OJ No L 334, 27. 11. 1986, p. 19.

COMMISSION REGULATION (EEC) No 2139/88

of 18 July 1988

amending for the second time Regulation (EEC) No 2001/88 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2001/88⁽³⁾, as amended by Regulation (EEC) No 2073/88⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of fresh lemons originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁵⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 6 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the third year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2001/88, '0,68 ECU' is hereby replaced by '4,16 ECU'.

Article 2

This Regulation shall enter into force on 19 July 1988.

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

Done at Brussels, 18 July 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 176, 7. 7. 1988, p. 24.

⁽⁴⁾ OJ No L 182, 13. 7. 1988, p. 9.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 2140/88**of 18 July 1988****abolishing a countervailing charge on cherries originating in Hungary**

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 1926/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2011/88⁽³⁾ introduced a countervailing charge on cherries originating in Hungary;

Whereas for cherries originating in Hungary 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 cherries originating in Hungary can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2011/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 19 July 1988.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 24.

⁽³⁾ OJ No L 177, 8. 7. 1988, p. 20.

COMMISSION REGULATION (EEC) No 2141/88

of 18 July 1988

introducing a countervailing charge on aubergines originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least 0,6 ECU below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least 0,6 ECU below the reference price;

Whereas Commission Regulation (EEC) No 724/88 of 18 March 1988 fixing for the 1988 marketing year the reference prices for aubergines⁽³⁾ fixed the reference price for products of class I for July 1988 at 69,85 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for aubergines originating in Spain (except the Canary Islands) the entry prices calculated in this way have for five consecutive market days been alternatively above and below the reference price; whereas two of these entry prices are at least 0,6 ECU below the reference prices; whereas a countervailing charge should therefore be introduced for these aubergines;

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

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

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁸⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 6 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the third year after accession,

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1988, p. 53.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

This Regulation shall enter into force on 20 July 1988.

A countervailing charge of 4,74 ECU per 100 kilograms net is applied to aubergines (CN code 0709 30 00) originating in Spain (except the Canary Islands).

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 25 July 1988.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2142/88
of 18 July 1988
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1107/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1966/88 ⁽³⁾, as last amended by Regulation (EEC) No 2105/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1966/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 1988.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 173, 5. 7. 1988, p. 14.

⁽⁴⁾ OJ No L 184, 15. 7. 1988, p. 54.

ANNEX

to the Commission Regulation of 18 July 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,45 ⁽¹⁾
1701 11 90	26,45 ⁽¹⁾
1701 12 10	26,45 ⁽¹⁾
1701 12 90	26,45 ⁽¹⁾
1701 91 00	38,66
1701 99 10	38,66
1701 99 90	38,66

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

COMMISSION REGULATION (EEC) No 2143/88

of 18 July 1988

altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1107/88⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1994/88⁽³⁾, as last amended by Regulation (EEC) No 2125/88⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1994/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1994/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 1988.

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

Done at Brussels, 18 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 176, 7. 7. 1988, p. 10.

⁽⁴⁾ OJ No L 186, 16. 7. 1988, p. 37.

ANNEX

to the Commission Regulation of 18 July 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	30,67 ⁽¹⁾	
1701 11 90 500	24,14 ⁽¹⁾	
1701 11 90 900	⁽²⁾	
1701 12 90 100	30,67 ⁽¹⁾	
1701 12 90 500	24,14 ⁽¹⁾	
1701 12 90 900	⁽²⁾	
1701 91 00 000		0,3334
1701 99 10 100	33,34	
1701 99 10 900	26,50	
ex 1701 99 90		0,3334 ⁽³⁾

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

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

⁽³⁾ This amount applies to white sugar and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 June 1988

approving an integrated Mediterranean programme for the Liguria region

(Only the Italian text is authentic)

(88/391/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Italy has presented to the Commission an integrated Mediterranean programme for the Liguria region, hereinafter referred to as the Liguria IMP;

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

Whereas the Liguria IMP, including its financial plan, may therefore be approved by the Commission;

Whereas the Liguria IMP relates to the period from 1 January 1988 to 31 December 1992 inclusive;

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

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

Whereas the expenditure on the measures constituting the Liguria IMP is estimated at 177 990 000 ECU;

Whereas the Community contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 is estimated at 30 832 000 ECU,

HAS ADOPTED THIS DECISION:

Article 1

The Liguria IMP in the version submitted to the Commission on 18 December 1986, as subsequently modified after examination by the Commission and following consultation of the Advisory Committee for Integrated Mediterranean Programmes, is hereby approved. The estimates of total expenditure and the estimated contributions from each Community budgetary source are shown in the financial plan of the Liguria IMP.

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

⁽¹⁾ OJ No L 197, 27. 7. 1985, p. 1.

Article 2

The contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 shall not exceed 30 832 000 ECU in respect of the expenditure to be incurred in the period from 1 January 1988 to 31 December 1992 on measures to be financed in the context of the Liguria IMP, estimated at 177 990 000 ECU.

Article 3

Pursuant to Article 15 (2) of Regulation (EEC) No 2088/85, a first instalment from the special budget

heading referred to in Article 11 (2) of that Regulation amounting to 5 683 000 ECU is hereby committed in accordance with the financial plan of the Liguria IMP.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 June 1988.

For the Commission

Grigoris VARFIS

Member of the Commission

COMMISSION DECISION

of 13 June 1988

approving an integrated Mediterranean programme for the Toscana region

(Only the Italian text is authentic)

(88/392/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Italy has presented to the Commission an integrated Mediterranean programme for the Toscana region, hereinafter referred to as the Toscana IMP;

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

Whereas, the Toscana IMP including its financial plan, may therefore be approved by the Commission;

Whereas the Toscana IMP relates to the period from 1 January 1987 to 31 December 1992 inclusive;

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

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

Whereas the expenditure on the measures constituting the Toscana IMP is estimated at 226 578 000 ECU;

Whereas the Community contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 is estimated at 40 426 000 ECU,

HAS ADOPTED THIS DECISION:

Article 1

The Toscana IMP in the version submitted to the Commission on 18 December 1986, as subsequently

modified after examination by the Commission and following consultation of the Advisory Committee for Integrated Mediterranean Programmes, is hereby approved. The estimates of total expenditure and the estimated contributions from each Community budgetary source are shown in the financial plan of the Toscana IMP.

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

Article 2

The contribution from the special budget heading referred to in Article 11 (2) of Regulation (EEC) No 2088/85 shall not exceed 40 426 000 ECU in respect of the expenditure to be incurred in the period from 1 January 1987 to 31 December 1992 on measures to be financed in the context of the Toscana IMP, estimated at 226 578 000 ECU.

Article 3

Pursuant to Article 15 (2) of Regulation (EEC) No 2088/85, a first instalment from the special budget heading referred to in Article 11 (2) of that Regulation amounting to 1 564 000 ECU is hereby committed in accordance with the financial plan of the Toscana IMP.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 June 1988.

For the Commission

Grigoris VARFIS

Member of the Commission

⁽¹⁾ OJ No L 197, 27. 7. 1985, p. 1.

COMMISSION DECISION

of 14 June 1988

approving a specific programme notified by the Kingdom of Spain on the improvement of structures for marketing flowers and live plants in Spain, in accordance with Council Regulation (EEC) No 355/77

(Only the Spanish text is authentic)

(88/393/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 560/87⁽²⁾, and in particular Article 5 thereof,

Whereas on 23 July 1987 the Spanish Government notified the programme on the improvement of structures for marketing flowers and live plants in Spain; whereas it provided additional information on 16 November 1987;

Whereas the purpose of this programme is the improvement and rationalization of commercial structures for flowers and ornamental plants, their collection, storage, cooling, handling and presentation, and the creation of more efficient marketing structures;

Whereas the information contained in this programme, with the additional information, provides in sufficient measure the details referred to in Article 3 of Regulation (EEC) No 355/77, showing that the objectives of Article 1 of that Regulation can be achieved as regards the marketing of flowers and ornamental plants in Spain; whereas the time limit for the implementation of this

programme does not exceed the limit referred to in Article 3 (1) (g) of that Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

The specific programme concerning flowers and ornamental live plants notified by the Spanish Government on 23 July 1987, with additions provided on 16 November 1987, in accordance with Regulation (EEC) No 355/77, is hereby approved.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 57, 27. 2. 1987, p. 6.

COMMISSION OPINION**of 14 June 1988****concerning the nuclear power-station Vandellòs II (Spain)****(Only the Spanish text is authentic)****(88/394/Euratom)**

The general data concerning the plan for the disposal of radioactive waste from Vandellòs II nuclear power-station were provided by the Spanish Government to the Commission, in accordance with Article 37 of the Euratom Treaty, by letter received 19 November 1987.

In the course of the meeting of the group of experts set up pursuant to the Treaty, which took place on 14 March 1988 in Brussels, the representatives of the Spanish Government provided further complementary information and details.

On the basis of the data thus obtained and having consulted the group of experts, the Commission drew up the following opinion :

1. The distance from the installation to the closest point on the territory of another member state, France, is approximately 180 kilometres.
2. Liquid and gaseous effluent discharges arising during the normal operation of the station are not liable to give rise to significant exposure of the population of other Member States. The Commission notes that while there are limits on the doses to critical groups from effluent discharges and activity releases are required to be kept as low as reasonably achievable the Spanish authorities have not laid down explicit limits on the amounts of activity which may be discharged during normal operation. The Commission wishes to point out that discharge limits in terms of activity would be more appropriate because the results of discharge monitoring are directly comparable with such limits and thus provide a ready check on compliance with regulatory obligations. The Commission therefore recommends that activity discharge limits be established henceforth for the site of Vandellòs.
3. Solid radioactive wastes are to be stored only temporarily on the power-station site prior to transport to a final storage site under state supervision.

Similarly, irradiated fuel elements are to be stored temporarily at the plant site prior to transfer to a reprocessing plant.

4. In the case of an unplanned release of radioactive effluents which could be occasioned by an accident of the type and magnitude considered in the general data, doses liable to be received in other Member States by external irradiation and inhalation will not, according to an evaluation by the experts, be significant from the health point of view. Potential doses via ingestion of contaminated foodstuffs might under unfavourable meteorological conditions be such as to require the introduction of counter measures by the competent authorities concerned. To this end, bilateral agreements concerning the exchange of information in case of nuclear incidents or accidents have been signed by Spain on the one hand and France, Italy and Portugal on the other; a similar agreement with the Federal Republic of Germany is in preparation.

These agreements also allow for other hypothetical accidents, having potentially greater radiological consequences than those presented in the general data, to be taken into account.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste from Vandellòs II nuclear power-station is not liable, in normal operation, to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State. In the case of an

accident of the type and magnitude considered in the general data, doses liable to be received in other Member States by external irradiation and inhalation will not be significant from the health point of view; ingestion of contaminated foodstuffs might however give rise to doses which will require the introduction of counter measures by the competent authorities concerned.

This opinion is addressed to the Kingdom of Spain.

Done at Brussels, 14 June 1988.

For the Commission

Stanley CLINTON DAVIS

Member of the Commission

COMMISSION DECISION

of 15 June 1988

requiring Italy to rescind the further measures taken to protect itself against the introduction of harmful organisms associated with fresh cultivated mushrooms

(Only the Italian text is authentic)

(88/395/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Commission Directive 88/272/EEC⁽²⁾, and in particular Article 15 (2) thereof,

Whereas, when a Member State considers that there is an imminent danger of the introduction or spread in its territory of harmful organisms, it may temporarily take any additional measures necessary to protect itself against the danger, provided that it immediately informs the other Member States and the Commission of the measures taken and indicates the reasons for them (Article 15 (1) of Directive 77/93/EEC);

Whereas Italy adopted on 22 May 1987 measures prohibiting the introduction into Italy of fresh cultivated mushrooms from 1 June to 31 December 1987 ('Decreto 22 maggio 1987: divieto di importazione di funghi coltivati freschi')⁽³⁾;

Whereas Italy informed the other Member States and the Commission of these measures and the reasons for them at the meeting of the Standing Committee on Plant Health on 22 June 1987;

Whereas Commission Decision 87/393/EEC⁽⁴⁾ required Italy to rescind the measures taken to protect itself against the introduction of harmful organisms associated with fresh cultivated mushrooms as the elements identified in the reasoning presented by the Italian authorities at that time were not such as to constitute an imminent danger within the meaning of Article 15 (1) of Directive 77/93/EEC;

Whereas Italy rescinded these measures on 28 October 1987 but adopted on the same day further legislation

concerning phytosanitary measures in respect of the import into Italy of fresh cultivated mushrooms ('Decreto ministeriale 28 ottobre 1987: misure fitosanitarie per l'importazione di funghi coltivati freschi');

Whereas the further measures adopted require that fresh cultivated mushrooms may only be introduced into Italy on condition that:

- a laboratory analysis of the mushrooms has been undertaken in the country of origin to determine the absence of the nematodes *Ditylenchus myceliophagus* and *Aphelenchoides composticola*,
- the mushrooms are accompanied by a phytosanitary certificate issued by the country of origin,
- an 'additional declaration' has been made on that phytosanitary certificate indicating the absence of the abovementioned nematodes and noting the name of the laboratory which carried out the analysis;

Whereas the further measures adopted by Italy require the following procedures at the point of import:

- sampling for laboratory analysis of one-third of lots of fresh cultivated mushrooms by the Italian plant health authority during the plant health controls required for the issue of fresh cultivated mushroom import certificates,
- prohibition on marketing of lots sampled pending communication of the results of analysis to the importer and the Ministry of Agriculture and Forests;

Whereas the Italian authorities informed the Commission of the further measures taken, by telex of 5 November 1987, but did not notify the other Member States;

Whereas, however, the reason given by Italy for the further measures is that the nematode, *Ditylenchus myceliophagus* has been positively identified in samples taken from fresh cultivated mushrooms imported from one Member State;

Whereas fresh cultivated mushrooms are generally produced under closely controlled conditions using growing media which has been treated to standards necessary for effective production; whereas, therefore, any nematodes discovered in traces of growing media adhering to harvested fresh cultivated mushrooms should normally no longer be pathogenic;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 116, 4. 5. 1988, p. 19.

⁽³⁾ *Gazzetta ufficiale della Repubblica italiana* No 124, 30. 5. 1987, p. 9.

⁽⁴⁾ OJ No L 208, 30. 7. 1987, p. 40.

Whereas, should there be live nematodes present in association with fresh cultivated mushrooms, these mushrooms are intended for marketing for direct human consumption and the presence of such nematodes would therefore, although detrimental to the quality of those mushrooms, not in itself present a risk to the cultivation of mushrooms in Italy;

Whereas scientific knowledge indicates that the nematodes *Aphelenchoides composticola* and *Ditylenchus myceliophagus* have been reported to be present in most mushroom-growing countries in temperate areas; whereas the ubiquity and commonness of the abovementioned nematodes is a consequence of their wide host range among soil fungi; whereas no information is available to indicate that the abovementioned nematodes are not present in Italy too;

Whereas, although the capacity of *Aphelenchoides composticola* and *Ditylenchus myceliophagus* to be potentially damaging to the cultivation of mushrooms and their ubiquity and commonness have been well known for many years, it was not considered appropriate to make specific provisions in relation to them in the Community plant health regime at the time of the adoption of Directive 77/93/EEC; whereas the inclusion of the abovementioned nematodes within the scope of the protective measures against the introduction into the Member States of organisms harmful to plants or plant products has also subsequently not been considered necessary;

Whereas it can therefore be established that the potential presence of the nematodes concerned in consignments of

fresh cultivated mushrooms imported into Italy does not constitute an imminent danger within the meaning of Article 15 (1) of Directive 77/93/EEC;

Whereas Italy should therefore rescind immediately the further measures impeding imports of fresh cultivated mushrooms;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Italy shall immediately rescind the 'Decreto ministeriale 28 ottobre 1987: misure fitosanitarie per l'importazione di funghi coltivati freschi'.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 15 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 21 June 1988

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland and Zimbabwe

(88/396/EEC)

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 486/85 of
26 February 1985 on the arrangements applicable to
agricultural products and certain goods resulting from the
processing of agricultural products originating in the
African, Caribbean and Pacific States or in the overseas
countries and territories ⁽¹⁾, as last amended by Regulation
(EEC) No 1821/87 ⁽²⁾, and in particular Article 22 thereof,

Having regard to Commission Regulation (EEC) No
2377/80 of 4 September 1980 on special detailed rules for
the application of the system for import and export
licences in the beef and veal sector ⁽³⁾, as last amended by
Regulation (EEC) No 3988/87 ⁽⁴⁾, and in particular
Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 provides for the
possibility of issuing import licences for beef and veal
products; whereas, however, imports must take place
within the limits of the quantities specified for each of
these exporting non-member countries;

Whereas the applications for import licences submitted
between 1 and 10 June 1988 expressed in terms of boned
meat in accordance with Article 15 (1) (b) of Regulation
(EEC) No 2377/80 do not exceed in respect of products
originating in Botswana, Kenya, Madagascar, Swaziland
and Zimbabwe the quantities available from these States;
whereas it is therefore possible to issue import licences in
respect of the quantities requested;

Whereas the remaining quantities, in respect of which
licences may be applied for from 1 June 1988, should be
fixed within the scope of the total quantity of 30 000
tonnes to which should be added, where appropriate
automatically, the additional quantity of 8 100 tonnes
referred to in Article 5 (2) and (3) of Regulation (EEC) No
486/85;

Whereas it seems expedient to recall that this Decision is
without prejudice to Council Directive 72/462/EEC of 12

December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine
and fresh meat from third countries ⁽⁵⁾, as last amended by
Directive 86/469/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 June 1988
import licences concerning beef and veal products,
expressed in terms of boned meat, originating in certain
African, Caribbean and Pacific States, in respect of the
quantities and the countries of origin stated:

United Kingdom:

140,0 tonnes originating in Botswana,
190,0 tonnes originating in Zimbabwe;

Federal Republic of Germany:

130,0 tonnes originating in Botswana;

Netherlands:

120,0 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance
with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80
during the first 10 days of July 1988, in respect of the
following quantities of boned beef and veal:

Botswana:	16 094,0 tonnes,
Kenya:	142,0 tonnes,
Madagascar:	7 579,0 tonnes,
Swaziland:	3 363,0 tonnes,
Zimbabwe:	4 135,0 tonnes.

Article 3

This Decision is addressed to the Member States, with the
exception of Portugal.

Done at Brussels, 21 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 275, 26. 9. 1986, p. 36.