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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2238/88

of 19 July 1988

amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 24 of Council Regulation (EEC) No 1035/72 ⁽⁴⁾, as last amended by Regulation (EEC) No 1117/88 ⁽⁵⁾, provides that the Commission is to follow regularly the trend of average prices for products imported from third countries on the most representative import markets of the Member States under the reference price system,

Whereas experience has shown significant prices for products imported on markets other than the most representative markets; whereas provision should

accordingly be made for the possibility for the Commission of taking such prices into account,

HAS ADOPTED THIS REGULATION:

Article 1

Article 24 (1) of Regulation (EEC) No 1035/72 is hereby replaced by the following:

'1. The Commission shall, on the basis of information supplied by Member States or data gathered by the Commission itself, regularly follow the trend of average prices for products imported from third countries on the most representative import markets of the Member States for a product with defined commercial characteristics for each exporting country, and significant prices recorded on other markets for major quantities of such products or, where prices are not available on the most representative markets, significant prices recorded on other markets for major quantities.'

Article 2

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

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No C 139, 30. 5. 1988, p. 52.

⁽²⁾ OJ No C 167, 27. 6. 1988.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 107, 28. 4. 1988, p. 1.

COUNCIL REGULATION (EEC) No 2239/88

of 19 July 1988

fixing, for the 1988/89 marketing year, certain prices and other amounts applicable in the fruit and vegetable sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular Article 16 (1) thereof,

Having regard to Council Regulation (EEC) No 2511/69 of 9 December 1969 laying down special measures for improving the production and marketing of Community citrus fruit⁽³⁾, as last amended by Regulation (EEC) No 3130/86⁽⁴⁾, and in particular Article 7 (2) thereof,

Having regard to the proposal from the Commission⁽⁵⁾,

Having regard to the opinion of the European Parliament⁽⁶⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁷⁾,

Whereas, pursuant to Article 16 (1) of Regulation (EEC) No 1035/72, a basic price and a buying-in price are to be fixed for each marketing year for each of the products listed in Annex II to the said Regulation; whereas, in accordance with Article 1 (3) of the above Regulation, the marketing years for the products in question are as follows:

- for cauliflowers, from 1 May to 30 April,
- for tomatoes, from 1 January to 31 December,

- for peaches and nectarines, from 1 May to 31 October,
- for lemons, from 1 June to 31 May,
- for pears, from 1 June to 31 May,
- for table grapes, from 1 May to 30 April,
- for apples, from 1 July to 30 June,
- for mandarins, including satsumas and clementines, from 1 October to 15 May,
- for oranges, from 1 October to 15 July,
- for aubergines, from 1 January to 31 December,
- for apricots, from 1 May to 31 August;

Whereas, however, pursuant to the third subparagraph of Article 16 (1) of Regulation (EEC) No 1035/72, no basic price or buying-in price need be fixed for the slack marketing periods at the beginning and at the end of the marketing year;

Whereas, when the basic prices and buying-in prices for fruit and vegetables are fixed, account should be taken of the aims of the common agricultural policy and the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Whereas the basic prices must be fixed by reference to the trend in the average prices recorded during the three preceding years on the most representative producer markets within the Community for a product with defined commercial characteristics, such as a variety or type, quality class, size and packaging; whereas the buying-in prices must be fixed by reference to the basic price in accordance with Article 16 (3) of Regulation (EEC) No 1035/72;

Whereas the Kingdom of Spain, during the first phase, and the Portuguese Republic, during the first stage, are authorized to maintain, with respect to fruit and vegetables, the national arrangements previously in force for the organization of their domestic agricultural markets, subject to the conditions laid down in Articles 133 to 135 and 262 to 265, respectively, of the Act of Accession; whereas the prices and amounts fixed by this Regulation are therefore applicable only in the Community of Ten;

(¹) OJ No L 118, 20. 5. 1972, p. 1.

(²) See page 1 of this Official Journal.

(³) OJ No L 318, 18. 12. 1969, p. 1.

(⁴) OJ No L 292, 16. 10. 1986, p. 1.

(⁵) OJ No C 139, 30. 5. 1988, p. 52.

(⁶) OJ No C 167, 27. 6. 1988.

(⁷) OJ No C 175, 4. 7. 1988, p. 33.

Whereas the amount of the financial compensation for oranges and mandarins must be fixed in accordance with the criteria laid down in Article 7 (2) of Regulation (EEC) No 2511/69,

Article 2

For the 1988/89 marketing year, the financial compensation for oranges and mandarins shall be as set out in Annex II.

HAS ADOPTED THIS REGULATION:

Article 3

Article 1

For the 1988/89 marketing year, the basic prices and the buying-in prices for fruit and vegetables, the periods during which they apply and the standard qualities to which they relate shall be as set out in Annex I.

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, 19 July 1988.

For the Council

The President

Y. POTTAKIS

ANNEX I

BASIC PRICES AND BUYING-IN PRICES

CAULIFLOWERS

For the period from 1 July 1988 to 30 April 1989

(ECU/100 kg net)

	Basic price	Buying-in price
July	22,18	9,55
August	22,18	9,55
September	23,95	10,19
October	24,84	10,56
November	29,87	12,92
December	29,87	12,92
January	29,87	12,92
February	27,87	12,02
March	29,31	12,56
April	29,67	12,92

These prices relate to packed 'trimmed' cauliflowers of Quality Class I.

TOMATOES

For the period from 1 July to 30 November 1988

(ECU/100 kg net)

	Basic price	Buying-in price
July	23,38	8,68
August	20,97	7,79
September	22,24	8,29
October	23,57	8,69
November	28,32	11,34

These prices relate to packed 'round' and 'ribbed' tomatoes of Quality Class I, size 57/67 mm.

AUBERGINES

For the period from 1 July to 31 October 1988

(ECU/100 kg net)

	Basic price	Buying-in price
July to October	17,77	7,12

These prices relate to the following packed products:

- elongated aubergines of Quality Class I, size over 40 mm,
- globus aubergines of Quality Class I, size over 70 mm.

PEACHES

For the period from 1 July to 30 September 1988

(ECU/100 kg net)

	Basic price	Buying-in price
July to September	42,99	24,08

These prices relate to packed peaches of the Amsden, Cardinal, Charles Ingouf, Dixired, Jeronimo, J. H. Hale, Merrill Gemfree, Michelini, Red Haven, San Lorenzo, Springcrest and Springtime varieties of Quality Class I, size 61/67 mm.

NECTARINES

For the period from 1 July to 31 August 1988

(ECU/100 kg net)

	Basic price	Buying-in price
July and August	54,79	26,30

These prices relate to packed nectarines of the May Grand, Armking, Early Sun Grand, Crimsongold, Nectared, Independence, Snow Queen, Starkredgold and Fantasia varieties of Quality Class I, size 61/67 mm.

APRICOTS

For the period from 1 July to 31 July 1988

(ECU/100 kg net)

	Basic price	Buying-in price
July	41,75	23,78

These prices relate to packed products of Quality Class I of size over 30 mm.

LEMONS

For the period from 1 July 1988 to 31 May 1989

(ECU/100 kg net)

	Basic price	Buying-in price
July	44,73	26,32
August	44,30	26,19
September	39,92	24,79
October	37,75	24,54
November	36,74	21,49
December	36,11	21,24
January	37,12	21,75
February	35,86	21,12
March	37,25	21,75
April	38,90	22,76
May	39,78	23,27

These prices relate to packed lemons of Quality Class I, size 53/62 mm.

PEARS

(Other than perry pears)

For the period from 1 July 1988 to 30 April 1989

(ECU/100 kg net)

	Basic price	Buying-in price
July	28,67	14,75
August	26,77	14,36
September	25,62	13,74
October	26,64	13,74
November	27,03	13,99
December	27,40	14,36
January to April	27,65	14,62

These prices relate to the following packed products:

- pears of the Beurré Hardy, Bon Chrétien Williams, Conférence, Coscia (Ercolini), Crystallis (Beurré Napoléon, Blanquilla, Tsakonika), Dr Jules Guyot (Limonera) varieties, Quality Class I, size 60 mm or more;
- pears of the Empéreur Alexandre (Kaiser Alexander Bosc) variety, Quality Class I, size 70 mm or more.

TABLE GRAPES

For the period from 1 August to 31 October 1988

(ECU/100 kg net)

	Basic price	Buying-in price
August	36,31	23,35
September and October	32,51	19,92

These prices relate to packed table grapes of the Regina dei Vigneti, Soutanine, Regina (Mennavacca bianca, Rosaki, Dattier de Beyrouth), Italia, Aledo and Ohanes (Almeria) varieties, Quality Class I.

APPLES

(other than cider apples)

For the period from 1 August 1988 to 31 May 1989

(ECU/100 kg net)

	Basic price	Buying-in price
August	26,51	13,51
September	26,51	13,51
October	26,51	13,63
November	27,22	14,06
December	29,61	15,17
January to May	32,01	16,27

These prices relate to the following packed products:

- apples of the Reine des reinettes and Verde Doncella varieties, Quality Class I, size 65 mm or more;
- apples of the Delicious Pilafa, Golden Delicious, James Grieve, Red Delicious, Reinette grise du Canada and Starking Delicious varieties, Quality Class I, size 70 mm or more.

MANDARINS

For the period from 16 November 1988 to 28 February 1989

(ECU/100 kg net)

	Basic price	Buying-in price
16 to 30 November	43,09	27,53
December	42,71	27,02
January	42,21	26,26
February	40,55	25,75

These prices relate to packed mandarins of Quality Class I, size 54/69 mm.

SATSUMAS

For the period from 16 October 1988 to 15 January 1989

(ECU/100 kg net)

	Basic price	Buying-in price
16 to 31 October	29,61	14,12
November	26,37	11,88
December	28,53	12,85
1 to 15 January	27,45	12,49

These prices relate to packed satsumas Unshiu (owari) of Quality Class I, size 54/69 mm.

CLEMENTINES

For the period from 1 December 1988 to 15 February 1989

(ECU/100 kg net)

	Basic price	Buying-in price
December	34,96	19,23
January	32,77	18,02
1 to 15 February	37,53	18,77

These prices relate to packed clementines (citrus reticulata Blanco) of Quality Class I, 43/60 mm.

SWEET ORANGES

For the period from 1 December 1988 to 31 May 1989

(ECU/100 kg net)

	Basic price	Buying-in price
December	40,10	25,34
January	36,55	23,57
February	37,17	24,08
March	39,08	24,33
April and May	39,71	24,58

These prices refer to packed oranges of the Moro, Navel, Navellina, Salustiana, Sanguinello and Valencia late varieties of Quality Class I, size 67/80 mm.

NB: The prices quoted in this Annex do not include the cost of the packaging in which the product is presented.

ANNEX II

AMOUNT OF FINANCIAL COMPENSATION

for the 1988/89 marketing year

15,38 ECU per 100 kilograms net for oranges of the Moro, Tarocco, Ovale Calabrese, Belladonna, Navel and Valencia late varieties,

13,20 ECU per 100 kilograms net for oranges of the Sanguinello variety,

8,69 ECU per 100 kilograms net for oranges of the Sanguigno and Biondo commune varieties,

12,95 ECU per 100 kilograms net for mandarins.

NB: Financial compensation is granted only in respect of products belonging to Quality Classes Extra and I.

COUNCIL REGULATION (EEC) No 2240/88

of 19 July 1988

fixing, for peaches, lemons and oranges, the rules for applying Article 16b of Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to the Treaty establishing the European Economic Community,

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 2238/88⁽²⁾, and in particular Article 16b (3) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Whereas, in order to make the producers concerned more aware of the real requirements of the market, Article 16b of Regulation (EEC) No 1035/72 provides for the possibility of fixing intervention thresholds for products subject to the prices and intervention arrangements, beyond which financial liability will be borne by the producers;

Whereas, in view of the situation of the market for peaches, lemons and oranges and in particular the scale of withdrawals recorded, an intervention threshold should be fixed for such products for the Community as constituted at 31 December 1985;

Whereas, for those products, that threshold may be expressed as a percentage of the average quantities produced and intended to be consumed fresh in the last five marketing years for which production figures are available;

Whereas, in order to allow for the progressive adjustment of production of those products to the trend in the market, provision should be made for a degressive threshold,

1. The intervention thresholds for lemons and oranges shall be the following percentages of the average production intended to be consumed fresh in the last five marketing years for which data are available:

- for the 1988/89 marketing year: 15 %,
- for the 1989/90 marketing year: 13,5 %,
- for the 1990/91 marketing year: 12 %,
- from the 1991/92 marketing year: 10 %.

2. The intervention threshold for peaches shall be the following percentages of the average production intended to be consumed fresh in the last five marketing years for which data are available:

- for the 1988/89 marketing year: 20 %,
- for the 1989/90 marketing year: 17 %,
- for the 1990/91 marketing year: 15 %,
- from the 1991/92 marketing year: 12 %.

3. The Commission shall adopt the intervention thresholds referred to in paragraphs 1 and 2 in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 2

If, during a marketing year, the quantities of peaches, lemons or oranges bought in exceed the thresholds laid down in accordance with Article 1, the basic price and the buying-in price fixed for those products for the following marketing year shall be reduced by 1 % per:

- 18 000 tonnes in the case of peaches,
- 6 600 tonnes in the case of lemons,
- 20 000 tonnes in the case of oranges,

by which that threshold is exceeded.

Article 3

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 58.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2241/88

of 19 July 1988

concerning special measures for the processing of certain varieties of oranges during the 1988/89 marketing year and amending Regulations (EEC) No 2601/69 and (EEC) No 3391/87

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (2) thereof,

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

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

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

Whereas Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of certain varieties of oranges ⁽⁴⁾, as last amended by Regulation (EEC) No 3391/87 ⁽⁵⁾, provides that oranges of the Shamouti variety are, for the 1987/88 marketing year and up to a certain quantity, to qualify under the provisions laid down for certain varieties of oranges for processing;

Whereas Council Regulation (EEC) No 3391/87 of 9 November 1987 concerning special measures for the processing of certain varieties of oranges and amending Regulation (EEC) No 2601/69 makes the arrangements provided for by Regulation (EEC) No 2601/69 applicable, for Spain and during the 1987/88 marketing year, to oranges of the Cadenera, Castellana and Macetera varieties up to a certain quantity;

Whereas the characteristics of the disposal of those varieties continue to obtain; whereas the provisions laid

down for the 1987/88 marketing year should therefore be extended to the 1988/89 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 (a) of Regulation (EEC) No 2601/69 is hereby replaced by the following:

'Article 3a

During the 1987/88 and 1988/89 marketing years, Article 1 to 4 shall apply to oranges of the Shamouti variety up to a total quantity of 3 000 tonnes of fresh product per marketing year, to be apportioned between the producer Member States in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.'

Article 2

Article 2 (1) of Regulation (EEC) No 3391/87 is hereby replaced by the following:

'1. During the 1987/88 and 1988/89 marketing years, the arrangements provided for in Regulation (EEC) No 2601/69 shall apply for Spain to oranges of the Cadenera, Castellana and Macetera varieties for a total quantity of 10 000 tonnes of fresh product per marketing year for all three varieties.'

Article 3

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

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

Done at Brussels, 19 July 1988

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No C 139, 30. 5. 1988, p. 59.

⁽²⁾ OJ No C 167, 27. 6. 1988.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁴⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽⁵⁾ OJ No L 323, 13. 11. 1987, p. 2.

COUNCIL REGULATION (EEC) No 2242/88

of 19 July 1988

amending Regulation (EEC) No 426/86 on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 2 of Regulation (EEC) No 426/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 3909/87 ⁽⁵⁾, lays down a system of production aid applicable to certain varieties of dried grapes;

Whereas the disposal of dried grapes of the Moscatel varieties is liable to be disturbed in Spain and Portugal by competition from sultanas and currants qualifying for production aid in the Community; whereas provision should accordingly be made for their inclusion in the system of aid under the market organization for products processed from fruit and vegetables;

Whereas, with a view to concentrating supply for the sound management of production, provision should accordingly be made for contracts relating to the supply of the raw material to be drawn up in principle between recognized producers' groups or associations thereof and processors or processors' groups or associations thereof;

Whereas account should also be taken, for dried grapes of the Moscatel varieties, of commercial practices in force for the other varieties of dried grapes qualifying for aid,

according to which part of production must be discarded so that the finished product is of satisfactory quality having regard to its specific characteristics; whereas provision should accordingly also be made, for such processed dried grapes, for the determination of an adequate percentage taking account of quantities not to be processed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 426/86 is hereby amended as follows:

1. the following paragraph is inserted in Article 3:

'2.(a) In the case of dried grapes of the Moscatel varieties, the contracts referred to in paragraph 1 shall in principle be concluded between recognized producers' groups or associations thereof and processors or processors' groups and associations thereof.'

2. Article 6 (2) is replaced by the following:

'2. In the case of sultanas, currants and dried grapes of the Moscatel varieties, the aid shall be paid only to processors who have not processed and subsequently do not process for commercial purposes a quantity of dried grapes of those varieties equal to a percentage, to be determined, of the quantities purchased. Such quantities not processed shall not be eligible for aid.'

3. in part A of Annex I, 'ex 0806 20 Sultanas and currants' is replaced by 'ex 0806 20 Sultanas, currants and dried grapes of the Moscatel varieties.'

Article 2

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

⁽¹⁾ OJ No C 139, 30. 5. 1988, p. 60.

⁽²⁾ OJ No C 167, 27. 6. 1988.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁴⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽⁵⁾ OJ No L 370, 30. 12. 1987, p. 20.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2243/88

of 19 July 1988

on temporary measures relating to production aid for processed tomato products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (3) thereof,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2242/88 ⁽²⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas Article 2 (1) of Council Regulation (EEC) No 989/84 of 31 March 1984 introducing a system of guarantee thresholds for certain processed fruit and vegetable products ⁽⁶⁾, as amended by Regulation (EEC) No 1354/86 ⁽⁷⁾, provides that the production aid for processed tomato products is to be reduced where the guarantee threshold is exceeded;

Whereas Council Regulation (EEC) No 1320/85 of 23 May 1985 on temporary measures for production aid to processed tomato products ⁽⁸⁾, as last amended by Regulation (EEC) No 1929/87 ⁽⁹⁾, limits the granting of the aid, for the 1985/86, 1986/87 and 1987/88 marketing years in the producer Member States, to certain quantities of fresh tomatoes for processing;

Whereas the current restrictions on the granting of the aid should be continued for a period of no more than two marketing years with certain adaptations in the light of experience; whereas in particular production quotas should be divided between the processing undertakings on the basis of the total quantities which they have processed in the last three marketing years;

Whereas the undertakings which commenced production after the beginning of the 1986/87 marketing year have not benefited from production aid; whereas the new scheme should grant them a quota based on an appropriate reference period;

Whereas the Act of Accession of Spain and Portugal lays down the quantities of processed tomato products which may qualify for Community aid in the first four marketing years following accession for Spain and in the first five marketing years following accession for Portugal; whereas those overall quantities should be included in this Regulation and their breakdown should be adjusted in line with the trend of the market;

Whereas, in order to permit some development of the production structures in the sector, a small percentage of the total quantities allocated in each Member State should be reserved for undertakings beginning production in the 1988/89 and 1989/90 marketing years; whereas, bearing in mind the limited quantities available, quantities should be allocated only to undertakings which present guarantees which are satisfactory as regards efficiency and durability;

Whereas, during the period of application of the measures limiting the granting of production aid, there is justification for laying down that any exceeding of the guarantee threshold is to be determined on the basis of only those quantities for which production aid has actually been granted,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the 1988/89 and 1989/90 marketing years, the granting of production aid shall be limited, for all processing undertakings in each Member State, to the quantities of processed tomato products obtained from the following quantities in tonnes of fresh tomatoes:

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ See page 12 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 61.

⁽⁴⁾ OJ No C 167, 27. 6. 1988.

⁽⁵⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁶⁾ OJ No L 103, 16. 4. 1984, p. 19.

⁽⁷⁾ OJ No L 119, 8. 5. 1986, p. 54.

⁽⁸⁾ OJ No L 137, 27. 5. 1985, p. 41.

⁽⁹⁾ OJ No L 183, 3. 7. 1987, p. 33.

All undertakings located in	Tomato concentrate	Tinned whole peeled tomatoes	Other tomato products
Spain	370 000	209 000	88 000
France	283 691	58 628	50 087
Greece	967 003	25 000	21 593
Italy	1 655 000	1 185 000	453 998
Portugal	682 945	9 600	2 192

2. The quantities provided for in paragraph 1 shall, without prejudice to paragraphs 3, 4 and 5, be divided fairly by the Member States between the processing undertakings in proportion to the average quantities actually produced by each of them during the 1985/86, 1986/87 and 1987/88 marketing years.

On application by the undertaking concerned, the competent authorities of the Member State shall authorize one only of the following three transfer possibilities:

- a transfer of up to 20 % of quantities of peeled tomatoes, expressed in quantities of fresh tomatoes, to the quantities allocated for tomato concentrate and other tomato products;
- a transfer of up to 5 % of quantities of tomato concentrate, expressed in quantities of fresh tomatoes, to the quantities allocated for the other products;
- a transfer of up to 5 % of the quantities for other tomato products, expressed in quantities of fresh tomatoes, to the quantities allocated for concentrate.

3. For the granting of the aid, processing undertakings which have commenced production in the 1986/87 marketing year shall be granted a quota calculated on the basis of the average quantities produced in the 1986/87 and 1987/88 marketing years, less 10 %.

4. Processing undertakings beginning production in the 1987/88 marketing year shall be granted a quota corresponding to quantities in that marketing year, less 20 %.

5. Processing undertakings which begin production of one of the tomato products mentioned in paragraph 1 in the

1988/89 and 1989/90 marketing years shall qualify for production aid under the following conditions, providing that they present, to the satisfaction of the competent authorities, adequate guarantees as to the efficiency and durability of their activities.

The producer Member States shall reserve 2 % of the total quantities fixed for each group of finished products for the purposes of allocating quotas to the undertakings referred to in the first subparagraph. The quota allocated to each undertaking may not exceed its processing capacity, less 30 %.

6. Where all the quantities defined in paragraph 1 have not been allocated, the remainder shall be divided fairly between the processing undertakings referred to in paragraph 2, taking account in particular of those undertakings which use new production technology.

Article 2

For the Community of Ten, and notwithstanding Article 2 (2) of Regulation (EEC) No 989/84, production for the 1988/89 and 1989/90 marketing years to be used to determine the amount by which the guarantee threshold is exceeded shall be that qualifying for production aid.

Article 3

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 22 of Regulation (EEC) No 426/86. They shall include in particular rules applicable in the case of mergers and changes of ownership of undertakings.

Article 4

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

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2244/88

of 19 July 1988

amending, with regard to Moscatel dried grapes, Regulation (EEC) No 989/84 introducing a system of guarantee thresholds for certain processed fruit and vegetable products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2242/88 ⁽²⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Whereas Regulation (EEC) No 426/86 provides for the granting of production aid for dried grapes of the Moscatel varieties;

Whereas Regulation (EEC) No 989/84 ⁽⁴⁾, as last amended by Regulation (EEC) No 1354/86 ⁽⁵⁾, fixes guarantee thresholds for sultanas and currants any exceeding of which results in a reduction of the minimum price to be paid to the producer; whereas, in order to ensure a fair level of competition within this sector, a guarantee threshold should be fixed for dried grapes of the Moscatel varieties on the basis of production in the last few marketing years and of possibilities of disposal,

Regulation (EEC) No 989/84 is hereby amended as follows:

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

'2. For each marketing year a guarantee threshold is hereby fixed at a quantity of processed dried grapes corresponding to the following quantities of unprocessed dried grapes:

- (a) 70 000 tonnes of currants,
- (b) 93 000 tonnes of sultanas, and
- (c) 4 000 tonnes of dried grapes of the Moscatel varieties.'

2. Article 3 (1) is replaced by the following:

'1. Where the guarantee threshold for sultanas or currants or dried grapes of the Moscatel varieties is exceeded, the minimum price to be paid to the producer shall be reduced, for the following marketing year, depending on the amount by which each threshold is exceeded.'

Article 2

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

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 49, 22. 2. 1986, p. 1.

⁽²⁾ See page 12 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 63.

⁽⁴⁾ OJ No L 103, 16. 4. 1984, p. 19.

⁽⁵⁾ OJ No L 119, 8. 5. 1986, p. 54.

COUNCIL REGULATION (EEC) No 2245/88

of 19 July 1988

introducing a guarantee threshold system for peaches in syrup

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2242/88 ⁽²⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Whereas Regulation (EEC) No 426/86 introduces a system of production aid for certain processed fruit and vegetable products; whereas, where the situation provided for in Article 2 (3) of that Regulation arises, suitable measures may be taken;

Whereas the production of peaches in syrup in the most recent marketing years has risen substantially despite the fall in the unit aid; whereas an imbalance between production and possibilities of disposal is liable to arise; whereas a guarantee threshold, any exceeding of which leads to a reduction in the aid, should be fixed for such products;

Whereas it should be stated that that guarantee threshold does not apply to Spain; whereas it should be pointed out that Article 118 (6) of the Act of Accession provides that the granting of aid in that country is limited to 80 000 tonnes of the finished product; whereas that threshold should also be fixed taking account of the average Community production in the last three years for which exact figures are available; whereas the characteristics of

production of peaches in syrup make it suitable to express the threshold in question in terms of a quantity of finished products in net weight; whereas the reduction in the aid, should the threshold be exceeded, is to be made on aid granted in the following marketing year in the Community, with the exception of Spain,

HAS ADOPTED THIS REGULATION:

Article 1

1. A guarantee threshold of 502 000 tonnes net weight is hereby fixed for peaches in syrup falling within CN codes 2008 70 61, 2008 70 69, 2008 70 71 and 2008 70 79 for each marketing year for the Community with the exception of Spain.

2. Where the guarantee threshold is exceeded, the aid for the following marketing year shall be reduced in proportion to the amount by which the threshold is exceeded.

The amount by which the threshold is exceeded in question shall be calculated on the basis of the average quantities produced in the three marketing years preceding the marketing year for which the aid must be fixed.

Article 2

Detailed rules for the application of this Regulation shall be adopted, as the need arises, in accordance with the procedure laid down in Article 22 of Regulation (EEC) No 426/86.

Article 3

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

It shall apply from the beginning of the 1988/89 marketing year.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ See page 12 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 63.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2246/88

of 19 July 1988

amending Regulation (EEC) No 989/84 introducing a system of guarantee thresholds for certain processed fruit and vegetable products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2242/88 ⁽²⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Whereas Regulation (EEC) No 989/84 ⁽⁴⁾, as last amended by Regulation (EEC) No 2244/88 ⁽⁵⁾, introduces a system of guarantee thresholds for certain processed fruit and vegetable products, and in particular processed tomato products;

Whereas account should be taken of developments on the market in processed tomato products since 1984 and the allocation of the total quantities should be adapted in the light of the respective share of each of the categories of finished product,

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

Done at Brussels, 19 July 1988.

Article 1

Article 1 (1) of Regulation (EEC) No 989/84 is hereby replaced by the following:

'1. A guarantee threshold equal to a quantity of processed tomato products corresponding to 4 700 000 tonnes of fresh tomatoes is hereby fixed for each marketing year.

That tonnage shall be divided as follows:

- 2 905 694 tonnes for the manufacture of tomato concentrate,
- 1 268 628 tonnes for the manufacture of whole peeled tomatoes,
- 525 678 tonnes for the manufacture of other processed tomato products.'

Article 2

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

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ See page 12 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 66.

⁽⁴⁾ OJ No L 103, 16. 4. 1984, p. 19.

⁽⁵⁾ See page 17 of this Official Journal.

COUNCIL REGULATION (EEC) No 2247/88

of 19 July 1988

amending Annex I to Regulation (EEC) No 426/86 on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2242/88 ⁽²⁾, and in particular Articles 2(2) and 9(5) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Whereas Regulation (EEC) No 426/86 provides for a system of production aid for certain products processed from fruit and vegetables; whereas the main aim, in adopting that Regulation, was to enable Community products which are of particular importance to the Community's Mediterranean regions to be sold at competitive prices in relation to products from third countries;

Whereas cherries preserved in syrup qualify under the said aid system; whereas experience has shown, however, that the aim referred to above has not been achieved in the case of sour cherries; whereas the prices recorded in trade show that some varieties of cherries do not require aid for processing; whereas the aid granted in respect of those products has not achieved the aid scheme's aim and should therefore be discontinued;

Whereas the marketing of certain processed cherries makes it difficult to dispose of Community produce, which has to compete with large quantities imported from third countries at lower prices; whereas the minimum-price

arrangements provided for in the market organization should be made to apply to imports of those products;

Whereas frozen cherries, whether or not containing added sugar, are marketed both stoned and unstoned, which means that there are major price differences between the various products; whereas it is therefore necessary to introduce different minimum prices,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 426/86 is hereby amended as follows:

1. In Part A the following shall be deleted:

'ex 2008 60 51	} Cherries in syrup'
ex 2008 60 59	
ex 2008 60 61	
ex 2008 60 69	

2. Part B is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from the beginning of the 1988/89 marketing year for cherries in syrup.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ See page 12 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 60.

ANNEX

PART B

Products referred to in Article 9

CN code	Description
0806 20	Dried grapes
ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:
ex 0811 90	— Other:
	— — Containing added sugar or other sweetening matter
ex 0811 90 10	— — — With a sugar content exceeding 13 % by weight:
	— — — — Sour cherries (<i>Prunus cerasus</i>)
ex 0811 90 10	— — — — — Unstoned
ex 0811 90 10	— — — — — Other
	— — — — Other cherries:
ex 0811 90 10	— — — — — Unstoned
ex 0811 90 10	— — — — — Other
ex 0811 90 30	— — — Other:
	— — — — Sour cherries (<i>Prunus cerasus</i>):
ex 0811 90 30	— — — — — Unstoned
ex 0811 90 30	— — — — — Other
	— — — — Other cherries:
ex 0811 90 30	— — — — — Unstoned
ex 0811 90 30	— — — — — Other
	— — Other:
	— — — Containing added sugar, in immediate packings of a net content exceeding 1 kg:
ex 0811 90 90	— — — Other:
	— — — — Sour cherries (<i>Prunus cerasus</i>):
ex 0811 90 90	— — — — — Unstoned
ex 0811 90 90	— — — — — Other
	— — — — Other cherries:
ex 0811 90 90	— — — — — Unstoned
ex 0811 90 90	— — — — — Other
ex 0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
0812 10 00	— Cherries:
ex 0812 10 00	— — Sour cherries (<i>Prunus cerasus</i>)
ex 0812 10 00	— — Other

CN Code	Description
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
ex 2008 60	— Cherries:
	— — Not containing added spirit
ex 2008 60 51	— — — Sour cherries (<i>Prunus cerasus</i>)
ex 2008 60 59	— — — Other
	— — — Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
ex 2008 60 61	— — — — Sour cherries (<i>Prunus cerasus</i>)
ex 2008 60 69	— — — — Other
	— — — Not containing added sugar, in immediate packings of a net content:
	— — — — Of 4,5 kg or more:
ex 2008 60 71	— — — — — Sour cherries (<i>Prunus cerasus</i>)
ex 2008 60 79	— — — — — Other
	— — — — Of less than 4,5 kg:
ex 2008 60 91	— — — — — Sour cherries (<i>Prunus cerasus</i>)
ex 2008 60 99	— — — — — Other'

COUNCIL REGULATION (EEC) No 2248/88

of 19 July 1988

amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Council Regulation (EEC) No 1208/81 of 28 April 1981 determining the Community scale for the classification of carcasses of adult bovine animals ⁽⁴⁾ applies until 31 December 1988 to intervention buying-in, pursuant to Article 6a of Regulation (EEC) No 805/68 ⁽⁵⁾, as last amended by Regulation (EEC) No 3905/87 ⁽⁶⁾; whereas, in view of experience gained, provision should be made for all intervention measures henceforth to be carried out on the basis of the scale;

Whereas, in accordance with Article 6a(4) of Regulation (EEC) No 805/68, the buying-in price is equal to the weighted average of the market prices in the Member States or in the region of a Member State, as appropriate, where buying-in is authorized, plus 2,5 % of the intervention price expressed at the slaughter stage for R 3 quality, and may not be less than the highest average market price used to calculate the weighted average;

Whereas the aim of the derogation until 31 December 1988 for buying-in in Article 6a was to limit buying-in, in particular by bringing the buying-in price closer to the market price; whereas, at present, after one year of

application, it may be stated that the abovementioned objective has not been achieved on account of the level of buying-in prices as determined in abovementioned Article 6a(4); whereas, as a result, provision should be made for the possibility of not applying, under certain market price conditions, the 2,5 % increase in the buying-in price nor the provision aligning the buying-in price on the highest market price,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 805/68 is hereby amended as follows:

1. Article 5(2) is replaced by the following:

'2. The intervention measures specified in paragraph 1 may be taken for adult bovine animals and for fresh or chilled meat of such animals presented in the form of carcasses, half-carcasses, compensated quarters, forequarters or hindquarters, classified in accordance with the Community classification scale provided for in Regulation (EEC) No 1208/81.'

2. The following subparagraph is added to Article 6a (4):

'The following terms of the first subparagraph, namely:

- (i) the increase of the buying-in price by 2,5 % of the intervention price expressed at the slaughter stage for R 3 quality;
- (ii) buying-in price of not less than the highest average market price used to calculate the weighted average,

shall apply, subject to the following provisions:

- where the weighted average of the market prices referred to in the first subparagraph is more than 82 % of the intervention price, it shall be permissible not to apply the two terms laid down in (i) and (ii),

⁽¹⁾ OJ No C 139, 30. 5. 1988, p. 47.

⁽²⁾ OJ No C 167, 27. 6. 1988.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁴⁾ OJ No L 123, 7. 5. 1981, p. 3.

⁽⁵⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁶⁾ OJ No L 370, 30. 12. 1987, p. 7.

- where the average is less than, or equal to, 82 % and more than 78 % of the intervention price, it shall be permissible not to apply the term laid down in (ii),

- where the average is less than, or equal to, 78 % of the intervention price, the said terms shall apply, but the increase introduced by the term laid down in (ii) may be subject to a ceiling of 4 % of the intervention price.'

Article 2

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

It shall apply from the beginning of the 1988/89 marketing year.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2249/88

of 19 July 1988

fixing the guide price and the intervention price for adult bovine animals for the 1988/89 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 2248/88 ⁽²⁾, and in particular Article 3(3) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas, when the guide price for adult bovine animals is fixed, account should be taken both of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the common agricultural policy aims *inter alia* at ensuring a fair standard of living for the agricultural community, at guaranteeing the availability of supplies and at ensuring that supplies reach consumers at reasonable prices;

Whereas the guide price must be fixed in accordance with the criteria laid down in Article 3(2) of Regulation (EEC) No 805/68; whereas Regulation (EEC) No 653/87 ⁽⁶⁾

provides for the application of the common prices in Spain at the beginning of the 1987/88 marketing year;

Whereas, in accordance with Article 6 a (2) of Regulation (EEC) No 805/68, the Community scale for the classification of carcasses of adult bovine animals, established under Regulation (EEC) No 1208/81 ⁽⁷⁾, is applicable for buying-in; whereas it is therefore appropriate to fix the intervention price per 100 kilograms carcass weight for the categories of animal eligible for intervention by referring to a reference quality defined in accordance with the said scale; whereas, in addition, since these are increasingly comparable in terms of their trade value, a single intervention price should be fixed for the said categories of animal and it should be maintained at the level laid down for the previous marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1988/89 marketing year, the guide price for adult bovine animals shall be 205,02 ECU per 100 kilograms liveweight.

Article 2

For the 1988/89 marketing year, the intervention price referred to in the second subparagraph of Article 6(1) of Regulation (EEC) No 805/68, shall be 344 ECU per 100 kilograms carcass weight for the carcasses of male animals of Class R 3 of the Community scale for the classification of adult bovine animals laid down by Regulation (EEC) No 1208/81.

Article 3

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

It shall apply from the beginning of the 1988/89 marketing year for beef and veal.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ See page 24 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 48.

⁽⁴⁾ OJ No C 167, 27. 6. 1988.

⁽⁵⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁶⁾ OJ No L 63, 6. 3. 1987, p. 1.

⁽⁷⁾ OJ No L 123, 7. 5. 1981, p. 3.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2250/88

of 19 July 1988

amending Regulation (EEC) No 1785/81 on the common organization of the markets in the sugar sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas under the terms of Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention ⁽⁴⁾ and of the Agreement between the European Economic Community and the Republic of India on cane sugar ⁽⁵⁾, the Community has undertaken to purchase and import at guaranteed prices specific quantities of cane sugar, raw or white, which originate in certain ACP States and the Republic of India and which they undertake to deliver to it; whereas the provisions referred to stipulate that they are to be implemented within the framework of the management of the market organization concerned which is laid down in Council Regulation (EEC) No 1785/81 ⁽⁶⁾, as last amended by Regulation (EEC) No 1107/88 ⁽⁷⁾; whereas those provisions further stipulate that, after negotiation, annual guaranteed prices are to be fixed at which the Community undertakes to purchase, within agreed quantities, quantities of the said sugars which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price;

Whereas the guaranteed prices for preferential raw sugar have not, since the 1985/86 marketing year, enabled the Community sugar refining industry to pay the suppliers in question the said price without any undue adverse effect on

their margins; whereas that adverse effect has since been offset by Community compensation granted under a temporary scheme the period of validity of which has been renewed; whereas it is now advisable to introduce a similar but more suitable scheme, whereby adjustment aid is paid by the Community for the refining of preferential raw sugar in the Community;

Whereas, in order to preserve a balance between the price of preferential raw cane sugar and that of raw cane sugar from the French overseas departments at the stage where those products enter the refinery, raw cane sugar from those departments and, when it is processed into white sugar in refineries in the Community, raw sugar obtained from beet harvested in the Community qualify for an additional Community subsidy which is identical to that paid in respect of preferential raw sugar; whereas it is advisable that this Regulation includes such provisions;

Whereas a provision should be introduced whereby the amount of the adjustment aid for the sugars in question can, where appropriate, be altered in order to maintain the said balance when changes occur in the storage levy and/or prices;

Whereas Article 27 of Regulation (EEC) No 1785/81 fixes, for the European regions of the Community, the date of 1 February of each marketing year as the deadline for decisions of undertakings producing sugar to carry forward production; whereas the production of some undertakings producing beet sugar in Spain is generally completed only well after that date and the production of sugar cane in that Member State only takes place practically at the end of the marketing year; whereas, therefore, in this case, in particular to avoid discrimination, appropriate deadlines should be set for decisions to carry over; whereas such deadlines must be made applicable to the 1987/88 marketing year to prevent the quantities of sugar concerned which cannot be carried over from having to be exported to third countries without refunds by the Spanish undertakings concerned;

Whereas in view, on the one hand, of the special situation of the United Kingdom's market in white sugar and of its raw sugar refining industry which relies entirely on supplies of preferential raw sugar and, on the other, the abovementioned commitments by virtue of which the Community is very much dependent on the existence of a viable refining industry in the United Kingdom, which must comply with the guaranteed prices fixed by the Community, it is advisable to introduce arrangements whereby the United Kingdom may, to the extent which is

⁽¹⁾ OJ No C 139, 30. 5. 1988, p. 16.

⁽²⁾ OJ No C 167, 27. 6. 1988.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁴⁾ OJ No L 86, 31. 3. 1986, p. 164.

⁽⁵⁾ OJ No L 190, 23. 7. 1975, p. 35.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁷⁾ OJ No L 110, 29. 4. 1988, p. 20.

felt to be necessary, grant national flat-rate adjustment and to its refiners of preferential raw sugar and whereby part of the aid, namely that corresponding to the obligations which the Community places on the said refiners, would be chargeable to the Community;

Whereas it is advisable that these measures be introduced for a certain period only, namely until the end of the period of validity of the production-quota system, to allow their impact to be assessed, and whereas they should apply as from the 1987/88 marketing year, in which the existence of the problems of the preferential raw sugar refining margin was recognized;

Whereas the production of sugar cane and raw cane sugar in the French overseas departments always encounters difficulties that are peculiar to the crop, environmental and operating conditions of this sector; whereas, these crops represent an essential component of the economy of the Research and Overseas Department; whereas, moreover, Italy is carrying out a restructuring of the sugar beet sector and sugar production by means of restructuring plans under Articles 92 to 94 of the Treaty; whereas, under these circumstances, the Member States concerned should be authorized to continue to grant, for the 1988/89 marketing year, national aid in accordance with the arrangements in force since the 1986/87 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1785/81 is hereby amended as follows:

1. The following paragraph is inserted into Article 9:

'4b. From the 1987/88 until 1990/91 marketing year, adjustment aid shall, as an intervention measure, be granted to the Community's preferential raw cane sugar refining industry.

The aid referred to in the first subparagraph shall be granted only in respect of the quantities eligible under Article 33 which are refined into white sugar at the refineries referred to in the third subparagraph of paragraph 4. The aid for the white sugar in question shall be 0,08 ECU per 100 kilograms, expressed as white sugar.

Throughout the marketing years specified in the first subparagraph, additional aid of 0,08 ECU per 100 kilograms, expressed as white sugar shall be granted for the refining, in the refineries referred to in the third subparagraph of paragraph 4, of raw cane sugar produced in the French overseas departments, in order to restore the price balance between that sugar and

preferential sugar. The aid shall also be granted in respect of raw sugar obtained from beet harvested in the Community in cases where the provisions of the second subparagraph of paragraph 4 are applied.

The amount of the adjustment aid and of the additional aid referred to above may be altered in respect of a given marketing year in the light of the amount of the storage levy fixed for that year and/or to take account of a change in refiners' margins which results from the price review for that marketing year.'

2. The following indent is added to Article 9(6) after the sixth indent:

'— the alterations referred to in the fourth subparagraph of paragraph 4b.'

3. The following text is inserted as a second subparagraph in Article 27(2) after the first subparagraph:

'As regards the undertakings established in Spain the date of 1 February referred to in the first indent of the first subparagraph is replaced by:

- 15 April, in the case of beet sugar production,
- 20 June, in the case of cane sugar production.'

4. In Article 46(1), (2) and (5) the terms 'the 1986/87 and the 1987/88 marketing years' is replaced by the term 'the 1988/89 marketing year'.

5. The following paragraph is added to Article 46:

'6. From the 1987/88 to 1990/91 marketing year the United Kingdom may, to the extent which it feels necessary, grant adjustment aid for the refining of preferential raw cane sugar.

The aid referred to in the first subparagraph may be granted only in respect of the quantities eligible under Article 33 which are refined into white sugar in the United Kingdom. The aid granted for the sugar thus produced shall not exceed 0,50 ECU per 100 kilograms, expressed as white sugar.

The Community shall, as an intervention measure, reimburse the United Kingdom 25 % of the aid granted in respect of each marketing year.'

Article 2

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

It shall apply, with the exception of point 4, from the beginning of the 1987/88 marketing year.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2251/88

of 19 July 1988

fixing, for the 1988/89 marketing year, certain sugar prices and the standard quality of beet

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2250/88⁽²⁾, and in particular Articles 2(3), 3(4) and 4(3) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁵⁾,

Whereas, when sugar prices are fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community intends to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and ensure that they reach consumers at reasonable prices;

Whereas, in order to attain these objectives, the target price for sugar must be fixed at a level which, taking into account in particular the resultant level of the intervention price, ensures a fair remuneration for beet and sugar cane producers while at the same time respecting consumers' interests, and which is likely to maintain the balance between the prices of the principal agricultural products;

Whereas, as a result of the characteristics of the sugar market, the risks involved in this trade are relatively slight; whereas, consequently, when the intervention price for sugar is being fixed, the difference between the target price and the intervention price may be fixed at a relatively low level;

Whereas the basic price for beet must take account of the intervention price and of the costs of processing and delivering the beet to factories and be based on an estimated Community yield of 130 kilograms of white sugar per tonne of beet at 16 % sugar content,

HAS ADOPTED THIS REGULATION:

Article 1

1. The target price for white sugar shall be 57,03 ECU per 100 kilograms.
2. The intervention price for white sugar shall be 54,18 ECU per 100 kilograms for the non-deficit areas of the Community with the exception of Spain.

Article 2

The basic price for beet, applicable in the Community with the exception of Spain and Portugal, shall be 40,89 ECU per tonne delivered at the collection centre.

Article 3

Standard quality beet shall:

- (a) be of sound, genuine and merchantable quality;
- (b) have a sugar content of 16 % at the reception point.

Article 4

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

It shall apply for the 1988/89 marketing year.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ See page 28 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 18.

⁽⁴⁾ OJ No C 167, 27. 6. 1988.

⁽⁵⁾ OJ No C 175, 4. 7. 1988, p. 33.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2252/88

of 19 July 1988

fixing, for the 1988/89 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89(1) and Article 234(2) thereof,

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 2250/88⁽²⁾, and in particular Article 3(5), Article 5(5), Article 8(4) and Article 14(5) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Whereas Council Regulation (EEC) No 2251/88 of 19 July 1988 fixing, for the 1988/89 marketing year, certain sugar prices and the standard quality of beet⁽⁴⁾ fixed the intervention price for white sugar at 54,18 ECU per 100 kilograms;

Whereas Article 3(1) of Regulation (EEC) No 1785/81 provides that derived intervention prices for white sugar are to be fixed for each of the deficit areas; whereas, for such fixing, it is appropriate that account be taken of the regional variations which, given a normal harvest and free movement of sugar, might be expected to occur in the price of sugar under natural conditions of price formation on the market;

Whereas a deficit supply situation is to be foreseen in the areas of production in Italy, Ireland and the United Kingdom;

Whereas Article 3(5) of Regulation (EEC) No 1785/81 provides that an intervention price for raw sugar shall be fixed; whereas such price should be established on the basis of the intervention price for white sugar;

Whereas Regulation (EEC) No 2251/88 fixed the basic price for beet at 40,89 ECU per tonne; whereas Article 5(2) of Regulation (EEC) No 1785/81 provides that the minimum price to be fixed for A beet shall be 98 % of the basic price of the beet and the minimum price to be fixed for B beet shall in principle be 68 % of the said basic price, without prejudice to Article 28(5) of that Regulation;

Whereas Article 14(2) of Regulation (EEC) No 1785/81 provides that the threshold price for white sugar shall be equal to the target price, plus costs, calculated at a flat rate, of transport from the Community area having the largest surplus to the most distant deficit consumption area in the Community, plus a flat-rate amount which takes into account the storage levy; whereas, given the state of supplies within the Community, account should be taken of transport charges between the departments of northern France and Palermo;

Whereas the threshold price for raw sugar is to be derived from the threshold price for white sugar by reference to a processing margin and a standard yield;

Whereas the threshold price for molasses should be fixed in such a way that the receipts from sales of molasses may reach the level of receipts of undertakings taken into account in the fixing of basic prices for beet;

Whereas Article 5 of Regulation (EEC) No 1358/77⁽⁵⁾ provides that the amount of repayment in the context of the compensation for storage costs shall be fixed per month and per unit of weight, taking account of financing, insurance and specific storage costs;

Whereas, when fixing the prices to be applied in Spain and Portugal, the prices fixed for those Member States for the 1987/88 marketing year should be aligned with the common prices in accordance with Articles 70 and 238 of the Act of Accession,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ See page 28 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1985, p. 19.

⁽⁴⁾ See page 31 of this Official Journal.

⁽⁵⁾ OJ No L 156, 25. 6. 1977, p. 5.

HAS ADOPTED THIS REGULATION:

Article 1

For the deficit areas of the Community, with the exception of Portugal, the derived intervention price for white sugar shall be fixed, per 100 kilograms, at:

- (a) 55,39 ECU for all the areas in the United Kingdom;
- (b) 55,39 ECU for all the areas in Ireland;
- (c) 56,12 ECU for all the areas in Italy.

Article 2

The intervention price for 100 kilograms of raw sugar shall be 44,92 ECU.

Article 3

1. The minimum price for A beet, applicable in the Community with the exception of Spain and Portugal, shall be 40,07 ECU per tonne.

2. Subject to Article 28(5) of Regulation (EEC) No 1785/81, the minimum price for B beet, applicable in the Community with the exception of Spain and Portugal, shall be 27,81 ECU per tonne.

Article 4

1. The sugar prices to be applied in Spain and Portugal shall be as follows:

— Spain:

- (a) the intervention price for white sugar shall be 62,78 ECU per 100 kilograms;

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

Done at Brussels, 19 July 1988.

(b) the prices for beet shall be:

- 47,98 ECU per tonne for the basic price,
- 47,16 ECU per tonne for the minimum price for A beet,
- 34,90 ECU per tonne for the minimum price for B beet, subject to the application of Article 28(5) of Regulation (EEC) No 1785/81;

— Portugal:

(a) the intervention price for white sugar shall be 51,88 ECU per 100 kilograms;

(b) the prices for beet shall be:

- 43,72 ECU per tonne for the basic price,
- 42,90 ECU per tonne for the minimum price for A beet,
- 30,64 ECU per tonne for the minimum price for B beet, subject to the application of Article 28(5) of Regulation (EEC) No 1785/71.

2. The beet prices referred to in paragraph 1 shall be for delivery at the collection centre and shall apply to beet of standard quality as defined in Article 3 of Regulation (EEC) No 2251/87.

Article 5

The threshold price shall be:

- (a) 66,33 ECU per 100 kilograms of white sugar;
- (b) 56,75 ECU per 100 kilograms of raw sugar;
- (c) 6,90 ECU per 100 kilograms of molasses.

Article 6

The amount of the reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81 shall be 0,49 ECU per month per 100 kilograms of white sugar.

Article 7

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

It shall apply for the 1988/89 marketing year.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2253/88

of 19 July 1988

amending Regulation (EEC) No 822/87 on the common organization of the market in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas in view of the large surplus on the wine market, the conditions under which national aid may be granted for the planting of vineyards should be narrowly drafted;

Whereas because of the technical nature of the quantitative limits for certain oenological practices and processes referred to in Annex VI of Regulation (EEC) No 822/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 1441/88 ⁽⁵⁾, provision should be made for the Council to amend those limits, acting by a qualified majority on a proposal from the Commission, in the light of scientific progress and experience;

Whereas experience shows that the use of copper sulphate should no longer be restricted, as laid down in Article 17(1) of Regulation (EEC) No 822/87, to regions in which it has not been used for the treatment of the vines;

Whereas Article 17(3) of Regulation (EEC) No 822/87 lays down the conditions under which calcium tartrate or tartaric acid may be used for deacidification; whereas the use of a homogeneous and finely pulverized preparation of

tartaric acid and calcium carbonate should be permitted subject to the same conditions as calcium tartrate, and in equivalent quantities;

Whereas as part of the scheme for compulsory deliveries of wine for distillation a producer is obliged to deliver all by-products of winemaking for distillation; whereas, in order to avoid the overpressing of by-products, the producer must deliver a certain quantity expressed as a volume of alcohol; whereas if this quantity is not reached by the volume of alcohol contained in the by-products the producer is obliged to make up the difference by delivering wine; whereas there is at present a surplus of non-marketable wine and it is thus in the interest of the Community to avoid as much as possible the production of wine of lesser quality; whereas, therefore, the quantities of by-products of winemaking to be compulsorily delivered should be increased;

Whereas Regulation (EEC) No 1441/88 adjusted the price payable for wine delivered for distillation set out in Article 39 of Regulation (EEC) No 822/87; whereas in order to maintain the necessary balance between the prices applicable within the context of the various compulsory distillations, it is appropriate also to progressively reduce the price applicable to the distillation of by-products of the winemaking and that applicable to the distillation of wines referred to in Article 36 of the said Regulation;

Whereas compulsory distillation of wine from grapes of vine varieties not classified as wine varieties and wine from grapes of double or triple-purpose varieties, as referred to in Article 36 of Regulation (EEC) No 822/87, have to be effected by the end of the wine year in which those wines are produced; whereas in order to ensure that sanctions for exceeding this time-limit are in proportion to the infringement, and for the sake of harmonization with other distillation measures, it should be left for the Commission to set a time limit;

Whereas Article 44 of Regulation (EEC) No 822/87 lays down that in the case of certain distillation operations the buying-in price for wine obtained by producers who have brought about an increase in alcoholic strength by adding sucrose or must having benefited from the aid referred to in Article 45 of that Regulation is to be reduced in a manner which corresponds to the economic advantage thus obtained; whereas, therefore, the reduction in the buying-in price should be calculated on the basis of the

⁽¹⁾ OJ No C 139, 30. 5. 1988, p. 66.

⁽²⁾ OJ No C 167, 27. 6. 1988.

⁽³⁾ OJ No C 175, 4. 7. 1988, p. 33.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁵⁾ OJ No L 132, 28. 5. 1988, p. 1.

level of the aid referred to in Article 45 and whereas that reduction should be applied to all distillation operations, with the exception, for administrative reasons, of that provided for in Article 35 of Regulation (EEC) No 822/87;

Whereas, in view of the trend in trade in wine with certain third countries, rules should be laid down making it possible to import into the Community wines available in limited quantities and possessing, among other particular qualitative characteristics, a low total acidity content;

Whereas the use of concentrated rectified grape must in winemaking has assumed major proportions; whereas provision should be made for effective supervision of such use by the competent authorities, which requires analytical examination of rectified concentrated grape must in order to check its authenticity; whereas in order to carry out these examinations sufficiently frequently and efficiently the definition of rectified concentrated grape must should stress those characteristics which are determinant as regards its authenticity and which can be checked with certainty and speed;

Whereas under Article 26 of Regulation (EEC) No 822/87 certain oenological practices not permitted under that Regulation have been authorized for experimental purposes by the Member States; whereas the results obtained are such that those practices may be considered as providing better control of winemaking, and at the same time offering no danger to the health of consumers; whereas they should therefore be permitted at Community level and Annex VI to Regulation (EEC) No 822/87 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 822/87 is hereby amended as follows:

1. Article 14 is replaced by the following:

'Article 14

1. The granting of national aid for the planting of category 3 areas cultivated for the production of table wines shall be prohibited.
2. As regards the planting of wine-growing areas other than those referred to in paragraph 1, the granting of national aid shall be prohibited except where it is:
 - laid down by specific Community provisions,
 - allowed pursuant to Articles 92 to 94 of the Treaty and contains criteria which should, in particular,

enable the objective of reducing production quantity or of improving quality to be attained without leading to increased production. These criteria shall be adopted in accordance with the procedure laid down in Article 83.

3. The prohibition referred to in paragraph 2 shall apply as from 1 September 1988. Measures in keeping with Community law which are authorized before that date may be applied after that date.

However, after 1 September 1996, all such measures must satisfy the conditions referred to in paragraph 2.'

2. Article 15(5) is replaced by the following:

'5. The Council, acting by a qualified majority on a proposal from the Commission may:

- (a) for the products referred to in paragraph 1, restrict or prohibit the use of the oenological practices and processes referred to in Annex VI,
- (b) amend in the light of scientific progress and experience the quantitative limits for certain oenological practices and processes referred to in Annex VI.'

3. In Article 17:

- (a) paragraph 1 is deleted;
- (b) the first subparagraph of paragraph 3 is replaced by the following:

'The use of calcium tartrate or tartaric acid or a homogeneous preparation of tartaric acid and calcium carbonate, as referred to in points 1(m) and 3(l) of Annex VI for deacidification purposes shall be permitted until 31 August 1990. However, the use of tartaric acid alone shall be allowed only for products:

- made from vine varieties which yield relatively acidic grapes,
- made from grapes harvested in certain wine-growing regions, to be defined, in the northern part of wine-growing zone A.'

4. In Article 35:

- (a) the third subparagraph of paragraph 1 is deleted;
- (b) paragraph 2 is replaced by the following:

'2. Any natural or legal person or group of persons, with the exception of the persons and groups referred to in paragraph 4, having made wine, shall be required to deliver for distillation all the by-products of that winemaking.

The quantity of alcohol contained in the by-products must be, at least equal, in relation to the volume of alcohol contained in the wine produced, to:

- 10 % if the wine has been obtained by direct vinification of grapes,
- 5 % if the wine has been obtained by vinification of grape must, grape must in fermentation or new wine still in fermentation.

The assessment of the volume of alcohol contained in the wine produced, referred to in the second subparagraph, shall be made on the basis of a standard minimum natural alcoholic strength by volume laid down for each wine year in each wine-growing zone.

Derogations may be made from this paragraph for categories of producers to be determined, for certain production regions and for wines subject to the distillation referred to in Article 36.'

(c) the following paragraph is inserted:

'5 a. The buying-in price of grape marc, wine lees and of wine delivered for distillation under this Article shall be equal to:

- 31 % for the 1988/89 wine year,
- 28,5 % for the 1989/90 wine year,
- 26 % from the beginning of the 1990/91 wine year,

of the guide price for table wine of type AI fixed for the wine year in question.

The price paid by the distiller may not be lower than the buying-in price.'

(d) paragraph 7:

- the second indent is deleted,
- the third indent is replaced by the following:
 - the derogation referred to in paragraph 2;'

5. Article 36(1), (2) and (3) are replaced by the following:

'1. Wine made from grapes belonging to varieties not listed as wine grape varieties in the classification of vine varieties for the administrative unit where they were harvested, and which is not exported during the wine year concerned shall be distilled by a date to be determined. Except by derogation, it may not be moved except to a distillery.

2. Where wine is produced from a grape variety listed in the classification for the same administrative unit as both a wine grape variety and a variety for use for another purpose, any wine which is produced in excess of the normal quantity and which is not exported during the wine year concerned shall be

distilled by a date to be determined. Except by derogation, it may not be moved except to a distillery.

The quantity of wine normally produced shall be determined from:

- the quantities produced during a reference period to be determined antedating the 1980/81 wine year or, for Spain, antedating the 1984/85 wine year,
- the quantities of wine put to traditional uses.

3. The buying-in price of wine delivered for distillation under paragraphs 1 and 2 shall be equal to:

- 45 % for the 1988/89 wine year,
- 40 % for the 1989/90 wine year,
- 35 % from the beginning of the 1990/91 wine year,

of the guide price for table wine of type AI fixed for the wine year in question.

The price paid by the distiller may not be lower than the buying-in price.'

6. Article 44 is replaced by the following:

'Article 44

For the wines obtained by producers who have increased the alcoholic strength by adding sucrose or must having benefited from the aid referred to in Article 45, the buying-in price fixed for each distillation, with the exception of that referred to in Article 35, shall be reduced within each wine-growing area by a similar flat-rate amount calculated on the basis of the level of the aid referred to in Article 45 and by the increase in the alcoholic strength prescribed for the wine-growing area concerned.

At the request of the producer concerned this reduction shall apply only within the limits of the quantities subject to the increased alcoholic strength referred to in the first subparagraph.

Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83.'

7. In Article 70(2) the second subparagraph of (a) is replaced by the following:

'(a) allowing certain wines originating in third countries as referred to in paragraph 1(b) possessing particular qualitative characteristics and bearing a geographical ascription to be delivered for direct human consumption:

- if their actual alcoholic strength by volume amounts to at least 8,5 % volume or their total alcoholic strength by volume exceeds 15 % volume without any enrichment,

or

- with regard to wines which may be treated as quality wines psr, their total acidity content, expressed as tartaric acid, is less than 4,5 but more than 3 grams per litre, i.e. less than 60 but more than 40 milliequivalents per litre.’.

8. In Annex I:

- (a) point 7 is replaced by the following:

‘7. Rectified concentrated grape must: the liquid uncaramelized product which:

- is obtained by partial dehydration of grape must carried out by any authorized method other than direct heat in such a way that the figure indicated by a refractometer used in accordance with the method laid down in the Annex to Regulation (EEC) No 543/86 (*), at a temperature of 20 °C is not less than 61,7 %,
- has undergone authorized treatment for deacidification and elimination of constituents other than sugar,
- has the following characteristics:
 - a pH of not more than 5 at 25° Brix,
 - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25° Brix,
 - a sucrose content undetectable by a method of analysis to be defined,
 - a Folin-Ciocalteu index of not more than 6,00 at 25° Brix,
 - a titratable acidity of not more than 15 milliequivalents per kilogram of total sugars,
 - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
 - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,
 - a conductivity at 25° Brix and 20 °C of not more than 120 uS/cm,
 - a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
 - presence of mesoinositol,
- is derived exclusively from the vine varieties referred to in Article 69,
- is produced within the Community,
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested.

An actual alcoholic strength of the rectified concentrated grape must of not more than 1 % volume is permissible.

(*) OJ No L 55, 1. 3. 1986, p. 41.’.

9. In Annex VI, point 1 is amended as follows:

- (a) the following indent shall be added under (j):

‘— an enzymatic preparation of betaglucanase, under conditions to be determined;’.

- (b) the following indent shall be added under (m):

‘— a homogeneous preparation of tartaric acid and calcium carbonate in equivalent proportions and finely pulverized, under the conditions laid down in the first subparagraph of Article 17(3);’.

- (c) the following are added after (n):

‘(o) the use of preparations of yeast cell wall, up to a maximum of 40 grams per hectolitre;

(p) the use of polyvinylpyrrolidone up to a maximum of 80 grams per hectolitre and under conditions to be determined.’.

(q) the use of lactic bacteria in a vinous suspension under conditions to be determined.’.

10. In Annex VI, point 3 is amended as follows:

- (a) the following indent is added under (l):

‘— a homogeneous preparation of tartaric acid and calcium carbonate in equivalent proportions and finely pulverized, under the conditions laid down in the first subparagraph of Article 17(3);’.

- (b) the following indent is added under (m):

‘— an enzymatic preparation of betaglucanase, under conditions to be determined;’.

- (c) (s) is replaced by the following:

‘(s) use of DL tartaric acid, also called racemic acid, or of its neutral salt of potassium, under conditions to be laid down, for precipitating excess calcium;’.

- (d) (w) is replaced by the following:

‘(w) use of copper sulphate to eliminate defects of taste or smell in the wine, up to a maximum of 1 gram per hectolitre and provided that the

copper content of the product so treated is not more than 1 milligram per litre;’.

(z) the use of lactic bacteria in a vinous suspension under conditions to be determined.’.

(e) the following is added:

‘(x) the use of preparations of yeast cell wall, up to a maximum of 50 grams per hectolitre;

(y) the use of polyvinylpyrrolidone, up to a maximum of 80 grams per hectolitre and under conditions to be determined;

Article 2

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 September 1988.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 2254/88

of 19 July 1988

fixing the guide prices for wine for the 1988/89 wine year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

preceding year should be maintained for the 1988/89 marketing year;

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

Whereas the level of prices in Spain differs from that of the common prices; whereas, pursuant to Article 70 of the Act of Accession, the Spanish prices should be aligned on the common prices at the beginning of each marketing year; whereas the rules laid down for this alignment give the Spanish prices set out below;

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89(1) thereof,

Whereas the guide prices must be fixed for each type of table wine representative of Community production as defined in Annex III of Regulation (EEC) No 822/88,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2253/88 ⁽²⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Article 1

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

For the 1988/89 wine year, the guide prices for table wines shall be:

Whereas, when the guide prices for the various types of table wine are fixed, account should be taken both of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the main objectives of the common agricultural policy are to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Tye of wine	Guide price in the Community of Ten	Guide price in Spain
R I	3,35 ECU/% vol/hl	2,49 ECU/% vol/hl
R II	3,35 ECU/% vol/hl	2,49 ECU/% vol/hl
R III	52,23 ECU/hl	38,89 ECU/hl
A I	3,11 ECU/% vol/hl	2,31 ECU/% vol/hl
A II	69,60 ECU/hl	51,78 ECU/hl
A III	79,49 ECU/hl	59,14 ECU/hl

Whereas, in order to attain these objectives, it is essential not to increase the present gap between production and demand; whereas, accordingly, the guide prices of the

Article 2

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 September 1988.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ See page 35 of this Official Journal.

⁽³⁾ OJ No C 139, 30. 5. 1988, p. 70.

⁽⁴⁾ OJ No C 187, 18. 7. 1988.

⁽⁵⁾ OJ No C 175, 4. 7. 1988, p. 33.

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

Done at Brussels, 19 July 1988.

For the Council

The President

Y. POTTAKIS

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 July 1988

on the granting, by certain Member States, of aid for the short-term private storage of table wine and must

(88/415/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES.

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

Having regard to the requests submitted by the French Republic and the Italian Republic,

Whereas, pursuant to Article 76 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2253/88 ⁽²⁾, Articles 92, 93 and 94 of the Treaty were made applicable to the production of, and trade in, wine and must;

Whereas, by Decision 87/375/EEC ⁽³⁾, the Council decided that national aid for the short-term private storage of table wines and must granted by certain Member States was to be regarded as compatible with the common market for the 1987/88 wine marketing year;

Whereas, having regard to the heavy surpluses on the market in table wines and must, this national aid contributes, at the start of the wine marketing year, to the same objectives of rationalizing the said market as the measures to stabilize the market applied at Community level;

Whereas, in order to avoid too abrupt a transfer to an arrangement which excludes all national aid for short-term

private storage, it is essential to provide for the payment of this aid to continue in certain Member States, while limiting the period during which it may be granted;

Whereas exceptional circumstances thus continue to prevail, giving grounds for regarding the said aid as compatible with the common market for the 1988/89 wine marketing year until 15 December 1988,

HAS ADOPTED THIS DECISION:

Article 1

National aid for the short-term private storage of table wine and must granted in France and Italy shall be deemed compatible with the common market for the 1988/89 wine marketing year until 15 December 1988.

Article 2

This Decision is addressed to the French Republic and the Italian Republic.

Done at Brussels, 18 July 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ See page 35 of this Official Journal.

⁽³⁾ OJ No L 200, 21. 7. 1987, p. 17.