

Official Journal

of the European Communities

ISSN 0378-6978

L 211

Volume 31

4 August 1988

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2438/88**of 3 August 1988****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) 2221/88⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2401/88⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 2 August 1988;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2401/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 August 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 3 August 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	11,21	138,19
0712 90 19	11,21	138,19
1001 10 10	21,88	163,78 ⁽¹⁾ ⁽²⁾
1001 10 90	21,88	163,78 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	135,61
1001 90 99	0,00	135,61
1002 00 00	26,32	97,37 ⁽³⁾
1003 00 10	19,98	104,51
1003 00 90	19,98	104,51
1004 00 10	76,92	47,42
1004 00 90	76,92	47,42
1005 10 90	11,21	138,19 ⁽²⁾ ⁽³⁾
1005 90 00	11,21	138,19 ⁽²⁾ ⁽³⁾
1007 00 90	34,79	151,87 ⁽⁴⁾
1008 10 00	19,98	26,24
1008 20 00	19,98	60,73 ⁽⁴⁾
1008 30 00	19,98	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	19,98	0,00
1101 00 00	6,74	203,02
1102 10 00	50,02	149,49
1103 11 10	51,18	266,92
1103 11 90	7,46	219,08

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Council Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 2439/88

of 3 August 1988

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2221/88⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2402/88⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 2 August 1988;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.
2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 August 1988.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 3 August 1988 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2440/88**of 2 August 1988****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3773/87⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 August 1988.

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

Done at Brussels, 2 August 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	18,66	811	147,08	38,71	130,48	3 098	14,41	28 738	43,65	12,49
1.20	0702 00 10 0702 00 90	Tomatoes	28,15	1 228	222,66	58,69	197,79	4 703	21,81	43 302	66,26	18,32
1.30	0703 10 19	Onions (other than sets)	16,71	729	132,20	34,84	117,44	2 793	12,95	25 711	39,34	10,88
1.40	0703 20 00	Garlic	126,47	5 518	1 000,39	263,68	888,66	21 134	98,00	194 553	297,70	82,33
1.50	ex 0703 90 00	Leeks	24,81	1 078	197,15	51,51	174,74	4 100	19,27	38 215	57,81	16,44
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	23,04	1 001	183,06	47,82	162,25	3 807	17,89	35 484	53,68	15,26
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	140,27	6 120	1 109,52	292,45	985,60	23 439	108,69	215 776	330,18	91,32
1.100	ex 0704 90 90	Chinese cabbage	18,55	809	146,74	38,67	130,35	3 100	14,37	28 538	43,67	12,07
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	48,41	2 103	382,81	100,58	339,20	8 054	37,50	74 654	113,01	32,21
1.120	ex 0705 29 00	Endives	91,00	3 955	723,03	188,90	640,84	15 038	70,68	140 150	212,02	60,29
1.130	ex 0706 10 00	Carrots	21,56	937	170,68	44,80	151,01	3 583	16,69	33 191	50,50	14,33
1.140	ex 0706 90 90	Radishes	80,89	3 513	645,34	168,03	570,65	13 481	62,92	124 906	188,51	53,21
1.150	0707 00 11 0707 00 19	Cucumbers	41,87	1 818	331,05	86,98	293,34	6 965	32,43	64 560	97,73	27,85
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	242,10	10 563	1 914,93	504,74	1 701,06	40 455	187,59	372 409	569,86	157,60
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna spp.</i> , <i>Phaseolus spp.</i>)	82,75	3 610	654,55	172,53	581,44	13 828	64,12	127 295	194,78	53,87
1.180	ex 0708 90 00	Broad beans	48,85	2 122	387,72	101,69	343,94	8 151	38,04	75 454	113,88	32,05
1.190	0709 10 00	Globe artichokes	82,78	3 596	657,05	172,33	582,85	13 814	64,46	127 867	192,99	54,32
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	562,72	24 552	4 450,98	1 173,20	3 953,85	94 031	436,03	865 608	1 324,56	366,34
1.200.2	ex 0709 20 00	— other	184,28	8 005	1 457,02	382,82	1 291,06	30 656	142,74	284 144	430,16	122,61
1.210	0709 30 00	Aubergines (egg-plants)	50,91	2 221	402,73	106,15	357,74	8 508	39,45	78 321	119,84	33,14
1.220	ex 0709 40 00	Celery stalks and leaves	73,33	3 187	578,02	152,13	512,77	12 178	56,65	112 937	171,54	49,10
1.230	0709 51 30	Chantarelles	560,03	24 435	4 429,67	1 167,58	3 934,93	93 581	433,94	861 464	1 318,22	364,58
1.240	0709 60 10	Sweet peppers	47,61	2 077	376,60	99,26	334,54	7 956	36,89	73 241	112,07	30,99
1.250	0709 90 50	Fennel	32,53	1 412	259,53	67,57	229,50	5 422	25,30	50 234	75,81	21,40
1.260	0709 90 70	Courgettes	43,72	1 899	345,70	90,83	306,32	7 273	33,86	67 417	102,06	29,09
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	86,60	3 752	685,31	179,12	610,30	14 416	67,02	133 023	201,41	58,26
2.10	ex 0802 40 00	Chestnuts (<i>Castanea spp.</i>), fresh	50,95	2 199	403,00	105,23	354,76	8 384	39,58	77 493	118,17	35,46
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	39,34	1 716	311,23	82,03	276,47	6 575	30,49	60 528	92,62	25,61
2.30	ex 0804 30 00	Pineapples, fresh	36,82	1 606	291,29	76,77	258,75	6 153	28,53	56 649	86,68	23,97
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	151,28	6 600	1 196,60	315,40	1 062,95	25 279	117,22	232 710	356,09	98,48
2.50	ex 0804 50 00	Guavas and mangoes, fresh	129,68	5 658	1 025,78	270,38	911,21	21 670	100,48	199 490	305,26	84,42
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	18,06	784	143,39	37,61	127,20	3 014	14,06	27 906	42,11	11,85

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	34,36	1 499	271,78	71,63	241,42	5 741	26,62	52 855	80,87	22,36
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	20,69	902	163,68	43,14	145,40	3 457	16,03	31 832	48,70	13,47
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	140,49	6 129	1 111,25	292,90	987,14	23 476	108,86	216 112	330,69	91,46
2.70.2	ex 0805 20 30	— Monreales and Satsumas	78,69	3 421	622,78	163,47	551,03	13 075	60,91	121 107	184,29	52,32
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	70,84	3 091	560,35	147,69	497,76	11 838	54,89	108 974	166,75	46,12
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	54,00	2 356	427,13	112,58	379,43	9 023	41,84	83 067	127,11	35,15
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	48,30	2 107	382,08	100,71	339,40	8 071	37,43	74 305	113,70	31,44
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	160,04	6 982	1 265,86	333,66	1 124,48	26 742	124,00	246 181	376,70	104,18
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	37,49	1 635	296,53	78,16	263,41	6 264	29,04	57 668	88,24	24,40
2.90.2	ex 0805 40 00	— pink	54,93	2 396	434,52	114,53	385,99	9 179	42,56	84 505	129,31	35,76
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	113,88	4 969	900,80	237,43	800,19	19 030	88,24	175 184	268,06	74,14
2.110	0807 10 10	Water-melons	23,41	1 021	185,18	48,81	164,50	3 912	18,14	36 013	55,10	15,24
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	28,54	1 245	225,76	59,50	200,55	4 769	22,11	43 906	67,18	18,58
2.120.2	ex 0807 10 90	— Other	79,00	3 447	624,91	164,71	555,12	13 202	61,21	121 531	185,96	51,43
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	48,15	2 101	380,89	100,39	338,35	8 046	37,31	74 074	113,34	31,34
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	59,16	2 581	467,96	123,34	415,70	9 886	45,84	91 008	139,26	38,51
2.150	0809 10 00	Apricots	49,92	2 178	394,87	104,08	350,77	8 342	38,68	76 793	117,51	32,50
2.160	0809 20 10 0809 20 90	Cherries	119,73	5 203	943,71	248,38	837,19	19 882	92,50	184 388	280,06	80,17
2.170	ex 0809 30 00	Peaches	74,78	3 250	589,39	155,13	522,86	12 417	57,77	115 159	174,91	50,07
2.180	ex 0809 30 00	Nectarines	62,60	2 731	495,21	130,52	439,90	10 461	48,51	96 306	147,36	40,75
2.190	0809 40 11 0809 40 19	Plums	72,17	3 148	570,85	150,46	507,09	12 059	55,92	111 017	169,88	46,98
2.200	0810 10 10 0810 10 90	Strawberries	74,37	3 231	588,08	154,51	521,09	12 373	57,61	114 685	173,62	49,49
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	149,86	6 538	1 185,35	312,44	1 052,96	25 041	116,12	230 522	352,74	97,56
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	197,55	8 619	1 562,61	411,88	1 388,09	33 011	153,07	303 891	465,01	128,61
2.230	ex 0810 90 90	Pomegranates	51,26	2 213	406,77	105,84	357,82	8 456	39,85	77 884	118,89	35,56
2.240	ex 0810 90 90	Khakis	50,00	2 173	395,68	103,86	350,09	8 307	38,70	76 945	117,09	33,24
2.250	ex 0810 90 90	Lychees	300,15	13 096	2 374,11	625,77	2 108,95	50 155	232,57	461 707	706,51	195,40

COMMISSION REGULATION (EEC) No 2441/88

of 3 August 1988

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 ⁽⁴⁾ and Article 19 ⁽⁷⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for

calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as amended by Regulation (EEC) No 1714/88 ⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

Community and on the world market that the refund should be as set out in the Annex hereto;

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87⁽¹⁾, the nomenclature applicable from 1 January 1988 to export refunds for agricultural products was introduced by Regulation (EEC) No 3846/87⁽²⁾, as corrected by Regulation (EEC) No 1561/88⁽³⁾; whereas that nomenclature must be amended to adjust the fixing of refunds to market requirements, in particular having regard to the current erratic variations of quotations of the world sugar market;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in Annex I hereto.
2. The agricultural product nomenclature for export refunds in section 15 of the Annex to Regulation (EEC) No 3846/87 is hereby amended in accordance with that set out in Annex II hereto.

Article 2

This Regulation shall enter into force on 4 August 1988.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽³⁾ OJ No L 144, 10. 6. 1988, p. 1.

ANNEX I

to the Commission Regulation of 3 August 1988 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,35 ⁽¹⁾	
1701 11 90 910	28,91 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,35 ⁽¹⁾	
1701 12 90 910	28,91 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3625
1701 99 10 100	36,25	
1701 99 10 910	36,88 ⁽³⁾	
1701 99 10 950	32,38	
1701 99 90 100		0,3625

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

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

⁽³⁾ Applicable under the conditions laid down in particular in Article 9 (5) of Regulation (EEC) No 2630/81.

ANNEX II

15. White and raw sugar without further processing

CN code	Description	Product code
1701	Cane or beet sugar and chemically pure sucrose, in solid form :	
	– Raw sugar not containing added flavouring or colouring matter :	
ex 1701 11	– – Cane sugar :	
1701 11 90	– – – Other :	
	– Candy sugar	1701 11 90 100
	– Other raw sugar :	
	– In immediate packings not exceeding 5 kg net of product	1701 11 90 910
	– Other	1701 11 90 950
ex 1701 12	– – Beet sugar :	
1701 12 90	– – – Other :	
	– Candy sugar	1701 12 90 100
	– Other raw sugar :	
	– In immediate packings not exceeding 5 kg net of product	1701 12 90 910
	– Other	1701 12 90 950
	– Other :	
1701 91 00	– – Containing added flavouring or colouring matter	1701 91 00 000
ex 1701 99	– – Other :	
1701 99 10	– – – White sugar :	
	– Candy sugar	1701 99 10 100
	– Other :	
	– Of a total quantity not exceeding 10 tonnes	1701 99 10 910
	– Other	1701 99 10 950
1701 99 90	– – – Other :	
	– Containing added substances other than flavouring or colouring matter	1701 99 90 100
	– Other	1701 99 90 900

COMMISSION REGULATION (EEC) No 2442/88
of 3 August 1988

allowing the extension of the duration of private storage contracts for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 3906/87⁽²⁾, and in particular Articles 4 (6), 5 (4) and 7 (2) thereof,

Whereas Commission Regulation (EEC) No 322/88⁽³⁾ as well as (EEC) No 1186/88⁽⁴⁾ made provision for private storage aid for pigmeat; whereas the market in pigmeat has developed in such a way that an extension of the storage period should be allowed;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the case of current private storage contracts, the period of storage shall be extended by one month on application by the storer. The extension shall apply to the entire quantity covered by the contract. The storer shall inform the intervention agency of his intention to extend the duration of any storage contract at least three working days before the expiry date of the storage contract.

In such case, the aid shall be increased in accordance with the provisions of Article 1 (2) of Regulations (EEC) No 322/88 and (EEC) No 1186/88 respectively.

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, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽³⁾ OJ No L 32, 4. 2. 1988, p. 11.

⁽⁴⁾ OJ No L 111, 30. 4. 1988, p. 71.

COMMISSION REGULATION (EEC) No 2443/88

of 3 August 1988

laying down special measures for the application of monetary compensatory amounts and accession compensatory amounts to certain trade in sugar beet and sugar between Portugal and Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, and in particular Article 24 (8) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1889/87⁽⁴⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 469/86 of 25 February 1986 laying down general rules for the system of accession compensatory amounts in the sugar sector⁽⁵⁾ and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁶⁾, and in particular Article 13 (1) thereof,

Whereas the third and fourth subparagraphs of Article 24 (1a) of Regulation (EEC) No 1785/81 provide that, as a transitional measure, if an undertaking which is intended for sugar production, which is approved as such by Portugal and which is situated in its mainland region is not likely to start up sugar production, that Member State may allocate to it an A quota and a B quota; whereas for the application of this measure, where a sugar producing undertaking which is situated in another Member State and to which production quotas have been allocated, processes sugar beet harvested in Portugal and purchased by the undertaking situated in Portugal, the sugar obtained as a result shall be considered as having been produced by the Portuguese undertaking in question;

Whereas in practice the Portuguese sugar beet will be processed into sugar in Spain and this sugar will, by necessity, have to be reintroduced into Portugal in order to be considered there as having been produced by the undertaking situated in the latter Member State; whereas this operation presupposes a traffic between Portugal and

Spain which cannot be considered as taking place within the framework of commercial trade between Member States in view of the fact that the production of the sugar in question has to be attributed to the quotas of the Portuguese undertaking; whereas under these conditions it is justified that such operations should not be subject to the monetary compensatory amounts which are applicable between these Member States; whereas for these same reasons and owing to the fact that operations do not represent, in particular within the meaning of Article 3 of Regulation (CEE) No 1677/85, any risk of disturbance in the trade in agricultural products between these two Member States, they should similarly not be subject to the accession compensatory amounts which are applicable to the said trade;

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

HAS ADOPTED THIS REGULATION:

Article 1

During the marketing years 1988/89 to 1990/91 no monetary compensatory amounts shall be applied to sugars falling within CN codes 1701 99 10 and 1701 12 90 produced during those marketing years and in transit from Spain to Portugal within the framework of operations carried out by virtue of the transitional arrangements provided for in the third and fourth subparagraphs of Article 24 (1a) of Regulation (EEC) No 1785/81.

Article 2

During the marketing years 1988/89 to 1990/91 no accession compensatory amounts shall be applied:

- (a) to sugar beets falling within CN code 1212 91 10 harvested during these marketing years and in transit from Portugal to Spain;

and

- (b) to sugars falling within CN codes 1701 99 10 and 1701 12 90 produced during these marketing years and in transit from Spain to Portugal,

within the framework of operations carried out by virtue of the transitional arrangements provided for in the third and fourth subparagraphs of Article 24 (1a) of Regulation (EEC) No 1785/81.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 53, 1. 3. 1986, p. 32.

⁽⁶⁾ OJ No L 367, 31. 12. 1985, p. 7.

Article 3

1. The two Member States concerned shall take the measures necessary in order to guarantee that the operations are carried out under official control and that the quantities of sugar sent from Spain to Portugal correspond for each marketing year to the quantity of beet sent from Portugal to Spain within the framework of the transitional arrangements provided for in the third and fourth subparagraphs of Article 24 (1a) of Regulation (EEC) No 1785/81.

2. For the purpose of applying paragraph 1, the two Member States concerned shall utilize the 'information sheet' for facilitating the temporary export of goods sent

from one country to another for processing, working or repair appearing in Appendix I to Annex E8 of Council Decision 77/415/EEC⁽¹⁾. Under heading C of this sheet 'non-application of monetary compensatory amounts in conformity with Regulation (EEC) No 2443/88' should be indicated. These words must appear on all the customs entries concerned.

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 with effect from 1 July 1988.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 4. 7. 1977, p. 1.

COMMISSION REGULATION (EEC) No 2444/88

of 3 August 1988

on a special intervention measure for barley in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2221/88 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas production of barley in Spain exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the Spanish market can be relieved by the export of part of this surplus quantity of barley to non-member countries; whereas, in view of world market prices for barley, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of barley from Member States where the market situation is different from that in Spain;

Whereas, in the absence of adequate measures, massive quantities of barley may be expected to enter intervention storage in Spain during the marketing year in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Spanish market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Spain, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on barley of the quality required for acceptance for intervention, as defined in Commission

Regulation (EEC) No 1569/77 ⁽³⁾, as last amended by Regulation (EEC) No 2391/88 ⁽⁴⁾; however, it is necessary to foresee an exception concerning the specific weight, having regard to the meteorological circumstances in Spain this year; whereas the competent agency must make certain barley exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽⁵⁾, and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application on the system of tendering for export refunds on cereals ⁽⁶⁾, as last amended by Regulation (EEC) No 2788/86 ⁽⁷⁾;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

⁽¹⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽²⁾ OJ No L 205, 30. 7. 1988, p. 75.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 500 000 tonnes of barley produced in Spain.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Spanish intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of barley referred to in Article 1 (1) for export to the countries in zones I to VIII listed in Annex I to Commission Regulation (EEC) No 1124/77⁽¹⁾, the German Democratic Republic and the Canary Islands.

3. The invitation shall remain open until 23 February 1989. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 11 August 1988.

4. Tenders must be submitted to the Spanish intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
 - advance fixing of the Spanish monetary compensatory amount valid on each closing date for the submission of tenders,
 - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in Spain.

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

Article 5

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽²⁾, as last

amended by Regulation (EEC) No 2082/87⁽³⁾, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of the issue.

Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the barley exported is of at least intervention quality as defined in Article 2 (2) of Regulation (EEC) No 1569/77, with the exception of a specific minimum weight of 60 kg/hl.

The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

Article 7

Tenders submitted must reach the Commission through the intervention of the Spanish intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, the Spanish intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

⁽¹⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽³⁾ OJ No L 195, 16. 7. 1987, p. 11.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Weekly tender for the refund for the export of barley to countries in zones I to VIII, the German Democratic Republic and the Canary Islands

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 2445/88

of 3 August 1988

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80
of 27 June 1980 on the common organization of the
market in sheepmeat and goatmeat⁽¹⁾, as last amended by
Regulation (EEC) No 1115/88⁽²⁾,

Having regard to Commission Regulation (EEC) No
1633/84 of 8 June 1984 laying down detailed rules for
applying the variable slaughter premium for sheep and
repealing Regulation (EEC) No 2661/80⁽³⁾, as last
amended by Regulation (EEC) No 1860/86⁽⁴⁾, and in
particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 3 (5) of Regulation (EEC) No
1837/80; whereas it is necessary therefore for the
Commission to fix, for the week beginning 4 July 1988,
the level of the premium and the amount to be charged
on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84
stipulates that the level of the variable slaughter premium
is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84
lays down that the amount to be charged on products
leaving region 5 shall be fixed weekly by the Commis-
sion;

Whereas in the Annex to Commission Regulation (EEC)
No 1310/88 of 11 May 1988 on the application of the
guarantee limitation arrangements for sheepmeat and
goatmeat⁽⁵⁾ the weekly amounts of the guide level are set
out pursuant to Article 9a (3) of Regulation (EEC) No
1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of
Regulation (EEC) No 1837/80, for the week beginning 4
July 1988, the variable slaughter premium for sheep certi-
fied as eligible in the United Kingdom is to be in accor-
dance with the amounts fixed in the Annexes hereto;
whereas, for that week, in the light of the Judgment of
the Court of Justice of 2 February 1988 in Case 61/86,
the provisions of Article 9 (3) of Regulation (EEC) No
1837/80 and of Article 4 of Regulation (EEC) No 1633/84
lead to the amounts to be charged on products, leaving
region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the appli-
cation of the provisions relating to the said amounts, the
system of controls provided for by Regulation (EEC) No
1633/84 should be maintained without prejudice to the
preparation of any more specific provisions following the
abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 5, within the meaning of Article 3 (5)
of Regulation (EEC) No 1837/80, for the variable
slaughter premium during the week beginning 4 July
1988, the level of the premium is fixed at 48,135
ECU/100 kilograms of estimated or actual dressed carcass
weight within the limits laid down by Article 1 (1) (b) of
Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 1837/80, which left the territory of region
5 during the week beginning 4 July 1988, the amounts to
be charged shall be equivalent to those fixed in the
Annexes hereto.

Article 3

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

It shall apply with effect from 4 July 1988.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Amount to be charged for products leaving region 5 during the week commencing 4 July 1988

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	22,623	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	48,135	0
0204 21 00	48,135	0
0204 50 11		0
0204 22 10	33,695	
0204 22 30	52,949	
0204 22 50	62,576	
0204 22 90	62,576	
0204 23 00	87,606	
0204 30 00	36,101	
0204 41 00	36,101	
0204 42 10	25,271	
0204 42 30	39,711	
0204 42 50	46,931	
0204 42 90	46,931	
0204 43 00	65,704	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	62,576	
0210 90 19	87,606	
1602 90 71		
— unboned (bone-in)	62,576	
— boned or boneless	87,606	

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 2446/88
of 3 August 1988

fixing the maximum export refund for white sugar for the 14th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1035/88, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 14th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 14th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 39,367 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 4 August 1988.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 2447/88
of 3 August 1988
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88⁽³⁾, as last amended by Regulation (EEC) n. 2437/88⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 August 1988.

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

Done at Brussels, 3 August 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 210, 3. 8. 1988, p. 20.

ANNEX

to the Commission Regulation of 3 August 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	31,33 ⁽¹⁾
1701 11 90	31,33 ⁽¹⁾
1701 12 10	31,33 ⁽¹⁾
1701 12 90	31,33 ⁽¹⁾
1701 91 00	42,81
1701 99 10	42,81
1701 99 90	42,81 ⁽²⁾

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

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 January 1988

concerning aids planned by the French Government in favour of a shipbuilding contract for which there is competition between yards in several Member States

(Only the French text is authentic)

(88/437/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Directive 87/167/EEC of 26 January 1987 on aid to shipbuilding⁽¹⁾, and in particular Articles 3 and 4 (1), in conjunction with Article 4 (4) and (5), thereof,

Having given the parties concerned notice to submit their comments,

Whereas :

I

On 20 January 1987 the United Kingdom Government requested, according to Article 4 (5) of Directive 87/167/EEC, that the Commission intervene in a specific aid case concerning competition between several Member States for a shipbuilding contract concerning the building of a 36 500 cgt car ferry for the French cross-Channel operator Bretagne-Angleterre-Irlande (BAI), also called Brittany Ferries.

It appeared that the Member States with national yards involved in the competition for the contract concerned were France, the Netherlands and the United Kingdom.

The Commission asked these three Member States to notify the aid which they planned to grant in support of their yards for this particular contract, drawing to their

attention the fact that such aid plans could not be implemented until the Commission had given its final approval.

The aid envisaged by the United Kingdom Government was notified in the abovementioned note of 20 January 1987 and further specified by letter of 27 March 1987. The aid plan of the Netherlands Government was notified by telex of 9 March 1987, whilst that of the French Government, after several reminders, was only notified on 10 June 1987.

The aid plan notified by the French Government consisted of a direct production aid to the yard of 28 % of the contract value before aid together with a FF 40 million aid to the French domiciled shipping company, the latter aid being available regardless of the country of construction.

The United Kingdom Government planned an aid in the form of a grant to the competing national yard from the Shipbuilding Intervention Fund of 27,9 % of the contract value before aid.

The aid envisaged by the Netherlands Government in favour of the competing national yard was a grant of 13,4 % of the contract value before aid.

It appeared that, contrary to Article 4 (5) of Directive 87/167/EEC, when, in accordance with Article 4 (4) in conjunction with Article 3 (2) of the Directive, aid to be granted directly to the national yards and the indirect production aid made available to the shipowner for the building of the ship were cumulated, both the aid

⁽¹⁾ OJ No L 69, 12. 3. 1987, p. 55.

proposed by the French Government and that foreseen by the United Kingdom Government exceeded the maximum ceiling for production aid, fixed by the Commission under Article 4 (2), in conjunction with Article 4 (1) of the Directive, at 28 % of the contract value before aid⁽¹⁾.

Furthermore, it was clear that the aid intensity of both the French and the United Kingdom Governments' plans significantly exceeded that envisaged by the Netherlands Government, which, when including the shipbuilding aid at the disposal of the French shipowner, resulted in a total aid level of 22,8 % of the contract value before aid.

The Commission, in a declaration in the Minutes of the 1136th meeting of the Council of Ministers of 22 December 1986, stated that when exercising its powers under Article 4 (5) of the Directive, under which it shall ensure in a case of notification of aid proposals for yards in different Member States competing for a particular contract that planned aid does not affect trading conditions to an extent contrary to the common interest, it will, in applying the procedures of Article 93 of the EEC Treaty, only permit the lowest aid level unless a higher aid level within the ceiling appears necessary to ensure that the contract remains within the Community, and, at the same time, it will not allow this particular contract to be included in the base for calculating other operating aid under Article 5 (1).

For these reasons, the Commission decided on 15 July 1987 to initiate the procedure laid down in Article 93 (2) of the EEC Treaty against the aid plans proposed by the French and the United Kingdom Governments whilst it approved the aid plan proposed by the Netherlands Government.

By letters of 27 July 1987 it gave the French and the United Kingdom Governments notice of the opening of the procedure and asked for the observations of these two Governments. The Netherlands in a letter of 27 July 1987 approving its own aid plan was asked for its comments, as were the other Member States not directly involved by letters of 10 November 1987. Other interested parties were notified through the *Official Journal of the European Communities* on 25 November 1987⁽²⁾.

Shortly after the opening of the Article 93 (2) EEC procedure it was announced in the press that the order in question had been placed at a French yard.

II

In its observations in reply to the opening of the procedure, sent by letter of 9 September 1987, the French Government argued that aid to shipowners for the building of vessels should not be counted within the

ceiling if this aid was made available to the shipowner regardless of his choice of country of construction.

As for the second reason underlying the Commission's opening of the Article 93 (2) EEC procedure, the French Government contended that the aided competing offer from the Netherlands yard was not a *bona fide* offer to be taken into account but reflected an intention to undermine the economic base of the vessel's construction for its usual Community competitors.

In letters of 28 August and 6 November 1987 the United Kingdom Government adapted its aid plan downwards, firstly, so that when accumulated with the French Government's aid to the shipowner the cumulative total did not exceed 28 %, and later down further so that it did not exceed the level of direct aid to the yard planned by the Netherlands Government, thus fully overcoming the objections raised by the Commission in its opening of the Article 93 (2) EEC procedure.

In commenting under this procedure, two Member States, among these one directly concerned, *viz.* the Netherlands, intervened.

III

Aid to shipbuilding is subject to specific rules adopted by the Council on the basis of Article 92 (3) (d) of the EEC Treaty (Directive 87/167/EEC).

The Directive is based on the realization that shipbuilding is suffering from a fundamental structural crisis, rather than a cyclical problem of demand, in which it would be short-sighted to continue to respond to the aggravation of the crisis by multiplying the volume of operating aid which tends to increase the partitioning of the internal market and constitute a continuing drain on the scarce budgetary resources of the Member States without inducing any lasting improvement in the competitiveness of the Community's shipbuilding industry.

In this situation, a tight and selective aid policy is necessary in order to support the present trend in production towards more technologically advanced ships and in order to ensure fair and uniform conditions for intra-Community competition; such a policy constitutes the most appropriate approach in terms of ensuring the maintenance of a sufficient level of activity in European shipyards and thereby the survival of an efficient and competitive European shipbuilding industry.

In order to carry out this policy, the Council took the view that it was necessary, in order to avoid discrimination, to make all forms of operating aid subject to a common maximum ceiling, including loss compensation and such aid as is granted indirectly through third persons; since increased efficiency is a principal objective pursued by the premises of the Directive, the yearly review of the production aid ceiling should always aim at its progressive reduction.

⁽¹⁾ OJ No C 27, 5. 2. 1987, p. 12.

⁽²⁾ OJ No C 313, 25. 11. 1987, p. 2.

In addition, in order to ensure full transparency, which is a vital element in ensuring the proper functioning of a Community aid system both in respect of operational aid and burden-sharing with regard to restructuring efforts, the Directive strengthened the notification rules, including notification of aid to shipowners for the building or conversion of ships.

For its part, in order to meet more effectively the requirements governing implementation of the mechanism introduced by Directive 87/167/EEC, the Commission considers that the provisions of Article 4 (5) of the Directive should be interpreted to mean that, where the Commission is notified of planned aid for shipyards in different Member States competing for the same order, the level of aid that can be authorized must correspond to the lowest level, unless a higher level of aid (though not exceeding the ceiling) proves necessary in order to ensure that the contract remains within the Community. A statement along these lines was made by the Commission to the Council during the adoption of the Directive on 22 December 1986.

Since the entry into force of the Directive 87/167/EEC, the Commission has had to deal with 17 other cases of intra-Community competition under Article 4 (5) of the Directive on request from Member States. These cases have all been settled according to these interpretation criteria, mainly by voluntary agreements between Member States.

IV

This being so, with regard to the individual aid covered by this Decision, it should be noted that the aid is intended for Alsthom-Chantier, Saint-Nazaire.

Alsthom-Chantier is a very large firm: in the first three quarters of 1987, its order book amounted to 49 000 cgt, equivalent to 92,3 % of French production capacity and 3,68 % of Community production capacity. In 1986, the tonnage of completed ships was 56 000 cgt, equivalent to 38,8 % of French production and 2,95 % of Community production.

The car-ferry production sector is a highly competitive one, as evidenced by the three tenders for the contract in question made by French, United Kingdom and Netherlands shipyards.

In view of the above considerations, the Commission considers that the aid planned by the French Government is likely to affect intra-Community trade and competition and, consequently, meets the conditions laid down in Article 92 (1) of the Treaty.

With regard to the observations submitted by the French Government, the Commission would remark first that experience has shown that aid granted to shipowners for

the building and conversion of ships is predominantly used for construction at national shipyards, and must necessarily be made subject to the aid ceiling if discrimination is to be avoided and if the ceiling is to stand a chance of exercising its intended influence on improving competitiveness, reducing distortion in intra-Community trade and encouraging continued restructuring. This aid policy was laid down explicitly in Articles 3 (2) and 4 (4) of Directive 87/167/EEC.

The fact that, in the present case, the indirect aid for shipowners is also made available for construction in other Member States is in any case a necessary condition for their approval (see Article 3 (3) of the Directive), without which the aid would be incompatible with Article 7 of the Treaty.

An aid policy based on the application of a single common ceiling for production aid for all categories of vessels makes it necessary to provide for a system through which aid within the ceiling is limited to that which is strictly necessary to keep the contract available for Community yards, in order to prevent this ceiling from becoming the universal level of aid and to ensure a normal play of competition undistorted by aid between yards in Member States.

Secondly, the Commission cannot consider as justified the criticism relating to the nature of the Netherlands offer. In fact, the vigorous and repeated interventions by the Netherlands Government do not give rise to any belief that the Netherlands yard was only making a fictitious bid when the Netherlands Government notified its aid plan in March 1987.

The argument on which the French Government bases its allegations in that respect has no bearing on the facts. It refers to the fact that, early in 1985, the Netherlands yard in question lost a contract for a ferry for a United Kingdom shipowner to a third country because a minimum aid level of Fl 100 million was not granted, although it was regarded as necessary in order to cover the costs involved.

The French authorities assume that the present contract will require the same minimum amount of aid of Fl 100 million and then adjust the cost price in proportion to compensated gross tonnages of the two ships and conclude that the proceeds of the yard in the present case will be approximately FF 100 million below cost. This argument does not take into account the fact that each individual shipbuilding contract is very different and the cost structure accordingly varies significantly, that the 1985 tender, on which the comparison is made, concerned a special creation of a new cruise ferry model, intended for the expanding luxury cruise-style sea crossing market, that productivity of yards may increase by roughly 10 % a year, and that the particular yard in question has been through a considerable restructuring during the 1985-1986 period.

At all events, the tender made by the Netherlands shipyard must be considered to meet market criteria, since it is comparable to the other two tenders in question, namely (expressed in French francs) FF 394 million for the United Kingdom tender, FF 429 million for the Netherlands tender and FF 450 million for the French tender.

In this context it is essential that as a result of the Commission's abovementioned declaration in the Minutes of the Council Meeting of 22 December 1986 Member States were made aware of the fact that subsequent aid cannot be granted to cover losses suffered from bidding at prices below costs for particular contracts, as it will not be included in the base for allowing other subsequent operating aid under Article 5 (1) of the Directive,

HAS ADOPTED THIS DECISION:

Article 1

The plan notified by the French Government on 10 June 1987 to grant aid for the building of a 36 500 cgt car ferry for the French cross-Channel operator, Brittany Ferries, in the form of a direct grant to the constructing yard of 28,1 % of the contract value before aid together with a FF

40 million investment aid to the shipowner cannot be considered compatible with the common market.

Article 2

The French Government must not put these proposed aid measures into effect.

It shall inform the Commission within two months from the notification of this Decision of the measures it has taken in order to abolish its aid plans or to alter them in such a way as to bring them down to the lowest level of aid offered by a Member State for the particular shipbuilding contract in question, i.e. 22,8 % of the contract value before aid as defined in Article 1 (e) of Directive 87/167/EEC, including the notified FF 40 million shipbuilding aid to be granted to the shipowner concerned.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 20 January 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3819/85 of 30 December 1985 adjusting various Regulations relating to sugar as a result of the accession of Spain and Portugal

(Official Journal of the European Communities No L 368 of 31 December 1985)

On page 26 in Article 4:

for:

'Article 4'

* Regulation (EEC) No 1443/82 is hereby amended as follows:

The second subparagraph of Article 3 (1) is replaced by the following:

"For the French departments of Guadeloupe and Martinique and for Spain in respect of cane sugar, the dates '15 April' and '1 June' in paragraphs 2 and 3 are replaced by '15 August' and '1 September' respectively."

read:

'Article 4'

Regulation (EEC) No 1443/82 is hereby amended as follows:

Article 5 (4) is replaced by the following:

"4. For the French departments of Guadeloupe and Martinique and for Spain in respect of cane sugar, the dates '15 April' and '1 June' in paragraphs 2 and 3 are replaced by '15 August' and '1 September' respectively."

Corrigendum to Commission Regulation (EEC) No 1998/88 of 6 July 1988 amending quantitative limits fixed for imports of certain textile products originating in Thailand (category 5)

(Official Journal of the European Communities No L 176 of 7 July 1988)

On page 19 in Annexes III and IV bis in the 'CN code' columns:

for:

6101 10 90
6101 20 90
6101 30 90

6102 10 90
6102 20 90
6102 30 90

6110 10 10
6110 10 31
6110 10 39
6110 10 91'

read:

6101 10 90
6101 20 90
6101 30 90
6102 10 90
6102 20 90
6102 30 90
6110 10 10
6110 10 31
6110 10 39
6110 10 91
6110 10 99
6110 20 91
6110 20 99
6110 30 91
6110 30 99'

Corrigendum to Commission Regulation (EEC) No 2165/88 of 20 July 1988 fixing the export refunds on pigmeat

(Official Journal of the European Communities No L 190 of 21 July 1988)

On page 25 in the Annex in the 10th line of the column 'Product code':

for: '1610 00 99 100',

read: '1601 00 99 100'.

Corrigendum to Commission Regulation (EEC) No 2371/88 of 29 July 1988 fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

(Official Journal of the European Communities No L 205 of 30 July 1988)

On page 36 in Article 1:

for: '...16,48 ECU/100 kg.',

read: '...16,43 ECU/100 kg.'.

Corrigendum to Commission Regulation (EEC) No 2401/88 of 29 July 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(Official Journal of the European Communities No L 205 of 30 July 1988)

On page 97 in Article 2:

for: '...1 August 1988.',

read: '...30 July 1988.'.
