

Official Journal

of the European Communities

ISSN 0378-6978

L 239

Volume 31

30 August 1988

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2667/88 of 29 August 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2668/88 of 29 August 1988 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2669/88 of 29 August 1988 fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 8 to 14 August 1988	5
Commission Regulation (EEC) No 2670/88 of 29 August 1988 fixing the refunds applicable for September 1988 to cereal and rice sector products supplied as Community and national food aid	7
* Commission Regulation (EEC) No 2671/88 of 26 July 1988 on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings, decisions of associations of undertakings and concerted practices concerning joint planning and coordination of capacity, sharing of revenue and consultations on tariffs on scheduled air services and slot allocation at airports	9
* Commission Regulation (EEC) No 2672/88 of 26 July 1988 on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings relating to computer reservation systems for air transport services	13
* Commission Regulation (EEC) No 2673/88 of 26 July 1988 on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings decisions of associations of undertakings and concerned practices concerning ground handling services	17

★ Commission Regulation (EEC) No 2674/88 of 29 August 1988 amending Regulation (EEC) No 2329/85 laying down detailed rules for the application of the special measures for soya beans	19
Commission Regulation (EEC) No 2675/88 of 29 August 1988 providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters from adult male bovine animals	20
Commission Regulation (EEC) No 2676/88 of 29 August 1988 introducing a countervailing charge on tomatoes originating in Portugal	25
Commission Regulation (EEC) No 2677/88 of 29 August 1988 introducing a countervailing charge on certain varieties of plum originating in Bulgaria	27
Commission Regulation (EEC) No 2678/88 of 29 August 1988 fixing the specific levies on beef and veal from Portugal	29
Commission Regulation (EEC) No 2679/88 of 29 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	31

II Acts whose publication is not obligatory

Commission

88/484/EEC :

★ Commission Decision of 26 July 1988 amending Commission Decision 88/189/EEC of 16 March 1988 concerning the establishment of overall quantities of food aid for 1988 and establishing a list of products to be supplied as food aid	34
---	----

88/485/EEC :

★ Commission Directive of 26 July 1988 amending the Annex to Council Directive 82/471/EEC concerning certain products used in animal nutrition	36
--	----

88/486/EEC :

★ Commission Decision of 9 August 1988 recognizing that the production of certain quality wines produced in specified regions, because of their qualitative features, is far below demand	40
---	----

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2667/88

of 29 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 26 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 30 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, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 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	140,47
0712 90 19	11,21	140,47
1001 10 10	21,88	169,44 ⁽¹⁾ ⁽²⁾
1001 10 90	21,88	169,44 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	127,29
1001 90 99	0,00	127,29
1002 00 00	26,32	104,14 ⁽⁶⁾
1003 00 10	19,98	106,14
1003 00 90	19,98	106,14
1004 00 10	76,92	45,52
1004 00 90	76,92	45,52
1005 10 90	11,21	140,47 ⁽²⁾ ⁽³⁾
1005 90 00	11,21	140,47 ⁽²⁾ ⁽³⁾
1007 00 90	34,79	149,50 ⁽⁴⁾
1008 10 00	19,98	26,29
1008 20 00	19,98	80,47 ⁽⁴⁾
1008 30 00	19,98	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	19,98	0,00
1101 00 00	10,53	191,37
1102 10 00	50,02	158,96
1103 11 10	46,98	275,70
1103 11 90	11,55	206,50

⁽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 2668/88

of 29 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 26 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 30 August 1988.

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

Done at Brussels, 29 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 29 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 2669/88

of 29 August 1988

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 8 to 14 August 1988

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

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 467/87 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 8 to 14 August 1988 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86, which left the territory of the United Kingdom during the week 8 to 14 August 1988 shall be those set out in the Annex.

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 8 August 1988.

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

Done at Brussels, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during
the week 8 to 14 August 1988

(ECU/100 kg net weight)	
CN code	Amount
0201 10 10	14,75469
0201 10 90	14,75469
0201 20 11	14,75469
0201 20 19	14,75469
0201 20 31	11,80375
0201 20 39	11,80375
0201 20 51	17,70563
0201 20 59	17,70563
0201 20 90	11,80375
0201 30 00	20,21393
0202 10 00	14,75469
0202 20 10	14,75469
0202 20 30	11,80375
0202 20 50	17,70563
0202 20 90	11,80375
0202 30 10	20,21393
0202 30 50	20,21393
0202 30 90	20,21393
0206 10 95	20,21393
0206 29 91	20,21393
0210 20 10	11,80375
0210 20 90	16,82035
0210 90 41	16,82035
1602 50 10 ⁽¹⁾	16,82035
1602 50 10 ⁽²⁾	11,80375

⁽¹⁾ Containing 80 % or more by weight of beef meat.
⁽²⁾ Other.

COMMISSION REGULATION (EEC) No 2670/88

of 29 August 1988

fixing the refunds applicable for September 1988 to cereal and rice sector products supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/73 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 the fourth subparagraph of Article 16(2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 2229/88⁽⁴⁾, and in particular Article 11(2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;Whereas Article 3 of Council Regulation (EEC) No 2746/75⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for September 1988 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 September 1988.

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

Done at Brussels, 29 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 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 29 August 1988 fixing the refunds applicable for September 1988 to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	94,12
1001 90 99 000	59,50
1002 00 00 000	15,00
1003 00 90 000	62,95
1004 00 90 000	—
1005 90 00 000	62,95
1006 20 10 000	189,42
1006 20 90 000	189,42
1006 30 11 000	—
1006 30 19 000	—
1006 30 91 000	236,77
1006 30 99 900	265,18
1006 40 00 000	—
1007 00 90 000	62,95
1101 00 00 110	76,00
1101 00 00 120	76,00
1101 00 00 130	76,00
1102 20 10 000	100,58
1102 30 00 000	—
1102 90 10 100	75,87
1103 11 10 500	146,00
1103 11 90 100	84,00
1103 13 19 100	129,31
1103 14 00 000	—
1104 12 90 100	40,22
1104 21 50 100	101,16

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

COMMISSION REGULATION (EEC) No 2671/88

of 26 July 1988

on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings, decisions of associations of undertakings and concerted practices concerning joint planning and coordination of capacity, sharing of revenue and consultations on tariffs on scheduled air services and slot allocation at airports

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

Whereas :

- (1) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions or concerted practices relating directly or indirectly to the provision of air transport services.
- (2) Agreements, decisions or concerted practices concerning joint planning and coordination of capacity, sharing of revenue, consultations on tariffs and slot allocation at airports are liable to restrict competition and affect trade between Member States.
- (3) Agreements concerning joint planning and coordination of capacity can help ensure the maintenance of services at less busy times of the day, during less busy periods or on less busy routes, thus benefiting air transport users. However, no air carrier should be bound by each agreement or concerted practices but must be free to change its planned services unilaterally. Nor must they prevent carriers deploying extra capacity. Any clauses concerning

extra flights must not require prior approval in the event of deviation or involve financial penalties. Agreements must also allow parties to withdraw from them at reasonably short notice.

- (4) Agreements on the sharing of revenue may encourage airlines to provide a service on a route during less busy periods, thereby improving the service to air transport users. To be eligible for exemption under Article 85 (3), however, revenue sharing must be kept within limits such that it does not affect the competitiveness of more efficient carriers. It must also be clearly related — route by route, and not merely in aggregate, because each route has its specific features — to improvements in the services covered by the agreement.
- (5) Council Directive 87/601/EEC of 14 December 1987 on fares for scheduled air services between Member States⁽³⁾ has laid down a new procedure for the establishment of air fares, which is a step towards an increase in price competition in air transport. The procedure restricts the possibility of innovative and competitive fare proposals by air carriers being blocked. Hence, competition may not be eliminated under these arrangements and consumers will benefit from them. Consultations on tariffs between air carriers may therefore be permitted, provided that participation in such consultations is optional, that they do not lead to an agreement in respect of tariffs or related conditions and that in the interests of transparency the Commission and the Member States concerned can send observers to them.
- (6) Agreements on slot allocation at airports and airport scheduling can improve the utilization of airport capacity and airspace, facilitate air traffic control and help spread out the supply of air transport services from the airport. However, to provide a satisfactory degree of security and

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No C 138, 28. 5. 1988, p. 3.

⁽³⁾ OJ No L 374, 31. 12. 1987, p. 12.

transparency, such arrangements can only be accepted if all the air carriers concerned can participate in the negotiations, and if the allocation is made on a non-discriminatory and transparent basis.

- (7) In accordance with Article 4 of Regulation (EEC) No 3976/87, this Regulation should apply with retroactive effect to agreements, decisions and concerted practices in existence on the date of entry into force of this Regulation, provided that they meet the conditions for exemption set out in this Regulation.
- (8) Under Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.
- (9) No applications under Articles 3 or 5 of Council Regulation (EEC) No 3975/87⁽¹⁾ need be made in respect of agreements automatically exempted by this Regulation. However, when real doubt exists, undertakings may request the Commission to declare whether their agreements comply with this Regulation.
- (10) The Regulation is without prejudice to the application of Article 86 of the Treaty,

HAS ADOPTED THIS REGULATION:

TITLE I

EXEMPTIONS

Article 1

Pursuant to Article 85 (3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements between undertakings in the air transport sector, decisions by associations of such undertakings and concerted practices between such undertakings which have as their purpose one or more of the following:

- joint planning and coordination of the capacity to be provided on scheduled international air services between Community airports,
- sharing of revenue from scheduled international air services between Community airports,
- the holding of consultations for the joint preparation of proposals on tariffs for the carriage of passengers and baggage on scheduled international air services between Community airports,

- slot allocation and airport scheduling in so far as they concern scheduled international air services between airports in the Community.

TITLE II

SPECIAL PROVISIONS

Article 2

Special provisions for agreements on joint planning and coordination of capacity

The exemption concerning joint planning and coordination of the capacity to be provided on scheduled air services shall apply only if:

- (a) the agreements, decisions and concerted practices do not bind air carriers to the results of the planning and coordination;
- (b) the planning and coordination are intended to ensure a satisfactory supply of services at less busy times of the day, during less busy periods or on less busy routes;
- (c) the agreements, decisions and concerted practices do not include arrangements such as to limit in advance, directly or indirectly, the capacity to be provided by the participants or to share capacity;
- (d) the agreements, decisions and concerted practices do not prevent carriers taking part in the planning and coordination from changing their planned services, both with respect to capacity and schedules, without incurring penalties and without being required to obtain the prior approval of the other participants;
- (e) the arrangements, decisions and concerted practices do not prevent carriers from withdrawing from the planning and coordination for future seasons without penalty, on giving notice of not more than three months to that effect;
- (f) the agreements, decisions and concerted practices do not seek to influence the capacity provided or schedules adopted by carriers not participating in them.

Article 3

Special provisions for agreements for the sharing of revenue from scheduled air services

1. The exemption concerning the sharing of revenue from scheduled air services shall apply only if:
 - (a) the transfer of revenue is made in compensation for the loss incurred by the receiving partner in scheduling flights at less busy times of the day, or during less busy periods in a particular traffic season;
 - (b) the transfer can be made in only one direction, which is to be determined in advance when the agreement is concluded for the season in question;

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 1.

- (c) the transfer does not exceed 1 % of the revenue earned by the transferring partner on the route concerned, after deducting 20 % of that revenue as a contribution to costs;
- (d) neither partner bears any of the costs incurred by the other partner;
- (e) the agreement contains no provision which would impede either carrier from providing additional capacity, whether such impediment is financial or through a procedure for allocating such capacity.

2. Where the agreement covers several routes, the transfer of revenue shall be determined route by route and all the conditions referred to in paragraph 1 shall be satisfied individually for each route (city pair or, where points are combined, group of cities).

Airports serving the same city shall be considered as the same point.

Article 4

Special provisions for agreements on consultations on tariffs

1. The exemption concerning the holding of consultations on tariffs shall apply only if:
 - (a) the consultations are solely intended to prepare jointly tariff proposals covering scheduled air fares to be paid by members of the public directly to a participating air carrier or to its authorized agents for carriage as passengers with their accompanying baggage on a scheduled service and the conditions under which those fares apply, in application of Article 4 of Directive 87/601/EEC;
 - (b) the consultations only concern tariffs subject to approval by the aeronautical authorities of the Member States concerned, and do not extend to the capacity for which such tariffs are to be available;
 - (c) the tariffs which are the subject of the consultations are applied by participating air carriers without discrimination on grounds of passengers' nationality or place of residence within the Community;
 - (d) participation in the consultations is voluntary and open to any air carrier who operates or has applied to operate on the route concerned;
 - (e) any draft tariff proposals which may result from the consultations are not binding on participants, that is to say, following the consultations the participants retain the right to act independently, both in putting forward tariff proposals for approval independently of the other participants and in freely applying such tariffs after they have been approved;

- (f) the consultations do not entail agreement on agents' remuneration or other elements of the tariffs discussed;
- (g) in respect of each tariff which was the subject of the consultations, each participant informs the Commission without delay of its submission to the aeronautical authorities of the Member States concerned.

2. (a) The Commission and the Member States concerned shall be entitled to send observers to tariff consultations, whether bilateral or multilateral. For this purpose, air carriers shall give the Member States concerned and the Commission the same notice as is given to participants, but not less than 10 days' notice, of the date, venue and subject-matter of the consultations.

(b) Such notice shall be given:

- (i) to the Member States concerned according to procedures to be established by the competent authorities of those Member States;
 - (ii) to the Commission according to procedures to be published from time to time in the *Official Journal of the European Communities*.
- (c) A full report on the consultations shall be submitted to the Commission by or on behalf of the air carriers involved at the same time as it is submitted to participants, but not later than six weeks after the consultations were held.

Article 5

Special provisions for agreements on slot allocation and airport scheduling

1. The exemption concerning slot allocation and airport scheduling shall apply only if:
 - (a) The consultations on slot allocation and airport scheduling are open to all air carriers having expressed an interest in the slots which are the subject of the consultations;
 - (b) Any rules of priority established are neither directly nor indirectly related to carrier identity or nationality or category of service and take into account constraints or air traffic distribution rules laid down by competent national or international authorities. Such rules of priority may take account of rights acquired by air carriers through the use of particular slots in the previous corresponding season;
 - (c) The rules of priority established shall be made available on request to any interested party;
 - (d) The rules of priority shall be applied without discrimination, that is to say that the rules shall not prevent each carrier having an equal right to slots for its services.

2. (a) The Commission and the Member States concerned shall be entitled to send observers to consultations on slot allocation and airport scheduling held in the context of a multilateral meeting in advance of each season. For this purpose, air carriers shall give the Member States concerned and the Commission the same notice as is given to participants, but not less than 10 days' notice, of the date, venue and subject-matter of the consultations.
- (b) Such notice shall be given
- (i) to the Member States concerned according to procedures to be established by the competent authorities of those Member States ;
 - (ii) to the Commission according to procedures to be published from time to time in the *Official Journal of the European Communities*.

Article 6

Any air carrier claiming the benefit of this Regulation must be able at all times to demonstrate to the Commission, on request, that the conditions of Articles 2 to 5 are fulfilled.

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

Done at Brussels, 26 July 1988.

TITLE III

MISCELLANEOUS PROVISIONS

Article 7

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation (EEC) No 3976/87, where it finds in a particular case that an agreement, decision or concerted practice exempted under this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85 (3) or are prohibited by Article 86 of the Treaty.

Article 8

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

It shall apply with retroactive effect to agreements, decisions and concerted practices which were in existence at the date of its entry into force, from the time when the conditions of application of this Regulation were fulfilled.

It shall expire on 31 January 1991.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION REGULATION (EEC) No 2672/88

of 26 July 1988

on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings relating to computer reservation systems for air transport services

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, and in particular to Article 2 thereof,

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on Agreements and Dominant Position in Air Transport,

Whereas :

- (1) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices relating directly or indirectly to the provision of air transport services.
- (2) Agreements for the common purchase, development and operation of computer reservation systems relating to time-tabling, reservations and ticketing are liable to restrict competition and affect trade between Member States.
- (3) Computer reservation systems can render useful services to air carriers, travel agents and air travellers alike by giving ready access to up-to-date and detailed information in particular about flight possibilities, fare options and seat availability. They can also be used to make reservations and in some cases to print tickets and issue boarding passes. They thus help the air traveller to exercise choice on the basis of fuller information in order to meet his travel needs in the optimal manner. However, in order for these benefits to be obtained, flight

schedules and fare displays must be as complete and unbiased as possible.

- (4) The CRS market is such that few individual European undertakings could on their own make the investment and achieve the economies of scale required to compete with the more advanced existing systems. Cooperation in this field should therefore be permitted. A block exemption should therefore be granted for such cooperation.
- (5) The cooperation should not allow the parent carriers to create undue advantages for themselves and thereby distort competition. It is therefore necessary to ensure that no discrimination exists between parent carriers and participating carriers with regard in particular to access and neutrality of display. The block exemption should be subject to conditions which will ensure that all air carriers can participate in the systems on a non-discriminatory basis as regards access, display, information loading and fees. Moreover, in order to maintain competition in an oligopolistic market subscribers must be able to switch from one system to another at short notice and without penalty, and system vendors and air carriers must not act in ways which would restrict competition between systems.
- (6) In accordance with Article 4 of Regulation (EEC) No 3976/87 this Regulation should apply with retroactive effect to agreements in existence on the date of entry into force of this Regulation provided that they meet the conditions for exemption set out in this Regulation.
- (7) Under Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.
- (8) Agreements which are exempted automatically by this Regulation need not be notified under Council Regulation No 17⁽³⁾. However, when real doubt exists, undertakings may request the Commission to declare whether their agreements comply with this Regulation.

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No C 138, 28. 5. 1988, p. 6.

⁽³⁾ OJ No 13, 21. 2. 1962, p. 204/62.

- (9) This Regulation is without prejudice to the application of Article 86 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Exemptions

Pursuant to Article 85 (3) of the Treaty and subject to the conditions set out in Articles 3 to 10 of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements between undertakings the purpose of which is one or more of the following:

- (a) to purchase or develop a CRS in common;
- (b) to create a system vendor to market and operate the CRS;
- (c) to regulate the provision of distribution facilities by the system vendor or by distributors.

The exemption shall apply only to the following obligations:

- (i) an obligation not to engage directly or indirectly in the development, marketing or operation of another CRS;
- (ii) an obligation on the system vendor to appoint parent carriers or participating carriers as distributors in respect of all or certain subscribers in a defined area of the common market;
- (iii) an obligation on the system vendor to grant a distributor exclusive rights to solicit all or certain subscribers in a defined area of the common market; or
- (iv) an obligation on the system vendor not to allow distributors to sell distribution facilities provided by other system vendors.

Article 2

Definitions

For the purposes of this Regulation:

- 'Computer reservation system' or 'CRS' means a computerized system containing information about air carrier schedules, fares, seat availability and related services, through which reservations can be made or tickets issued or both.
- 'Distribution facilities' means facilities provided by a system vendor for the display of information to subscribers about air carrier schedules, fares, seat

availability, for making reservations or issuing tickets or both, and for providing any other related services.

- 'Distributor' means an undertaking which is authorized by the system vendor to provide distribution facilities to subscribers.
- 'Parent carrier' means an air carrier which is a system vendor or which directly or indirectly, alone or jointly with others owns or controls a system vendor.
- 'Participating carrier' means an air carrier which has an agreement with a system vendor for the display of its flight schedules, fares or seat availability or for reservations to be made or tickets to be issued through the CRS for the sale of air transport services to members of the public. To the extent that a parent carrier uses its own CRS distribution facilities it is considered a participating carrier.
- 'Subscriber' means an undertaking other than a participating carrier, using a CRS within the Community under contract or other arrangement with a system vendor or a distributor for the sale of air transport services to members of the public.
- 'System vendor' means an undertaking which operates a CRS.

Article 3

Access

1. The system vendor shall, within the available capacity, offer any air carrier the opportunity to become a participating carrier. The system vendor shall not require acceptance of supplementary obligations which, by their nature or according to commercial usage, have no connection with participation in the CRS.
2. Distribution facilities provided by the system vendor shall be offered to all participating carriers without discrimination.
3. A participating carrier shall have the right to terminate his contract with the system vendor without penalty on giving notice which shall not exceed six months to expire no earlier than the end of the first year.

Article 4

Display

1. Participating carriers shall be entitled to have their schedules, fares and availability displayed in a neutral display identified as such. This display shall be without discrimination, in particular as regards the order in which information is presented, which shall not be based on any factor directly or indirectly relating to carrier identity.
2. The system vendor shall not intentionally or negligently display inaccurate or misleading information.

3. The methodologies used for the ranking and presentation of information displayed by the CRS shall be made available to interested parties on request.

Article 5

Information loading

The system vendor shall not discriminate between participating carriers in the care and timeliness of information loading.

Article 6

Fees

Any fee charged by the system vendor shall be non-discriminatory and reasonably related to the cost of the service provided and shall in particular be the same for the same level of service.

Article 7

Reciprocity

1. The conditions laid down in Articles 3 to 6 shall not apply to a system vendor in respect of an air carrier that is a parent carrier owning or controlling another CRS, to the extent that such other CRS does not offer equivalent treatment to parent carriers owning or controlling the CRS subject to this Regulation.

2. The system vendor proposing to avail itself of the provisions of paragraph 1 must notify the Commission of its intentions and the reasons therefore at least 14 days in advance of such action.

Article 8

Contracts with subscribers

1. A subscriber shall have a right to terminate his contract with the system vendor or distributor without penalty on giving notice which shall not exceed three months to expire no earlier than the end of the first year.

2. The system vendor or distributor shall not require a subscriber to sign an exclusive contract, nor directly or indirectly prevent a subscriber from subscribing to or using another CRS.

Article 9

Obligations of parent carriers

A parent carrier shall not link commissions or other incentives to subscribers for the sale of tickets on its air transport services to the utilization by the subscribers of the CRS of which it is a parent carrier.

Article 10

Competition between system vendors

The system vendor shall not enter into any agreement or engage in a concerted practice with other system vendors with the object or effect or partitioning the market.

Article 11

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation (EEC) No 3976/87, where it finds in a particular case that an agreement exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85 (3) or which are prohibited by Article 86 of the Treaty, and in particular where;

- (i) the agreement hinders the maintenance of effective competition in the market for computer reservation systems;
- (ii) the agreement has the effect of restricting competition in the air transport or travel-related markets;
- (iii) the system vendor directly or indirectly imposes unfair prices, fees or charges on subscribers or on participating carriers;
- (iv) the system vendor or distributor refuses to enter into a contract with a subscriber for the use of a CRS without an objective and legitimate reason of a technical or commercial nature;
- (v) a parent carrier who holds a dominant position within the common market or in a substantial part of it refuses to participate in the distribution facilities provided by a competing CRS without an objective and legitimate reason of a technical or commercial nature.

Article 12

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

It shall apply with retroactive effect to agreements which were in existence at the date of its entry into force, from the time when the conditions of application of this Regulation were fulfilled.

It shall expire on 31 January 1991.

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

Done at Brussels, 26 July 1988.

For the Commission
Peter SUTHERLAND
Member of the Commission

COMMISSION REGULATION (EEC) No 2673/88

of 26 July 1988

on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings decisions of associations of undertakings and concerned practices concerning ground handling services

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

Whereas :

- (1) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices relating directly or indirectly to the provision of air transport services.
- (2) Agreements, decisions or concerted practices concerning ground handling services provided either by air carriers or specialized undertakings, such as technical and operational ground handling, handling of passengers, mail, freight and baggage, and services for the provision of in-flight catering, are liable in certain circumstances to restrict competition and effect trade between Member States. It is appropriate, in the interests of legal certainty for the undertakings concerned, to define a category of agreements which, although not generally restrictive of competition, may benefit from an exemption in the event that, because of particular economic or legal circumstances, they should fall within the scope of Article 85 (1).
- (3) Such agreements, decisions or concerted practices may produce economic benefits, in so far as they help to ensure that services of a high standard are provided with continuity and at reasonable cost, and both air carriers and air transport users share in those benefits.
- (4) However, it is necessary to attach conditions to the exemption of such agreements, decisions and concerted practices to ensure that they do not contain restrictions that are not indispensable for

the optimal provision of the services, and that they do not lead to the elimination of competition with respect to those services.

- (5) The exemption granted by the Regulation must therefore be subject to the condition that the agreements do not oblige air carriers to obtain services exclusively from a particular supplier, that the supply of the services is not tied to the conclusion of contracts for other goods or services, that each airline is free to choose from the range of services offered to it those which best meet its needs, that the rates charged are reasonable for the services actually provided and that air carriers are free to withdraw from the agreements without penalty upon simple notice of not more than three months to that effect.
- (6) In accordance with Article 4 of Regulation (EEC) No 3976/87, this Regulation should apply with retroactive effect to agreements, decisions and concerted practices in existence on the date of entry into force of this Regulation provided that they meet the conditions for exemption set out in this Regulation.
- (7) Under Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.
- (8) Agreements, decisions and concerted practices that are exempted automatically by this Regulation need not be notified under Council Regulation No 17⁽³⁾. However, when real doubt exists, undertakings may request the Commission to declare whether their agreements comply with this Regulation.
- (9) This Regulation is without prejudice to the application of Article 86 of the Treaty,

HAS ADOPTED THIS REGULATION :

Article 1

Pursuant to Article 85 (3) of the Treaty and subject to the provisions of Article 3 of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements, decisions or concerted practices to which

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No C 138, 28. 5. 1988, p. 9.

⁽³⁾ OJ No 13, 21. 2. 1962, p. 204/62.

only two undertakings are party and which deal only with the supply by one party of services referred to in Article 2 to an air carrier at an airport in the Community open to international air traffic.

Article 2

The exemption granted under Article 85 (3) of the Treaty shall apply to the following services:

1. all technical and operational services generally provided on the ground at airports, such as the provision of the necessary flight documents and information to crews, apron services, including loading and unloading, safety, aircraft servicing and refuelling, and operations before take-off;
2. all services connected with the handling of passengers, mail, freight and mail in conjunction with the postal services;
3. all services for the provision of in-flight catering, including the preparation, storage and delivery of meals and supplies to aircraft and the maintenance of catering equipment.

Article 3

The exemption shall apply only if:

1. the agreements, decisions or concerted practices do not oblige an air carrier to obtain any or all of the ground handling services referred to in Article 2 exclusively from a particular supplier;
2. the supply of the ground handling services referred to in Article 2 is not tied to the conclusion of contracts for or acceptance of other goods or services which, by their nature or according to commercial usage, have no connection with the services referred to in Article 2 or to the conclusion of a similar contract for the supply of services at another airport;

3. the agreements, decisions or concerted practices do not prevent an air carrier from choosing from the range of ground handling services offered by a particular supplier those it wants to take from that supplier and do not deny it the right to procure similar or other services from another supplier or to provide them itself;

4. the supplier of the ground handling services does not impose, directly or indirectly, prices or other conditions which are unreasonable and which, in particular, bear no reasonable relation to the cost of the services provided;

5. the supplier of the ground handling services does not apply dissimilar conditions to equivalent transactions with different customers;

6. any air carrier is able to withdraw from the agreement with the supplier without penalty, on giving notice of not more than three months to that effect.

Article 4

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation (EEC) No 3976/87, where it finds in a particular case that an agreement, decision or concerted practice exempted under this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85 (3) or are prohibited by Article 86 of the Treaty.

Article 5

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

It shall apply with retroactive effect to agreements, decisions and concerted practices which were in existence at the date of its entry into force, from the time when the conditions of application of this Regulation were fulfilled.

It shall expire on 31 January 1991.

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

Done at Brussels, 26 July 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION REGULATION (EEC) No 2674/88**of 29 August 1988****amending Regulation (EEC) No 2329/85 laying down detailed rules for the application of the special measures for soya beans**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (8) and the third sub-paragraph of Article 3 thereof,Whereas Article 1 of Commission Regulation (EEC) No 2329/85 ⁽³⁾, as last amended by Regulation (EEC) No 2867/87 ⁽⁴⁾, provides that the world market price for soya beans is to be determined twice a month; whereas Article 11 of that Regulation lays down that the aid applying during the marketing year is to be fixed with the same frequency;

Whereas the situation on the world market is such that fixing the price twice a month is insufficient to take adequate account of the trend in prices; whereas provision should accordingly be made for more frequent fixing; whereas Regulation (EEC) No 2329/85 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2329/85 is hereby amended as follows:

1. The first subparagraph of Article 1 is replaced by the following:

'The world market price for soya beans shall be determined at least twice a month.'

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

'1. The aid shall be fixed as often as the market situation so requires and so that it can be applied at least twice a month, one of which times shall be from the first day of each month.'

*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, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 151, 20. 6. 1985, p. 15.⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.⁽³⁾ OJ No L 218, 15. 8. 1985, p. 16.⁽⁴⁾ OJ No L 273, 26. 9. 1987, p. 13.

COMMISSION REGULATION (EEC) No 2675/88

of 29 August 1988

providing for the grant of private storage aid fixed at a standard rate in advance
in respect of carcasses, half-carcasses, hindquarters and forequarters from adult
male bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 Articles 6 (5) (b) and 8 (2) thereof,

Whereas, in view of the difficulties on the market in beef owing to increased slaughterings of adult male bovine animals, private storage aid should be granted in respect of such animals;

Whereas the provisions of Commission Regulation (EEC) No 1091/80 ⁽³⁾, as last amended by Regulation (EEC) No 2826/82 ⁽⁴⁾, should be followed in respect of the grant of private storage aid for beef;

Whereas provisions should be made to ensure that the animals involved be slaughtered exclusively in slaughterhouses which are approved and supervised in accordance with the provisions of Council Directive 64/433/EEC ⁽⁵⁾, as last amended by Directive 88/288/EEC ⁽⁶⁾;

Whereas Article 3 of Council Regulation (EEC) No 989/68 ⁽⁷⁾, as amended by Regulation (EEC) No 428/77 ⁽⁸⁾, provides that, if the market situation so requires, the period of storage may be curtailed or extended; whereas it is therefore appropriate that, in addition to the amounts of aid granted for a specific storage period, amounts to be added or reduced in the event of that period being extended or curtailed should also be fixed;

Whereas, in order to prevent the financing of normal private storage, it appears desirable to fix high minimum quantities;

Whereas foreseeable market conditions make it necessary to provide for storage periods of between four and eight months; whereas, in order to improve the efficiency of

the scheme, provisions should be laid down enabling the applicants to benefit from an advance payment of the aid subject to a security;

Whereas, in view of the exceptional circumstances in the beef market and in order to encourage operators to make use of private storage it should be provided that, for a limit period, products under a private storage contract should be able at the same time to be placed under the system laid down in Article 5 (1) of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁹⁾;

Whereas, in view of the contractual storage periods it is necessary to derogate from Article 11 (2) of Commission Regulation (EEC) No 798/80 of 31 March 1980 laying down general rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products ⁽¹⁰⁾, as last amended by Regulation (EEC) No 471/87 ⁽¹¹⁾, as to the period during which the products may stay under the system laid down in Regulation (EEC) No 565/80;

Whereas provision should be made for the possibility of reducing the storage period where meat removed from storage is intended for export; whereas proof that the meat has been exported must be supplied as in the case of refunds, in accordance with Commission Regulation (EEC) No 3665/87 ⁽¹²⁾; whereas, except in cases where the stored products are put under a system requiring export in their totality, it is appropriate to provide that, subject to certain conditions, a limited quantity may be withdrawn from store without subsequent export; whereas provisions should be made for the calculation of aid and the release of security where the storer has not respected certain obligations;

Whereas, for the purposes of the necessary controls, Member States shall take measures to ensure that the products being stored can be identified as originating from male bovine animals;

Whereas, in order for the Commission to monitor closely the effect of the private storage scheme, Member States shall communicate the necessary information;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 24.

⁽³⁾ OJ No L 114, 3. 5. 1980, p. 18.

⁽⁴⁾ OJ No L 297, 23. 10. 1982, p. 18.

⁽⁵⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁶⁾ OJ No L 124, 18. 5. 1988, p. 28.

⁽⁷⁾ OJ No L 169, 18. 7. 1968, p. 10.

⁽⁸⁾ OJ No L 61, 5. 3. 1977, p. 17.

⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽¹⁰⁾ OJ No L 87, 1. 4. 1980, p. 42.

⁽¹¹⁾ OJ No L 48, 17. 2. 1987, p. 10.

⁽¹²⁾ OJ No L 351, 14. 12. 1987, p. 1.

Whereas pursuant to Regulation (EEC) No 2248/88, the Council decided that intervention measures would be applied on the basis of the Community scale for the classification of carcasses of adult bovine animals established by Council Regulation (EEC) No 1208/81 ⁽¹⁾;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications may be submitted between 15 September and 21 October 1988 for aid for the private storage of one of the presentations of adult male bovine animals defined in Article 2 (2).

The amounts of this aid, by tonne of products, bone-in, are fixed in the Annex hereto for each of these presentations, pursuant to Article 6 (1) of Regulation (EEC) No 1091/80.

If the quantities in respect of which contracts have been applied for or the market situation make it advisable, the deadline for the submission of applications may be changed.

2. The amount of aid shall be adjusted if the period of storage is extended or reduced. The supplements and deductions per day for each of the presentations referred to in Article 2 are fixed in the Annex hereto.

3. Subject to the provisions of this Regulation, the provisions of Regulation (EEC) No 1091/80 shall apply.

Article 2

1. Only meat produced in accordance with the provisions of Article 3 (1A) (a) to (e) of Directive 64/433/EEC shall be eligible for private storage aid.

2. Private storage can only be granted for meat classified in accordance with the Community scale for the carcass classification as laid down in Regulation (EEC) No 1208/81 and identified in accordance with Article 6 (2) (d) and (e) of Commission Regulation (EEC) No 2226/78 ⁽²⁾.

3. For the purposes of this Regulation:

— the carcass shall have a minimum average weight of 220 kilograms,

— the half-carcass shall have a minimum average weight of 110 kilograms,

— the hindquarter shall mean:

- (a) the rear part of the half-carcass cut in the manner known as 'pistola' with a minimum of five cut ribs and a maximum of eight ribs and with minimum average weight of 55 kilograms; it is cut straight to the hip bone and then parallel to the fillet so that this is practically free from attached parts of the flank; or
- (b) the rear part of the half-carcass cut in the manner known as 'straight' with a minimum of three ribs and a maximum of five ribs and with a minimum average weight of 55 kilograms,

— the forequarter shall mean:

- (a) the front part of the half-carcass cut, in the manner known as 'pistola' with a minimum of five ribs and a maximum of eight ribs and with a minimum average weight of 55 kilograms, the flank being attached to the forequarter; or
- (b) the front part of the half-carcass and in a manner known as 'straight' with a minimum of eight ribs and a maximum of 10 ribs and with a minimum average weight of 55 kilograms.

4. Carcasses and half-carcasses shall be presented in accordance with point 2 (a) and (b) of Annex II to Regulation (EEC) No 2226/78.

Article 3

1. The minimum quantity per contract shall be 15 tonnes expressed as bone-in meat.

2. The contract may only cover unboned meat of one of the presentations listed in the Annex.

3. Placing in storage must be carried out within 28 days of the date of conclusion of the contract.

4. The security shall be declared forfeit if the application for a contract is withdrawn.

Article 4

1. Subject to the provisions laid down in paragraph 2, the contractor may, during the storage entry period, cut or bone all or part of the products referred to in Article 2, provided that only the quantity for which the contract has been concluded is employed and that all the meat resulting from such operations is placed in store. Intention to make use of this facility shall be notified not later than the date of placing in storage.

2. If the quantity actually stored unboned, or, if cut or boned, the quantity of unboned meat employed, is less than the quantity for which the contract was concluded and:

⁽¹⁾ OJ No L 123, 7. 5. 1981, p. 3.

⁽²⁾ OJ No L 261, 26. 9. 1978, p. 5.

- (a) not less than 90 % of that quantity, the amount of aid referred to in the second subparagraph of Article 1 (1) shall be reduced proportionally;
- (b) less than 90 % but more or equal to 80 % of that quantity, private storage aid is paid for half of the quantity actually stored;
- (c) less than 80 % of this quantity, private storage aid shall not be paid.

3. In the case of boning:

- (a) if the quantity actually stored does not exceed 67 kilograms of boned meat per 100 kilograms of unboned meat employed, private storage aid shall not be payable;
- (b) if the quantity actually stored exceeds 67 kilograms but is lower than 75 kilograms of boned meat per 100 kilograms of unboned meat employed, the aid referred to in the second subparagraph of Article 1 (1) shall be reduced proportionally.

4. The large tendons, cartilages, pieces of fat and other scraps left over from cutting for boning may not be stored.

5. No aid shall be granted:

- (a) for quantities stored unboned or, in case of cutting or boning, for quantities of unboned meat employed, in excess of quantities for which the contract was concluded; and
- (b) in case of boning, for quantities in excess of 75 kilograms of boned meat per 100 kilograms of unboned meat employed.

Article 5

1. The actual storage period shall be chosen by the storer, but may not be less than four months nor exceed eight months. If the storage period exceeds four months the aid shall be increased in accordance with Article 1 (2).

2. After three months of storage under contract, a single advance payment of the aid may be made, at the storer's request, on condition that he lodges a security equal to the advance payment plus 20 %.

The advance payment of the aid shall not exceed the amount of aid corresponding to a storage period of three months. Where quantities under contract are exported in accordance with Article 7 prior to the advance payment, the actual storage period for those quantities shall be taken into account when calculating the amount of advance payment.

The advance payment of the aid shall be converted into national currency by applying the representative rate in force on the day of conclusion of the storage contract.

Article 6

1. By way of derogation from Article 2 (4) of Regulation (EEC) No 1091/80, products to be stored under a private storage contract may be placed under the system

laid down in Article 5 (1) of Regulation (EEC) No 565/80. Member States may require that the two operations referred to in the first subparagraph shall commence simultaneously.

2. In this case, by way of derogation from Article 11 (2) of Regulation (EEC) No 798/80, the period referred to in that Article shall be nine months.

3. For the purposes of paragraph 1, where a private storage contract is concluded for a quantity which consists of several lots which are placed in storage on different dates, each of the said lots may be the subject of a separate payment declaration. A payment declaration, as referred to in Article 2 of Regulation (EEC) No 798/80, shall be submitted for each lot on the day of its entry into storage.

'Lot' shall be taken to mean a quantity which is placed in storage on a given day.

Article 7

1. After two months of storage under contract, meat may be fully or partly withdrawn from store, subject to a minimum quantity, provided that, within 60 days following its removal from store, it:

- has left the Community's territory,
or
- has reached its destination in the cases referred to in Article 34 (1) of Regulation (EEC) No 3665/87,
or
- has been placed in a victualling warehouse approved pursuant to Article 38 of Regulation (EEC) No 3665/87.

2. If the 60-day period is not complied with, the amount of aid for the quantity concerned, calculated in accordance with Article 8, shall be reduced:

- by 15 %, plus
- a further 5 % per day exceeding the 60-day period.

Moreover 15 % of the security referred to in Article 10, and a further 5 % per day exceeding the 60-day period, shall be declared forfeit in respect of the quantity concerned.

3. If, prior to the end of the minimum storage period, a minimum of 90 % of the meat actually stored under a contract has been exported in the sense of paragraph 1, the balance may be withdrawn from store prior to the end of the minimum storage period. If withdrawn:

- aid shall only be paid for the quantity having been exported,
and
- the security referred to in Article 10 shall be released only in respect of the quantity having been exported.

4. For the purposes of the preceding paragraphs, proof shall be furnished as in the case of refunds.

Article 8

1. Where application has been made of Article 7, the amount of aid shall be reduced, in accordance with Article 1 (2).
2. The storage period shall terminate on the day before:
 - the first day of removal from storage, or
 - the day of acceptance of the export declaration, if the meat has not been moved.
3. Article 3 (4) of Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾ shall not apply as regards the calculation of the storage period.

Article 9

1. The minimum quantity for each removal is fixed at 5 tonnes of product weight per store and per contractor. However, where the quantity left in a store is less than this quantity, one further withdrawal operation of the remaining quantity or part thereof shall be permitted.

Where the withdrawal conditions referred to in the preceding subparagraph are not complied with:

- the amount of aid for the quantity withdrawn shall be calculated in accordance with Article 5 (1) or Article 8, and
- 15 % of the security referred to in Article 10 shall be declared forfeit in respect of the quantity withdrawn.

2. The storer shall inform the intervention agency in good time before the commencement of withdrawal operations, stating the quantities he intends to withdraw.

The intervention agency may require that this notification be made at most two working days before commencement of operations.

Where this requirement is not complied with but where sufficient evidence has been furnished, to the satisfaction of the competent authority, as to the date of withdrawal from store and the quantities concerned

- the amount of aid shall be calculated in accordance with Article 5 (1) or Article 8, and
- 15 % of the security referred to in Article 10 shall be declared forfeit in respect of the quantity concerned.

For all other cases where that requirement is not complied with:

- no aid shall be paid under the contract concerned, and
- the whole of the security referred to in Article 10 shall be declared forfeit in respect of the contract concerned.

Article 10

The amount of the security referred to in Article 4 (2) of Regulation (EEC) No 1091/80 shall be:

- 100 ECU per tonne in respect of contracts covering carcasses or half-carcasses,
- 130 ECU per tonne in respect of contracts covering hindquarters,
- 75 ECU per tonne in respect of contracts covering forequarters.

Article 11

Except in cases of *force majeure* the application for payment of the aid and the supporting documents must be lodged with the competent authority within six months of the end of the contracted storage period. If it has not been possible to produce them on time although the applicant has acted promptly to obtain them, an extra period of time for their production may be granted. Where Article 7 is applied the necessary proof must be produced within the time limits specified in Article 31 of Regulation (EEC) No 3665/87.

Article 12

Member States shall take the necessary measures to ensure identification of the products specified in the Annex, either by means of an indelible mark or by an individual seal on each presentation of the adult male bovine animal concerned.

Article 13

Member States shall communicate by telex to the Commission before Thursday of each week the results of the application of Articles 5 (2), 6 (1) and 7 of this Regulation.

Article 14

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, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

ANNEX

Carcases, half-carcases, hindquarters and forequarters from adult male bovine animals identified in accordance with Article 12

Products in respect of which aid is granted	Amount of aid in ECU/tonne for a storage period of 4 months	Amount in ECU/tonne to be deducted or added per day
(a) Fresh or chilled carcasses or half-carcasses	400	1,0
(b) Fresh or chilled hindquarters cut in the manner known as 'pistola'	520	1,0
(c) Fresh or chilled hindquarters cut in the manner known as 'straight'	510	1,0
(d) Fresh or chilled forequarters cut in the manner known as 'pistola'	280	0,9
(e) Fresh or chilled forequarters cut in the manner known as 'straight'	290	0,9

COMMISSION REGULATION (EEC) No 2676/88

of 29 August 1988

introducing a countervailing charge on tomatoes originating in Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 723/88 of 18 March 1988 fixing for the 1988 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the period 11 July to 31 August 1988 at 41,24 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for tomatoes originating in Portugal, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

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

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

Whereas, pursuant to Article 272 (1) of the Act of Accession of Spain and Portugal⁽⁸⁾, during the first stage of the transition period, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 316 provides for a 6 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the third year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,81 ECU per 100 kilograms net is applied to tomatoes (CN code 0702 00) originating in Portugal.

Article 2

This Regulation shall enter into force on 31 August 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1988, p. 51.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2677/88

of 29 August 1988

introducing a countervailing charge on certain varieties of plum originating in Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 827/88 of 29 March 1988 fixing for the 1988 marketing year the reference prices for plums⁽³⁾ fixed the reference price for class I, group I at 69,39 ECU per 100 kilograms net for the month of August 1988;

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

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for plums of group I originating in Bulgaria the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these plums;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 24,64 ECU per 100 kilograms net is applied to plums (CN codes 0809 40 11 and 0809 40 19), of the following varieties: Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosniche, originating in Bulgaria.

Article 2

This Regulation shall enter into force on 31 August 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 85, 30. 3. 1988, p. 10.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1986, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2678/88
of 29 August 1988
fixing the specific levies on beef and veal from Portugal

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 272 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 Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas Commission Regulation (EEC) No 588/86 ⁽³⁾, as last amended by Regulation (EEC) No 2309/88 ⁽⁴⁾, lays

down detailed implementing rules and fixes the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 September 1988.

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

Done at Brussels, 29 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 24.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 45.

⁽⁴⁾ OJ No L 201, 27. 7. 1988, p. 75.

ANNEX

Special levies on imports of beef and veal from Portugal

(ECU/100 kg)	
CN code	Amount of the special levies
0102 90 10	40,75
0102 90 31	40,75
0102 90 33	40,75
0102 90 35	40,75
0102 90 37	40,75
0201 10 10	76,89
0201 10 90	76,89
0201 20 11	76,89
0201 20 19	76,89
0201 20 31	61,51
0201 20 39	61,51
0201 20 51	92,27
0201 20 59	92,27
0201 20 90	115,34
0201 30	132,25
0202 10 00	69,20
0202 20 10	69,20
0202 20 30	55,36
0202 20 50	86,12
0202 20 90	103,80
0202 30 10	86,12
0202 30 50	86,12
0202 30 90	119,18
0206 10 95	132,25
0206 29 91	119,18
0210 20 10	115,34
0210 20 90	132,25
0210 90 41	132,25
0210 90 90	132,25
1602 50 10	132,25
1602 90 61	132,25

COMMISSION REGULATION (EEC) No 2679/88

of 29 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 8 August 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 Commission;

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 8

August 1988, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance 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 application 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 8 August 1988, the level of the premium is fixed at 21,999 ECU/100 kilograms of estimated or actual dressed carcase 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 Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 8 August 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 8 August 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, 29 August 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

Amount to be charged for products leaving region 5 during the week commencing 8 August 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	10,340	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	21,999	0
0204 21 00	21,999	0
0204 50 11		0
0204 22 10	15,399	
0204 22 30	24,199	
0204 22 50	28,599	
0204 22 90	28,599	
0204 23 00	40,038	
0204 30 00	16,499	
0204 41 00	16,499	
0204 42 10	11,549	
0204 42 30	18,149	
0204 42 50	21,449	
0204 42 90	21,449	
0204 43 00	30,028	
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	28,599	
0210 90 19	40,038	
1602 90 71		
— unboned (bone-in)	28,599	
— boned or boneless	40,038	

(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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 July 1988

amending Commission Decision 88/189/EEC of 16 March 1988 concerning the establishment of overall quantities of food aid for 1988 and establishing a list of products to be supplied as food aid

(88/484/EEC)

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food aid policy and food aid management ⁽¹⁾ as last amended by Regulation (EEC) No 1870/88 ⁽²⁾, and in particular Article 5 thereof,

Whereas on 16 March 1988, although the budget had not been adopted, the Commission took an initial Decision establishing the overall quantities of food aid for 1988 in order to be able to begin implementation of its food-aid programme;

Whereas following the adoption of the Community's budget for 1988 that Decision should be amended, account being taken of price movements and of the food situation in developing countries;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Food Aid Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

Annex I to Commission Decision 88/189/EEC ⁽³⁾ of 16 March 1988 is replaced by the Annex to this Decision.

Done at Brussels, 26 July 1988.

For the Commission

Lorenzo NATALI

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 85, 30. 3. 1988, p. 32.

*ANNEX**ANNEX I*

Quantities of food aid to be made available in 1988 :

- cereals :
 - (a) an initial instalment of 927 700 tonnes,
 - (b) a second instalment of up to 232 300 tonnes,
 - milk powder :
 - a maximum of 110 000 tonnes,
 - butteroil :
 - a maximum of 25 000 tonnes,
 - sugar :
 - a maximum of 11 000 tonnes,
 - vegetable oil (seed oil and olive oil) :
 - a maximum of 34 000 tonnes,
 - other products :
 - quantities corresponding to not more than 291 262 tonnes of cereal equivalent,
 - food aid made up of the products listed above and intended to cover exceptional food shortages, corresponding to a maximum of 200 000 tonnes of cereal equivalent.
-

COMMISSION DIRECTIVE
of 26 July 1988
amending the Annex to Council Directive 82/471/EEC concerning certain
products used in animal nutrition

(88/485/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition ⁽¹⁾, as last amended by Commission Directive 86/530/EEC ⁽²⁾, and in particular Article 6 thereof,

Whereas Directive 82/471/EEC provides for regular amendment of the content of the Annex thereto as a result of developments in scientific or technical knowledge;

Whereas it is appropriate for reasons of clarity to split up the group of amino acids and their salts according to the different amino acids;

Whereas the study of two new lysine-based products has shown that these products fulfil the requirements of Directive 82/471/EEC; whereas the use of the products in animal nutrition should, therefore, be permitted under certain conditions;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 82/471/EEC is amended as set out in the Annex hereto.

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1 not later than 30 June 1989. They shall immediately inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 26 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 213, 21. 7. 1982, p. 8.

⁽²⁾ OJ No L 312, 7. 11. 1986, p. 39.

Item 3, 'Amino acids and their salts', is replaced by the following:

1	2	3	4	5	6	7
Name of product group	Name of product	Designation of nutritive principle or identity of micro-organism	Culture substrate (specifications if any)	Composition characteristics of product	Animal species	Special provisions
3. Amino acids and their salts 3.1. Methionine	3.1.1. DL-Methionine, technically pure	$\text{CH}_3\text{S}(\text{CH}_2)_2\text{-CH}(\text{NH}_2)\text{-COOH}$	—	DL-Methionine: minimum 98 %	All animal species	Declarations to be made on the label or packaging of the product: — the name "DL-methionine", in the case of products 3.1.1, "Dihydrated calcium salt of N-hydroxymethyl-DL-methionine" in the case of product 3.1.2, "Zinc-methionine", in the case of product 3.1.3, — DL-methionine and moisture contents, — animal species or category in the case of products 3.1.2 and 3.1.3,
	3.1.2. Dihydrated calcium salt of N-hydroxymethyl-DL-methionine, technically pure	$[\text{CH}_3\text{S}(\text{CH}_2)_2\text{-CH}(\text{NH-CH}_2\text{OH)-COO}]_2\text{Ca.2H}_2\text{O}$	—	DL-Methionine: minimum 67 % Formaldehyde: maximum 14 % Calcium: minimum 9 %		
	3.1.3. Methionine-zinc, technically pure	$[\text{CH}_3\text{S}(\text{CH}_2)_2\text{-CH}(\text{NH}_2)\text{-COO}]_2\text{Zn}$	—	DL-Methionine: minimum 80 % Zn: maximum 18,5 %		

1	2	3	4	5	6	7
Name of product group	Name of product	Designation of nutritive principle or identity of micro-organism	Culture substrate (specifications if any)	Composition characteristics of product	Animal species	Special provisions
3.2. Lysine	3.2.1. L-Lysine, technically pure	$\text{NH}_2(\text{CH}_2)_4\text{CH}(\text{NH}_2)\text{COOH}$	—	L-Lysine : minimum 98 %	All animal species	Declarations to be made on the label or packaging of the product : — the name "L-lysine" in the case of product 3.2.1, "Concentrated liquid L-lysine base" in the case of product 3.2.2, "L-lysine-monohydrochloride" in the case of product 3.2.3, "Concentrated liquid L-lysine monohydrochloride" in the case of product 3.2.4, "L-lysine sulphate and its by-products from fermentation" in the case of product 3.2.5, — L-lysine and moisture contents
	3.2.2. Concentrated liquid L-lysine (base)	$\text{NH}_2(\text{CH}_2)_4\text{CH}(\text{NH}_2)\text{COOH}$	Saccharose, molasses, starch products and their hydrolysates	L-Lysine : minimum 60 %		
	3.2.3. L-Lysine-monohydrochloride, technically pure	$\text{NH}_2(\text{CH}_2)_4\text{CH}(\text{NH}_2)\text{COOH.HCl}$	—	L-Lysine : minimum 78 %		
	3.2.4. Concentrated liquid L-lysine-monohydrochloride	$\text{NH}_2(\text{CH}_2)_4\text{CH}(\text{NH}_2)\text{COOH.HCl}$	Saccharose, molasses, starch products and their hydrolysates	L-Lysine : minimum 22.4 %		
	3.2.5. L-Lysine-sulphate produced by fermentation with <i>Corynebacterium glutamicum</i>	$[\text{NH}_2(\text{CH}_2)_4\text{CH}(\text{NH}_2)\text{COOH}]_2 \cdot \text{H}_2\text{SO}_4$	Sugar syrup, molasses, cereals, starch products and their hydrolysates	L-Lysine : minimum 40 %		
3.3. Threonine	3.3.1. L-Threonine, technically pure	$\text{CH}_3\text{CH}(\text{OH})\text{CH}(\text{NH}_2)\text{COOH}$	—	L-Threonine : minimum 98 %	All animal species	Declarations to be made on the label or packaging of the product : — the name "L-threonine", — L-threonine and moisture contents

1	2	3	4	5	6	7
Name of product group	Name of product	Designation of nutritive principle or identity of micro-organism	Culture substrate (specifications if any)	Composition characteristics of product	Animal species	Special provisions
3.4. Tryptophan	3.4.1. L-Tryptophan, technically pure	$(C_6H_5NH)-CH_2-CH(NH_2)-COOH$	—	L-Tryptophan : minimum 98 %	All animal species	Declarations to be made on the label or packaging of the product : — the name : — "L-tryptophan", — L-tryptophan and moisture contents
	3.4.2. DL-Tryptophan, technically pure	$(C_6H_5NH)-CH_2-CH(NH_2)-COOH$	—	DL-Tryptophan : minimum 98 %	All animal species	Declarations to be made on the label or packaging of the product : — the name : — "DL-tryptophan", — DL-tryptophan and moisture contents

COMMISSION DECISION

of 9 August 1988

recognizing that the production of certain quality wines produced in specified regions, because of their qualitative features, is far below demand

(Only the Spanish, French and Italian texts are authentic)

(88/486/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/77 of 16 March 1977 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1441/88 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas under Article 6 (1) of Regulation (EEC) No 822/87 all new plantings of vines are prohibited until 31 August 1990; whereas, however, that provision allows Member States to grant authorizations for new plantings in the case of quality wines psr for which the Commission has recognized that production, because of their qualitative features, is far below demand;

Whereas requests to apply that provision to certain quality wines psr were submitted by the Spanish Government on 29 January 1988, the Italian Government on 20 June 1988 and the French Government on 7 April 1988;

Whereas scrutiny of those requests shows that the quality wines psr concerned meet the requirements applicable provided that, for all quality wines psr produced in the same region, the increase in the areas intended for their

production does not exceed the limits laid down by the Spanish, Italian or French Governments, respectively;

Whereas the Management Committee for Wine has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr listed in the Annex hereto meet the requirements laid down in the second subparagraph of Article 6 (1) of Regulation (EEC) No 822/87 subject, for all quality wines psr in any given region, to compliance with the maximum increase in area specified in the Annex.

Article 2

This Decision is addressed to the Kingdom of Spain, the French Republic and the Italian Republic.

Done at Brussels, 9 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 24. 5. 1988, p. 1.

ANNEX

Quality wine psr	(in hectares) Area
I. SPAIN	
Región Aragonesa	
Comunidad Autónoma de Aragón :	
— Denominación de origen 'Samontano'	400
Región del Duero	
Comunidad Autónoma de Castilla y León :	
— Denominación de origen 'Ribera del Duero'	300
— Denominación de origen 'Rueda'	100
Región Central	
Comunidad Autónoma de Castilla — la Mancha :	
— Denominación de origen 'Valdepeñas'	500
Región del Alto Ebro	
Comunidad Foral de Navarra :	
— Denominación de origen 'Navarra'	300
— Denominación de origen 'Rioja'	185
Comunidad Autónoma del País Vasco :	
— Denominación de origen 'Rioja'	300
Comunidad Autónoma de La Rioja :	
— Denominación de origen 'Rioja'	800
Total	<u>2 885</u>
II. FRANCE	
Régions d'Alsace et de l'Est	
Région de la Champagne	70
Champagne	509
Région de Bourgogne	
Beaujolais	
Bourgogne	
Chablis	
Coteaux du Lyonnais	
Côtes du Forez	
Mâcon	
Sauvignon de Saint-Bris	297
Régions roannaise, du Jura et de la Savoie	
Arbois	
Côtes du Jura	
L'Étoile	
Seyssel	
Vin de Savoie	50
Région des Côtes du Rhône	
Châteauneuf du Pape	
Châtillon en Diois	
Clairette de Die	
Condrieu	
Cornas	
Coteaux du Tricastin	
Côte-Rôtie	
Crozes-Hermitage	
Gigondas	
Hermitage	
Lirac	
Saint-Joseph	
Saint-Peray	
Tavel	
Côtes du Luberon	
Côtes du Vivarais	132

Quality wine psr	(in hectares)
Area	
Régions de Provence et de la Corse	
Bandol	}
Bellet	
Côtes de Provence	
Coteaux Varois	
50	
Région du Sud-Ouest	
Bergerac	}
Côtes de Buzet	
Côtes de Duras	
Côtes de Brulhois	
Côtes du Marmandais	
Estaing	
Irouleguy	
Jurançon	
Madiran	
Pacherenc du Vic Bilh	
Pecharmant	
Côtes de Saint-Mont	
Tursan	
Vin d'Entraygues et du Fel	
156	
Région de Bordeaux	
Barsac	}
Bordeaux	
Cadillac	
Côtes de Blaye	
Côtes de Bordeaux	
Côtes de Bourg	
Fronsac	
Graves	
Graves de Vayres	
Haut-Médoc	
Listrac	
Margaux	
Médoc	
Moulis	
Pauillac	
Pessac-Léognan	
Pomerol	
Saint-Émilion	
Saint-Estèphe	
Saint-Julien	
Sainte-Croix-du-Mont	
Sauternes	
707	
Région du Val de Loire	
Anjou	}
Bourgueil	
Cheverny	
Chinon	
Côtes de Giens	
Coteaux du Layon	
Crémant de Loire	
Fiefs vendéens	
Menetou Salon	
Muscadet	
Pouilly fumé	
Quincy	
Reuilly	
Sancerre	
Saumur	
Savennières	
Touraine	
Vouvray	
Vin du Haut-Poitou	
217	

Quality wine psr	(in hectares)
Area	
Régions Languedoc-Roussillon	
Collioure	}
Corbières	
Costières du Gard	
Coteaux du Languedoc	
Côtes du Roussillon	
Faugères	
Fitou	
Saint-Chinian	
Minervois	
Vins doux naturels	
Muscat de Frontignan	}
Muscat de Saint-Jean-de-Minervois	
Muscat de Lunel	
Total	<u>2 427</u>
III. ITALY	
Emilia-Romagna	
Colli piacentini	40,88 25
Colli bolognesi monte S. Pietro	196,53 00
Friuli-Venezia Giulia	
Aquileia	22,43 40
Carso	25,52 55
Colli orientali del Friuli	67,35 60
Collio	93,72 79
Grave del Friuli	77,93 39
Isonzo	49,76 35
Latisania	4,73 60
Lison-Pramaggiore	3,49 20
Abruzzo	
Montepulciano d'Abruzzo	29,50 00
Trebiano d'Abruzzo	175,30 00
Umbria	
Orvieto	193,36 70
Sagrantino di Montefalco	20,00 00
Total	<u>964,78 83</u>