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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3551/88

of 14 November 1988

amending Regulation (EEC) No 4088/87 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel and Jordan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

Whereas the Additional Protocol to the Cooperation Agreement between the European Economic Community and Morocco provides that preferential customs duties shall apply to imports into the Community of roses and carnations, within the limit of a tariff quota opened for all fresh cut flowers falling within CN code 0603 10 originating in Morocco; whereas these tariff advantages are applicable only to imports which comply with certain price conditions;

Whereas Regulation (EEC) No 4088/87⁽¹⁾ laid down conditions for the application of preferential customs duties on imports of the said products originating in Cyprus, Israel and Jordan; whereas the application of that Regulation must be extended to cover such flowers originating in Morocco,

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

Done at Brussels, 14 November 1988.

Article 1

Council Regulation (EEC) No 4088/87 is hereby amended as follows:

1. the title is replaced by the following:

'Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco';

2. in Article 1, 'originating in Cyprus, Israel or Jordan' is replaced by 'originating in Cyprus, Israel, Jordan or Morocco'.

Article 2

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

It shall apply from the date of application of the Additional Protocol to the Cooperation Agreement between the European Economic Community and Morocco.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

COUNCIL REGULATION (EEC) No 3552/88

of 14 November 1988

opening and providing for the administration of a Community tariff quota for cut flowers and flower buds, fresh, originating in Morocco (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Article 2 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco⁽¹⁾ provides that fresh cut flowers and flower buds, falling within the combined nomenclature codes appearing in Article 1, originating in that country, may be imported into the Community at reduced rates of customs duty within the limits of an annual Community tariff quota for 300 tonnes.

Whereas, within the limits of that quota, the duties applicable are to be abolished progressively over the same periods and in accordance with the same time tables as laid down in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas, for the period 1 November 1986 to 31 October 1989, the quota duties are to be equal to 62,5 % of the basic duties from 1 November to 31 December 1988 and to 50 % of the basic duties from 1 January to 31 October 1989; whereas, within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic are to apply duties calculated in accordance with Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements for trade between Spain and Portugal and Morocco and Syria⁽²⁾; whereas the quota in question should therefore be opened for the period 1 November 1988 to 31 October 1989;

Whereas large-flowered and small-flowered roses and unifloral and multifloral carnations are covered by these quotas only subject to the conditions laid down by Council Regulation (EEC) No 4088/87 of 21 December 1987 establishing conditions for the application of preferential customs duties on imports of certain

floricultural products originating in Cyprus, Israel and Jordan⁽³⁾, as amended by Regulation (EEC) No 3551/88⁽⁴⁾; whereas these favourable tariff arrangements apply only to imports in respect of which certain price conditions are observed;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rate laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it seems advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and according to the procedures specified in Article 1 (3); whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 November 1988 to 31 October 1989, the customs duties applicable to imports into the Community of the products listed below, originating in Morocco, shall be suspended at the level and within the limits of the Community tariff quota indicated.

⁽¹⁾ OJ No L 224, 13. 8. 1988, p. 18.

⁽²⁾ OJ No L 287, 20. 10. 1988, p. 1.

⁽³⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽⁴⁾ See page 1 of this Official Journal.

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1152	0603 10 51 0603 10 53 0603 10 55 0603 10 61 0603 10 65 0603 10 69 0603 10 11 0603 10 13 0603 10 15 0603 10 21 0603 10 25 0603 10 29	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared: — Fresh: — — From 1 November to 31 May — — From 1 June to 31 October	300	From 1 November to 31 December 1988: 10,6 From 1 January to 31 May 1989: 8,5 From 1 June to 31 October 1989: 12

Within the limits of the quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with Regulation (EEC) No 3189/88.

2. Eligibility for the quota may be interrupted for large-flowered and small-flowered roses and unifloral and multifloral carnations if it is found at Community level that the price conditions laid down by Regulation (EEC) No 4088/87 are not being observed.

In such cases, the Commission shall adopt regulations re-establishing the duties applicable to the products in question and, where appropriate, re-introducing this Regulation on the dates and in respect of the products and periods indicated in the Regulations in question.

3. If imports of products covered by this quota are made, or are foreseen within a maximum period of 14 calendar days at the latest, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the quotas so permits.

4. If a Member State does not use up the quantities drawn within the 14 days, it shall return the remaining unused portion as soon as possible, by telex addressed to the Commission.

Article 2

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 (3) are

opened in such a way that imports may be charged without interruption against their accumulated shares of the quota.

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

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

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

Article 3

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

Article 4

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

It shall apply with effect from 1 November 1988.

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

Done at Brussels, 14 November 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 3553/88**of 14 November 1988****amending Regulation (EEC) No 43/81 establishing the list of representative markets for pigmeat in the Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2266/88⁽²⁾, and in particular Article 4 (5) thereof,

Having regard to the proposal from the Commission,

Whereas the list of the representative markets for pigmeat in the Community was established by Regulation (EEC) No 43/81⁽³⁾, as amended by Regulation (EEC) No 3799/85⁽⁴⁾;

Whereas a number of changes at representative market level have been made or are planned, in particular as a

result of Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses⁽⁵⁾; as amended by Regulation (EEC) No 3530/86⁽⁶⁾; whereas it is necessary therefore to amend the Annex to Regulation (EEC) No 43/81,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 43/81 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 14 November 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 199, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 3, 1. 1. 1981, p. 15.

⁽⁴⁾ OJ No L 367, 31. 12. 1985, p. 31.

⁽⁵⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 326, 21. 11. 1986, p. 8.

ANNEX

ANNEX

List of representative markets for pigmeat in the Community

1. The following group of markets : Genk, Lokeren, Herve
and
the following quotation centre : Anderlecht
 2. The following quotation centre : Copenhagen
 3. The following group of quotation centres : Kiel, Hamburg, Bremen, Hanover, Oldenburg,
Münster, Düsseldorf, Trier, Frankfurt am Main, Stuttgart, Nürnberg, München
 4. The following group of quotation centres : Ebro, Mercolérica, Mercovélez, Segovia, Segura, Silleda
and
the following group of markets : Murcia, Barcelona, Burgos, Fuenteovejuna, Lugo,
Pozuelo de Alarcon, Alhama de Murcia, Mollerusa,
Calamocha, Segovia, Olvega
 5. The following group of quotation centres : Rennes, Lyon, Nantes, Clermont-Ferrand, Bordeaux,
Caen, Lille, Toulouse, Metz, Orléans
 6. The following group of quotation centres : Alexandroupolis, Serres, Ioannina, Larissa, Chalkis,
Pyrgos, Heraklion
 7. The following group of markets : Cavan, Rooskey, Roscra, Tralee and Mitchelstown
 8. The following group of markets : Milan, Cremona, Mantua, Modena, Parma, Reggio
Emilia, Macerata/Perugia
 9. The following group of markets : Luxembourg, Esch
 10. The following quotation centre : Rijswijk
 11. The quotation centre of Bletchley for the Scotland, Northern Ireland, Wales and Western
following group of regions : England, Northern England, Eastern England.
-

COUNCIL REGULATION (EEC) No 3554/88

of 14 November 1988

amending Regulation (EEC) No 987/68 laying down general rules for granting aid for skimmed milk processed into casein or caseinates

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 987/68 ⁽³⁾, as amended by the 1972 Act of Accession, is aimed at promoting milk proteins by widening their use; whereas the situation on the market for milk and milk products can be such as to cause casein and caseinates to be used as raw materials in the manufacture of certain products in a way which is inconsistent with the aims of the Regulation; whereas, in that case, the Commission should be authorized to take whatever measures are appropriate;

Whereas account should be taken of the possible effects of these measures on the situation of the market and of enterprises; whereas, moreover, a thorough examination of the consequences of the measures taken should be carried out after a 12-month period in order to decide whether or not they should be extended,

Article 1

The following paragraph is added to Article 2 of Regulation (EEC) No 987/68:

'4. If the market situation so dictates, the granting of aid may be restricted to casein and caseinates for specific uses. Uses may be excluded only where payment of the aid is economically or technologically unnecessary or where it would lead to distortion of competition.

This measure shall apply until 31 December 1989. The Council shall decide before 30 November 1989 on whether or not it should extend the measure on the basis of a report from the Commission on its impact.

The report shall in particular consider whether the measure has led to unfair competition between Community-produced casein and imports from third countries of non-milk proteins.'

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, 14 November 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 6.

COUNCIL REGULATION (EEC) No 3555/88

of 14 November 1988

amending Regulation (EEC) No 2194/85 adopting general rules concerning special measures for soya beans

THE COUNCIL 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 (6) thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 2194/85 ⁽³⁾, as last amended by Regulation (EEC) No 2218/88 ⁽⁴⁾, provides that until 31 December 1992 the aid may be granted to first purchasers who are not processors; whereas first purchasers who are not processors are firms which, because of their limited technical and economic capacity, often cannot use the single Community method of taking samples for analysis and determining the impurity and moisture content of soya beans as laid down in Annexes I to IV to Commission Regulation (EEC) No 1470/68 of 23 September 1968 on the drawing and reduction of samples and the determination of the oil content, impurities and moisture in oil seeds ⁽⁵⁾, as last amended by Regulation (EEC) No 2435/86 ⁽⁶⁾; whereas, in order to avoid major difficulties for these first

purchasers, the possibility of using other methods producing effects equivalent to those deriving from the single method should be extended to 31 December 1992,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 (3) of Regulation (EEC) No 2194/85 is hereby amended as follows:

1. in the first subparagraph, 'For the 1985/86, 1986/87 and 1987/88 marketing years' is replaced by 'Until 31 December 1992';
2. in the third subparagraph, 'From the 1988/89 marketing year onwards' is replaced by 'From 1 January 1993 onwards'.

Article 2

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

It shall apply with effect from 1 September 1988.

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

Done at Brussels, 14 November 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No L 204, 2. 8. 1985, p. 1.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 12.

⁽⁵⁾ OJ No L 239, 28. 9. 1968, p. 2.

⁽⁶⁾ OJ No L 210, 1. 8. 1986, p. 55.

COMMISSION REGULATION (EEC) No 3556/88

of 14 November 1988

amending Regulation (EEC) No 700/88 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾,

Whereas the abovementioned Council Regulation (EEC) No 3551/88 extends to products originating in Morocco the system of prices to be complied with for imports of certain floricultural products originating in Cyprus, Israel and Jordan; whereas Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾ should accordingly be adapted by indicating the products originating in Morocco;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 700/88 is hereby amended as follows:

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

Done at Brussels, 14 November 1988.

1. The title is replaced by the following:

'Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan and Morocco';

2. In Article 4, 'Cyprus, Israel and Jordan' is replaced by 'Cyprus, Israel, Jordan and Morocco'.

Article 2

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

It shall apply from the application of the Additional Protocol to the Cooperation Agreement between the European Economic Community and Morocco.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

COMMISSION REGULATION (EEC) No 3557/88

of 14 November 1988

fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 3 of the abovementioned Regulation (EEC) No 4088/87, Community producer prices applicable for fortnightly periods are fixed twice a year before 15 May and 15 October for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾, as amended by Regulation (EEC) No 3556/88⁽⁴⁾, prices for roses are determined on the basis of the average daily prices recorded on the representative producer markets for the pilot varieties of quality grade 1 in the three preceding years; whereas for carnations those prices are fixed under the same conditions for the bloom and spray types; whereas, for the determination of the

average, prices which differ by 40 % and more from the average price recorded on the same market during the same period during the three preceding years are excluded;

Whereas the Community producer prices for the fortnightly periods to 6 June 1989 should be determined on the basis of data provided by the Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations provided for in Article 3 of Regulation (EEC) No 4088/87 for the fortnightly periods to 6 June 1989 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 14 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ See page 8 of this Official Journal.

ANNEX

Community producer prices

Weeks	Period	(ECU per 100 pieces)			
		Uniflorous carnations (bloom)	Multiflorous carnations (spray)	Large- flowered roses	Small- flowered roses
46	17. 11. to 20. 11. 1988	14,44	11,85	31,52	13,68
47/48	21. 11. to 4. 12. 1988	15,45	12,53	37,33	15,25
49/50	5. 12. to 18. 12. 1988	15,53	12,14	34,90	14,94
51/52	19. 12. to 31. 12. 1988	20,34	13,52	48,91	20,76
1/ 2	1. 1. to 15. 1. 1989	16,32	10,66	46,56	19,82
3/ 4	16. 1. to 29. 1. 1989	15,59	10,72	49,83	21,12
5/ 6	30. 1. to 12. 2. 1989	16,64	11,83	62,02	24,65
7/ 8	13. 2. to 26. 2. 1989	15,95	12,42	67,52	31,94
9/10	27. 2. to 12. 3. 1989	12,84	10,50	49,97	24,00
11/12	13. 3. to 26. 3. 1989	13,54	11,55	40,44	22,54
13/14	27. 3. to 9. 4. 1989	13,85	12,90	37,73	18,55
15/16	10. 4. to 23. 4. 1989	11,85	12,81	34,35	17,09
17/18	24. 4. to 8. 5. 1989	12,82	13,46	30,01	16,99
19/20	9. 5. to 21. 5. 1989	12,48	11,80	24,97	12,55
21/22	22. 5. to 4. 6. 1989	11,31	11,54	24,26	11,83

COMMISSION REGULATION (EEC) No 3558/88
of 14 November 1988
on the supply of various lots of butteroil as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 50 tonnes of butteroil;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 14 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation No 1024/88** ⁽¹⁾: Commission Decision of 19. 5. 1987
2. **Programme**: 1987
3. **Recipient** ⁽²⁾: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service Logistique, boîte postale 372, CH-1211 Genève 19; Tel. 34 55 80, Telex 22555 LRCS CH
4. **Representative of the recipient and addressee** ⁽³⁾: Cruz Roja Boliviana, Avenida Simon Bolivar, 1515, Casilla 741, La Paz; Tel: 34 09 48/32 65 68; Telex: 3318 BOLCRUZ
5. **Place or country of destination**: Bolivia
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** ⁽⁴⁾: to be manufactured from intervention butter; see OJ No C 216, 14. 8. 1987, p. 7 (under I.3.1 and I.3.2)
8. **Total quantity**: 50 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kg; in 20 foot containers ⁽⁵⁾ and see OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)
Supplementary markings on packaging:
'ACCIÓN N° 1024/88 — A red cross — BUTTEROIL / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / ACCIÓN DE LA LIGA DE LAS SOCIEDADES DE LA CRUZ ROJA / DISTRIBUCIÓN GRATUITA / LA PAZ'
and see OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization of product**: buying of butter from: Agriculture House, Kildare Street, Dublin 2; Tel. 78 90 11, Telex 24280 or 25118
The addresses of the places of storage are given in Annex II
Selling price is determined in accordance with Article 2 of Regulation (EEC) No 2315/76
12. **Stage of supply**: free at destination — La Paz
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: La Paz — Red Cross Warehouses
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 25. 12. 1988 — 5. 1. 1989.
18. **Deadline for the supply**: 5. 3. 1989
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁶⁾: 5. 12. 1988 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 12. 1988 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. — 15. 1. 1989
 - (c) deadline for the supply: 15. 3. 1989
22. **Amount of the tendering security**: 20 ECU per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders**:
'Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels,
Telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁷⁾:
Refund applicable on 14. 10. 1988 fixed by Regulation (EEC) No 3147/88 (OJ No L 281, 14. 10. 1988, p. 13)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (³) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the Office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (⁵) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing shall be borne by the successful tenderer :
 - Should containers be used on a FCL/FCL or LCL/FCL basis, all costs of unloading and transportation from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to be borne by the recipient.
 - Should containers be used on a LCL/LCL or FCL/LCL basis, all the costs of unloading and transportation from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned paragraph 5 (a) of Article 14, the LCL charges (destuffing of the goods). The local charges incurred after the stage of destuffing the goods from the containers are to be borne by the recipient.
- (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II
— ANEXO II —

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Tonelaje Mængde Menge Τόνοι Tonnage Tonnage Tonnellaggio Hoeveelheid Tonelagem	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e direcção do armazenista
A : 1024/88	62 500 kg	Norish (Kilkenny) Ltd Ballyragget IRL Country Kilkenny

COMMISSION REGULATION (EEC) No 3559/88

of 16 November 1988

correcting Commission Regulation (EEC) No 3400/88 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3989/88 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 2229/88 ⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas the rates of the refunds applicable from 1 November 1988 to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty were fixed by Commission Regulation (EEC) No 3400/88 ⁽⁵⁾;

Whereas a check has shown that the amounts in the Annex thereto do not correspond to the measures submitted for an opinion to the Management Committee; whereas the Regulation in question should be corrected accordingly.

Article 1

In the Annex to Regulation (EEC) No 3400/88, under product code 1001 10 90, second indent, '11,145' is replaced by '11,143'.

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, 16 November 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 299, 1. 11. 1988, p. 49.

COMMISSION REGULATION (EEC) No 3560/88

of 16 November 1988

closing the invitations to tender for the supply of various lots of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/88 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as amended by Regulation (EEC) No 1870/88⁽²⁾, and in particular Article 8 (1) (c) thereof,Whereas by Regulations (EEC) No 3259/88⁽³⁾, (EEC) No 3260/88⁽⁴⁾ and (EEC) No 3261/88⁽⁵⁾, the Commission issued invitations to tender for the supply of white sugar as food aid; whereas the conditions of the supply should be reviewed and the invitations to tender in question should consequently be closed,

HAS ADOPTED THIS REGULATION:

Article 1

For the lots

- in Annexes I and II to Regulation (EEC) No 3259/88,
 - in Annexes I and II to Regulation (EEC) No 3260/88,
 - in Annexes I and IV to Regulation (EEC) No 3261/88,
- the invitations to tender are closed.

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, 16 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 291, 25. 10. 1988, p. 1.

⁽⁴⁾ OJ No L 291, 25. 10. 1988, p. 6.

⁽⁵⁾ OJ No L 291, 25. 10. 1988, p. 12.

COMMISSION REGULATION (EEC) No 3561/88

of 16 November 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 15 November 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 17 November 1988.

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

Done at Brussels, 16 November 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. 96.

ANNEX

to the Commission Regulation of 16 November 1988 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	0,00	133,50
0712 90 19	0,00	133,50
1001 10 10	29,07	185,61 ⁽¹⁾ ⁽²⁾
1001 10 90	29,07	185,61 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	129,19
1001 90 99	0,00	129,19
1002 00 00	33,13	118,10 ⁽³⁾
1003 00 10	26,87	121,86
1003 00 90	26,87	121,86
1004 00 10	83,03	66,30
1004 00 90	83,03	66,30
1005 10 90	0,00	133,50 ⁽²⁾ ⁽³⁾
1005 90 00	0,00	133,50 ⁽²⁾ ⁽³⁾
1007 00 90	21,52	142,06 ⁽⁴⁾
1008 10 00	26,87	42,89
1008 20 00	26,87	101,56 ⁽⁴⁾
1008 30 00	26,87	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	26,87	0,00
1101 00 00	2,95	194,54
1102 10 00	60,06	179,02
1103 11 10	58,31	300,95
1103 11 90	3,91	209,38

⁽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 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 3562/88

of 16 November 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 15 November 1988;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 16 November 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 16 November 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 11	1st period 12	2nd period 1	3rd period 2
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	5,15
1001 90 99	0	0	0	5,15
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	7,52
1004 00 90	0	0	0	7,52
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	7,23

B. Malt

CN code	(ECU/tonne)				
	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	0	9,17	9,17
1107 10 19	0	0	0	6,85	6,85
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 3563/88

of 16 November 1988

establishing a system of surveillance applicable to imports of frozen squid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 3468/88⁽²⁾, and in particular Article 24 (2) thereof,

Whereas the Community market in frozen squid is to a large extent traditionally supplied by imports of the raw material from third countries;

Whereas the situation on the world market for frozen squid is market in particular by the existence in certain third countries of large stocks which are liable to be offered for sale at low prices; whereas the Community market in question is consequently threatened by serious disturbances which may jeopardize the objectives of Article 39 of the Treaty;

Whereas this threat may grow in the coming months due to the fragility of the market and the seasonal nature of imports linked to the production cycle;

Whereas, in order to prevent disturbances of the Community market for frozen squid, detailed advance knowledge is needed of the conditions relating to all imports of the product in question into the Community; whereas a surveillance system should therefore be introduced for a limited period to monitor imports into the Community of frozen squid coming under CN codes 0307 49 and 0307 99 11;

HAS ADOPTED THIS REGULATION:

Article 1

1. Frozen squid imported from third countries and coming under CN codes 0307 49 and 0307 99 11 shall be allowed into free circulation in the Community subject to the presentation of an import document. The said document shall be issued or endorsed by the competent authorities of each Member State in respect of all the quantities requested, not later than five working days after the lodging, depending on the national legislation in force, of either a declaration on reily on application by any Community importer, regardless of his place of establishment in the Community, without prejudice to compliance with the other conditions laid down in the rules currently in force.

2. The declaration of application to be made by the importer shall provide the following particulars:

- (a) name and address of the importers;
- (b) description of the product, including:
 - commercial name,
 - CN code,
 - country of origin,
 - country of dispatch;
- (c) unit price per tonne of the product expressed as the free-at-frontier cif price, quantity of each category and form of presentation of the imported product;
- (d) expected date(s) and place(s) of importation.

3. Paragraph 2 shall be no impediment to the release of the product for free circulation:

- if the unit price at which the transaction is made exceeds the unit price stated in the import document or if the quantity of the product presented for importation is less than the quantity stated in the said document;
- if the unit price at which the transaction is made in less than the unit price stated in the import document subject to a maximum tolerance of 5 %, or if the quantity of the product presented for importation exceeds the quantity stated in the said document subject to the said maximum tolerance.

4. Where on presentation of the product for release into free circulation the competent authority finds that the information contained in the import document by virtue of which the goods are to be release for free circulation do not correspond to reality, the importer shall be required to submit a fresh application for an import document for the operation in question, in accordance with the conditions laid down in paragraphs 1 and 2.

Article 2

1. The Member States concerned shall notify the Commission without delay by telex of the quantities, unit price, country of origin and country of dispatch in respect of:

- each request for an import document,
- imports effected under each import document.

2. For the period during which this Regulation applies, the communications provided for in Article 2 (1) of Regulation (EEC) No 3191/82 shall be suspended for the product in question.

Article 3

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

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 305, 10. 11. 1988, p. 1.

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

Done at Brussels, 16 November 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 3564/88

of 16 November 1988

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 ⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EEC) No 1315/88 ⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the nomenclature committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 16 November 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 123, 17. 5. 1988, p. 2.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Lightweight panels of a minimum size of 75 cm × 100 cm (30 inches × 40 inches) and a total thickness of 9,6 mm (3,8 inch) made up of a plate or expanded polystyrene of a thickness of approximately 9,5 mm covered on both sides by a sheet of paper or paperboard.	3921 11 00	Classification is determined by the provisions of General Rules 1, 3 b) and 6 and the texts for CN codes 3921 and 3921 11 00. The products cannot be classified in Chapter 48; its essential character is determined by the plastic which gives the article its physical qualities, in particular its strength, the paper merely playing a secondary role.
2. Lightweight panels of a minimum size of 80 cm × 100 cm (32 inches × 40 inches) and a total thickness of 3,2 mm (1/8th inch), made up of a layer of expanded polystyrene of a thickness of approximately 3,1 mm covered on both sides by a sheet of white kaolin-coated paper or paperboard not containing fibres obtained by a mechanical process and of a weight of more than 150 g/m ² .	4810 12 00	Classification is determined by the provisions of General Rules 1, 3 b) and 6 and of Legal Note 7 to Chapter 48 and by the texts of CN-codes 4810 and 4810 12 00. The product cannot be classified in Chapter 39; its essential character is given by the paper or paperboard component, the layer of plastic merely serving as reinforcement.
3. Bill of exchange forms measuring 29 × 10 cm, collected together in blocks of 100 units. The forms, which have spaces for headings and bear a printed text, are intended to be filled in either manually or by typewriter.	4907 00 99	Classification is determined by the provisions of General Rules 1 and 6 and the texts of the CN codes 4907 and 4907 00 99. These articles are referred to in the 'Explanatory Notes to the Harmonized System', heading 4907, letter E.

COMMISSION REGULATION (EEC) No 3565/88
of 16 November 1988
concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EEC) No 1315/88⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the nomenclature committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 16 November 1988.

For the Commission
COCKFIELD
Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 123, 17. 5. 1988, p. 2.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Chewing gum consisting of nicotine bound to an ion-exchange resin (2mg og nicotine per tablet), of glycerine, of a synthetic polymer, of sodium carbonate, sodium hydrogencarbonate, D-glucitol (sorbitol) and flavourings to simulate, in particular, the taste of tobacco smoke whose use is suggested to persons wishing to give up smoking	2106 90 91	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 2106, 2106 90 and 2106 90 91. This product contains no sugar is not covered by CN code 1704 10 (see also HS Explanatory Note to heading 2106 item B (9)).
2. Mometazone furoate (DCIM)	2937 29 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 2937, 2937 29 and 3737 29 90. It is not a halogenated derivative of an adrenal cortical hormone of code 2937 22 00 but a derivative of such a product.
3. Self-adhesive plastic film, on one side coated with glycerol trinitrate mixed with an acrylic adhesive, containing 4mg/cm ² or more glycerol trinitrate, protected by a release sheet	3005 10 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of te Combined Nomenclature and the wording of CN codes 3005 asnd 3005 10 00.

COMMISSION REGULATION (EEC) No 3566/88
of 16 November 1988
fixing the import levy on molasses

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

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

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

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2368/88 ⁽³⁾, as last amended by Regulation (EEC) No 3422/88 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2368/88 to the information at present available to the Commission

that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, 1,08 ECU/100 kg.

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 16 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 205, 30. 7. 1988, p. 29.

⁽⁴⁾ OJ No L 301, 4. 11. 1988, p. 42.

COMMISSION REGULATION (EEC) No 3567/88

of 16 November 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 3939/87 ⁽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 24 October 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 24

October 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 24 October 1988, the level of the premium is fixed at 90,340 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 24 October 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 24 October 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 373, 31. 12. 1987, p. 1.

⁽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, 16 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Amount to be charged for products leaving region 5 during the week commencing
24 October 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	42,460	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	90,340	0
0204 21 00	90,340	0
0204 50 11		0
0204 22 10	63,238	
0204 22 30	99,374	
0204 22 50	117,442	
0204 22 90	117,442	
0204 23 00	164,419	
0204 30 00	67,755	
0204 41 00	67,755	
0204 42 10	47,429	
0204 42 30	74,531	
0204 42 50	88,082	
0204 42 90	88,082	
0204 43 00	123,314	
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	117,442	
0210 90 19	164,419	
1602 90 71 :		
— unboned (bone-in)	117,442	
— boned or boneless	164,419	

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

COMMISSION REGULATION (EEC) No 3568/88
of 16 November 1988

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of mandarins, including tangerines and satsumas, Wilkings and other similar hybrids with the exception of clementines originating in Turkey

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 Commission Regulation (EEC) No 3507/88 ⁽³⁾ introduced a countervailing charge on mandarins, including tangerines and satsumas, Wilkings and other similar hybrids with the exception of clementines originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for Turkish products on the representative markets referred to in Regulation (EEC) No 2118/74 ⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85 ⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the

reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey ⁽⁶⁾, as amended by Regulation (EEC) No 1555/84 ⁽⁷⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3507/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 16 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 306, 11. 11. 1988, p. 65.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 3569/88
of 16 November 1988
fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88⁽³⁾, as last amended by Regulation (EEC) No 3545/88⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 16 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 310, 16. 11. 1988, p. 12.

ANNEX

to the Commission Regulation of 16 November 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,61 ⁽¹⁾
1701 11 90	36,61 ⁽¹⁾
1701 12 10	36,61 ⁽¹⁾
1701 12 90	36,61 ⁽¹⁾
1701 91 00	45,37
1701 99 10	45,37
1701 99 90	45,37 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 3570/88**of 16 November 1988****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 3389/88 ⁽³⁾, as amended by Regulation (EEC) No 3428/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3389/88 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 3389/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 16 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 299, 1. 11. 1988, p. 17.

⁽⁴⁾ OJ No L 301, 4. 11. 1988, p. 55.

ANNEX

to the Commission Regulation of 16 November 1988 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4537	—
1702 20 90	0,4537	—
1702 30 10	—	55,16
1702 40 10	—	55,16
1702 60 10	—	55,16
1702 60 90	0,4537	—
1702 90 30	—	55,16
1702 90 60	0,4537	—
1702 90 71	0,4537	—
1702 90 90	0,4537	—
2106 90 30	—	55,16
2106 90 59	0,4537	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 October 1988

relating to a proceeding under Article 85 of the EEC Treaty
(IV/32.437/8 — Eurotunnel)

(Only the English and French texts are authentic)

(88/568/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 2 thereof,

Having regard to the notification and application for negative clearance submitted on 30 September 1987 by Channel Tunnel Group Ltd, France Manche SA and others concerning a construction contract and a *maître d'oeuvre* contract for the building of a rail tunnel beneath the Channel,

Having regard to the summary of the notification published ⁽²⁾ pursuant to Article 19 ⁽³⁾ of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

- (1) On 30 September 1987, the Commission registered requests on behalf of Eurotunnel (ET) for a negative clearance, or alternatively an exemption, in respect

of two agreements entered into by Channel Tunnel Group Ltd (CTG) and France Manche SA (FM) trading in partnership under English law and as a *société en participation* according to French law, under the name Eurotunnel. These agreements have been concluded in connection with the construction of a tunnel under the Channel to link Britain and France. They comprise a 'construction contract' and a '*maître d'oeuvre* contract' dated 13 August 1986. The former was amended on 25 September 1986, 27 January 1987 and 5 November 1987.

- (2) In April 1985, the United Kingdom and French governments jointly issued an 'Invitation to Promoters' calling for bids to construct, finance and operate a fixed link across the Channel. A notice to this effect was published in the *Official Journal of the European Communities* ⁽³⁾. Several qualifying bids were made and in January 1986 the project put forward by CTG and FM was selected by the governments.

- (3) On 12 February 1986 the governments signed a Treaty providing for the Tunnel and on 14 March 1986 they entered into a 55-year concession agreement with CTG and FM to build and operate a twin-bore rail tunnel and service tunnel under the Channel, together with terminals and ancillary facilities. The two undertakings were set up solely to bid for and act under the concession.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 150, 8. 6. 1988, p. 2.

⁽³⁾ OJ No S 172, 7. 9. 1985, p. 5.

A. Construction contract

- (4) The construction contract is made between Eurotunnel and a consortium of the following building and civil engineering contractors acting together as Transmanche Link (the contractor):

- Balfour Beatty Construction Ltd,
- Costain Civil Engineering Ltd,
- Tarmac Construction Ltd,
- Taylor Woodrow Construction Ltd,
- Wimpey Major Projects Ltd,
- Bouygues SA,
- Dumez SA,
- Société Auxiliaire D'Entreprises SA,
- Société Générale D'Entreprises SA,
- Spie Batignolles SA.

Transmanche Link (TML) has been set up solely for the purpose of obtaining and carrying out the construction contract.

- (5) The construction contract requires the contractor to design, supply, construct, test and commission the complete project and to maintain it for a period of 24 months thereafter. It determines the relations between ET and the contractor for the purposes of the specific project, but does not contain or imply any restriction on the activities of the members of TML outside the project.
- (6) The works are divided into two categories, namely target works and lump sum works. Target works comprise broadly the boring and lining of the tunnels, including the necessary supplies. Lump sum works comprise all other works and supplies therefor, for which the contractor will receive a predetermined sum, subject to certain adjustments.
- (7) The contractor may in principle subcontract lump sum works and supplies freely, without reference to ET. The subcontracting of target works and supplies and services in connection with them is subject to approval by ET, such approval not to be unreasonably withheld. The contractor must submit lists of invitees to tender, subcontract terms and final selection to ET.
- (8) The subcontracting of certain lump sum items is however subject to technical supervision by ET, who may object to a proposed invitee to tender and raise questions regarding the technical aspects of the tenders submitted.
- (9) The contractor further acts on behalf of ET for the purchasing and commissioning of certain 'procurement items'. These comprise the locomotives and rolling stock for rail shuttles

which ET will operate through the tunnel between the English and French terminals. These are to be paid for by ET at cost, and the contractor will receive a commission for its services in this connection.

- (10) The construction contract confirms the obligation on the contractor to abide by the EEC rules on subcontracts under public works concessions⁽¹⁾ and not to discriminate on the basis of nationality.

B. 'Maître d'oeuvre' contract

- (11) This contract is made between ET and the following multidisciplinary consultancy firms:

W.S. Atkins and Partners

Société d'Études Techniques et Économiques

acting together as the *maître d'oeuvre* in the form of a joint venture having a common executive board. The *maître d'oeuvre* has agreed with ET to subcontract certain specified consultancy services to

Sir William Halcrow & Partners

Tractionel Electrobél Engineering SA

and to permit them to be represented in certain organs of the *maître d'oeuvre*.

- (12) The duties of the *maître d'oeuvre* are broadly:
- to check designs,
 - to supervise construction including quality, cost and progress,
 - to act as independent project manager under the terms of the concession on behalf of an intergovernmental commission set up for the purpose of supervising the construction and operation of the tunnel,
 - to act as an independent expert in disputes between ET and the contractor,
 - to assist the contractor in relations with third parties, in particular lending institutions, supplying reports as required.
- (13) The *maître d'oeuvre* will be remunerated on the basis of the work actually carried out. The key personnel of the *maître d'oeuvre* to provide the services under the contract are identified by name, and other senior personnel must be approved by ET as required. The *maître d'oeuvre* may not subcontract the services without prior approval of ET.

⁽¹⁾ Declaration of representatives of the Member States of the European Communities meeting within the Council on 26 July 1971 (OJ No C 82, 16. 8. 1971, p. 13) and Council Directive 72/277/EEC (OJ No L 176, 3. 8. 1972, p. 12).

- (14) Work on the tunnel began in May 1986 and it is due to be commissioned in May 1993.
- (15) Eurotunnel has submitted that the contracts do not contain or imply any restriction on activities by the various undertakings (building/civil engineering contractors and consultants) involved, outside the project. The provisions regarding the intervention of ET in subcontracting are inherent in the types of contract involved and also do not concern any matters outside the scope of the project.
- (16) Despite the very large scale of the project, viewed as a single venture, it represents each year a minor part of the markets for construction and civil engineering, even when assessed by reference only to France and the United Kingdom. In fact the market is geographically wider than this, and includes civil engineering and construction projects in Europe and large scale projects throughout the world.

Likewise, the consultancy services involved in the tunnel project represent a small part of the market for similar services, which is essentially a worldwide market.

II. LEGAL ASSESSMENT

Article 85 (1)

- (17) The construction contract and *maître d'oeuvre* contract do not have as their object or effect to restrict competition in the Common Market:
 - (a) The contracts regulate relations between the parties with respect to the completion of the specific project concerned. They do not impose or imply any restriction on the freedom of the member firms of the contractor and *maître d'oeuvre* as regards their other activities. As stated in the Commission's notice concerning agreements, decisions and concerted practices in the field of cooperation between undertakings⁽¹⁾, agreements having as their sole object the setting up of consortia for the joint execution of orders, where each of them by itself is unable to execute the orders, do not restrict competition. This applies in particular to enterprises belonging to different industries but also to firms in the same industry to the extent that their contribution under the

consortium consists only of goods or services which cannot be supplied by the order participating enterprises. But even in the case of consortia formed by enterprises which normally compete which each other there is no restraint of competition if the participating enterprises cannot execute a specific order by themselves;

- (b) the rights of Eurotunnel with respect to subcontracting by the contractor and *maître d'oeuvre* concern only the specific project and not any other activities of the member firms of the contractor and *maître d'oeuvre*.

Furthermore, these rights are reserved by Eurotunnel only to the extent that Eurotunnel has a legitimate financial or technical interest in the terms of subcontracts or supply contracts and in the choice of the firms which are to carry them out;

- (c) the provisions of the construction contract requiring the contractor to acquire procurement items on behalf of Eurotunnel do not impose any terms which are not inherent in a contract for the procurement of goods through a commission agent,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the facts in its possession, the Commission has no grounds for action under Article 85 (1) of the EEC Treaty in respect of the construction contract and the *maître d'oeuvre* contract entered into by Channel Tunnel Group Ltd and France Manche SA acting on behalf of Eurotunnel, on 13 August 1986, as amended in the case of the former on 25 September 1986, 27 January 1987 and 5 November 1987.

Article 2

This Decision is addressed to the undertakings listed in the Annex.

Done at Brussels, 24 October 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

⁽¹⁾ OJ No C 75, 29. 7. 1968, p. 3, corrected in OJ No C 84, 28. 8. 1968, p. 14.

ANNEX

The Channel Tunnel Group Limited,
Portland House,
Stag Place,
UK-London SW1E 5BT;

France-Manche SA,
Tour Franklin,
100, Terrasse Boieldieu,
La Défense,
F-92081 Paris Cedex 11;

W.S. Atkins,
Woodcote Grove,
Ashley Road, Epsom,
UK-Surrey KT18 5BW;

SETEC,
Tour Gamma D,
58, rue de la Rapée,
F-75583 Paris Cedex 12;

Translink,
Bridge House,
Westminster Centre,
Delamere Road,
UK-Hayes, Middlesex;

Transmanche Construction,
3, rue Stephenson,
F-78180 Montigny-le-Bretonneux.

COMMISSION DECISION

of 28 October 1988

on the multiannual guidance programme for the fishing fleet in the French overseas departments (1987 to 1991) forwarded by France pursuant to Regulation (EEC) No 4028/86

(Only the French text is authentic)

(88/569/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986, on Community measures to improve and adapt structures in the fisheries and aquaculture sector ⁽¹⁾, and in particular Article 4 thereof,

Whereas, on 30 April 1987, the French Government forwarded to the Commission a multiannual guidance programme for the fishing fleet, hereinafter referred to as 'the programme'; whereas on 18 August 1987 it forwarded additional the latest information about the programme;

Whereas with Decision 88/121/EEC the Commission approved the programme ⁽²⁾;

Whereas at that time integrated development operations were being planned in the French overseas departments part of which related to the fishing fleet;

Whereas the Commission accordingly approved the part of the programme relating to the French overseas departments for 1987 only;

Whereas the IDO for the island of Réunion was approved was approved on 15 December 1987;

Whereas the Commission has been unable to take a decision on the specific measures in the fisheries sector in the departments of Martinique, Guadeloupe and French Guiana because it does not possess all the details required to assess them with a view to their approval; whereas it has therefore decided to consider financing of the specific measures for the fishing fleet in those departments out of the normal funds operations rather than as integrated operations;

Whereas the measures which relate to the fishing fleet should be assessed within the framework of the multiannual guidance programmes for the fishing fleet; and whereas the programme relating to the overseas departments should therefore be approved for the period of validity from 1987 to 1991 initially envisaged;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry;

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for the fishing fleet in the French overseas departments (1987 to 1991), as forwarded by the French Government on 30 April 1987 and as last supplemented on 18 August 1987, is hereby approved subject to the conditions set out in this Decision.

Article 2

No later than 15 February and 31 July of each year, France shall forward to the Commission, in respect of each category of vessels defined in the programme, information on the number of vessels commissioned and withdrawn and on the tonnage and engine power added and withdrawn during the six-month period ending on the preceeding 31 December or 30 June.

Article 3

The approval referred to in Article 1 shall only be effective where the development of the fleet complies with the objectives of the programme as set out in the Annex hereto.

Should the Commission find, on the basis of the regular return specified in Article 2, or should the said returns not be supplied for two consecutive six-month periods, the Commission will notify the Member State that the conditions to which approval of the programme was made subject have not been fulfilled.

Article 4

This Decision shall be without prejudice to any Community financial aid that may be granted to individual investment projects.

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 62, 8. 3. 1988, p. 25.

Article 5

The Decision is addressed to the French Republic.

Done at Brussels, 28 October 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

ANNEX

**Multiannual guidance programme for the fishing fleet in the French overseas departments
(1987 to 1991)**

I. GENERAL REMARKS

The programme relates to the whole of the fishing fleet of the French overseas departments and covers their entire territory.

II. OBJECTIVES

To adapt or foster fisheries production capacity with a view to:

- technical modification of the non-industrial inshore fishing fleet in the French overseas territories :
 - by using open motor boats in which it is possible to gain access to resources in deeper waters and to some deep-sea resources, by replacing traditional boats with a smaller number of more advanced boats of average productivity,
 - by using decked vessels of less than nine metres between perpendiculars so that artisanal fishing activities can be relocated when possible,
 - by using multi-purpose vessels of more than nine metres between perpendiculars so that owner masters can fish for shrimp and bottom fish in Guiana;
- revival or creation, as the case may be, of company-operated deep-sea fishing activities in that department including trawling, fishing for pelagic species, pole and line fishing, pot fishing or gill netting;
- continued transfer of part of Guiana's industrial shrimp-fishing fleet to the Community flag, so that by 1991 the greater part of the stocks will be exploited by EEC vessels.

III. INVESTMENTS

The following investments are provided for:

Departments	Type of investment	No of vessels	Amount of investment	
			(FF million)	(ECU million)
MARTINIQUE	Artisanal offshore fishing : Traditional boats (not including outboards motors): Vessels measuring less than 9 metres between perpendiculars	300	15	2,143
	Artisanal offshore fishing : Motorized boats (inboard diesel motor)	50	20	2,857
	Artisanal offshore fishing : Multi-purpose decked vessels measuring less than 12 metres	5	6	0,857
	Deep-sea fishing : Company-operated vessels	5	35	5
	TOTAL		76	10,857
GUADELOUPE	Artisanal offshore fishing : Traditional boats	300	15	2,143
	Artisanal offshore fishing : Mechanized boats	125	18,75	2,679
	Artisanal inshore fishing	10	10	1,429
	Deep-sea fishing : Company-operated vessels	1	7	1
	TOTAL		50,75	7,251

Departments	Type of investment	No of vessels	Amount of investment	
			(FF million)	(ECU million)
GUIANA	Artisanal offshore fishing : Traditional boats	20	4,5	0,643
	Artisanal offshore fishing : Improved boats	36	18	2,571
	Artisanal shrimp fishing			
	General artisanal fishing	35	175	25,00
	Industrial shrimp fishing			
	General industrial fishing			
TOTAL			197,5	28,214
RÉUNION	Inshore fishing : Vessels measuring less than 9 metres between perpendiculars	5	3,5	0,5
	Deep-sea fishing	3	7,8	1,114
	TOTAL		11,3	1,614
GENERAL TOTAL			335,55	47,796

IV. COMMENTS

1. The objectives and investments listed above can only be revised on the basis of exact scientific evaluations that show the existence of resources not fully exploited at present.
2. As the shrimp-fishing and multi-purpose fishing fleets operating in Guianese waters are brought under the Community flag, the balance of fish stocks must be respected in accordance with the Community's rules on the conservation and management of fishery resources.
3. It may be possible to consider a certain increase in the individual tonnage and average engine power of the inshore fleet during the course of the implementation of the programme for reasons of navigating safety and to improve working conditions and conservation of existing stocks in coastal areas.

Such an increase, where appropriate, would have to be in line with the available stocks likely to be fished by that fleet.
4. The Commission would point out that any structural financial measures taken by the national, regional or local authorities in respect of the sector concerned must henceforth lie within the scope of this programme.

COMMISSION DECISION

of 28 October 1988

on the multiannual guidance programme for aquaculture and the provision of protected marine areas in the French overseas departments (1987 to 1991) submitted by France pursuant to Council Regulation (EEC) No 4028/86

(Only the French text is authentic)

(88/570/EEC)

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

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽¹⁾, and in particular Article 4 thereof,

Whereas on 30 April 1987 the French Government forwarded to the Commission a multiannual guidance programme for aquaculture and the provision of protected marine areas, hereinafter referred to as 'the programme'; whereas on 18 August 1987 it forwarded the latest additional information concerning the programme;

Whereas with Decision 88/1/EEC the Commission approved this programme⁽²⁾;

Whereas on that date it was planned to implement in the French overseas departments specific measures in the form of integrated development operations which contained a section relating to aquaculture;

Whereas in these circumstances the Commission was persuaded to adopt a decision approving for 1987 only the section of the programme relating to the French overseas departments;

Whereas the integrated development operation for the island of Réunion was approved on 15 December 1987;

Whereas the Commission was unable to adopt a decision on the specific measures for fisheries in the departments of Guadeloupe, Martinique and French Guiana since it did not have all the information necessary for examining them with a view to their approval; whereas it decided therefore to examine the funding of these specific measures for aquaculture in these departments part of the normal operation of the funds and not as integrated operations;

Whereas such measures for aquaculture must be assessed therefore as part of the 'multiannual guidance

programmes for aquaculture'; whereas it is essential that the programme for the overseas departments be approved therefore for the period of validity originally planned of 1987 to 1991;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry;

HAS ADOPTED THIS DECISION:

Article 1

The multiannual guidance programme for aquaculture and the provision of protected marine areas in the French overseas departments (1987 to 1991) forwarded by the French Government on 30 April 1987 and last supplemented on 18 August 1987 is hereby approved subject to the conditions set out in the Annex.

Article 2

This Decision is without prejudice to any Community financial aid to individual investment projects.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 28 October 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 4, 7. 1. 1988, p. 17.

ANNEX

Multiannual guidance programme for aquaculture in the French overseas departments (1987-1991)

I. GENERAL

The programme applies to the whole territory of the French overseas departments and concerns freshwater and seawater aquaculture.

II. AIM

The aim of the programme is to:

- develop in Martinique, Guadeloupe, French Guiana and Réunion, the rearing of *Macrobrachium rosenbergii* by:
 - modernizing hatcheries,
 - providing aid for rearing ponds;
- establish in Martinique and Guadeloupe, aquaculture undertakings and small-scale farms by applying gradually the data which will be acquired, in particular regarding:
 - the rearing of temperate fish species,
 - the rearing of tropical fish species,
 - the rearing of molluscs (oysters, lambis, etc.);
- establish in Martinique and Guadeloupe and French Guiana oyster farms;
- develop in the island of Réunion the rearing of *Macrobrachium Rosenbergii*.

III. INVESTMENTS

Investments planned are as follows:

TOTAL INVESTMENT 1987 TO 1991

	Investment		Community contribution		National contribution		Investment during initial period	
	(FF million)	(ECU million)	(FF million)	(ECU million)	(FF million)	(ECU million)	(FF million)	(ECU million)
MARTINIQUE	22,5	3,21	7,1	1,01	3	0,428	8,5	1,214
GUADELOUPE	29,64	4,23	11,04	1,577	3,86	0,551	14,18	2,02
FRENCH GUIANA	25,5	3,64	9	1,285	4,05	0,578	2,5	0,357
RÉUNION	8,5	1,21	3,4	0,485	2,55	0,364	6	0,857
TOTAL	86,14	12,29	30,54	4,357	13,46	1,921	31,18	4,448

REARING OF *MACROBRACHIUM ROSENBERGII* IN THE FRENCH OVERSEAS DEPARTMENTS

	Surface area of ponds in 1987	Aim and cost of programme 1987 to 1991		Investments adopted as a first priority	
	(ha)	(ha)	(FF million)	(ha)	(FF million)
MARTINIQUE	60	40	10	20	5
GUADELOUPE	50	50	12,5	20	5
FRENCH GUIANA	376 committed of which 64 in existence at the end of 1986	80	21	5	1
RÉUNION	2	30	9	20	6
TOTAL	488	200	52,5	65	17

Comments

The Commission would point out that structural funding granted by national, regional or local authorities to the sector concerned must come under this programme.

COMMISSION DIRECTIVE

of 10 November 1988

adapting to technical progress Council Directive 79/196/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection

(88/571/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/117/EEC of 18 December 1975 on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Directive 79/196/EEC of 6 February 1979 on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection⁽²⁾, as amended by Directive 84/47/EEC⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the present state of technical progress, it is now necessary to adapt the contents of the harmonized standards referred to in Annex I to Directive 79/196/EEC;

Whereas, in view of the nature of the equipment concerned, a transitional period must be laid down in order to enable the industry to adapt adequately to the amendments introduced into the standards;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives for the Elimination of Technical Barriers to trade in the Sector of Electrical Equipment for Use in Potentially Explosive Atmospheres,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 79/196/EEC is hereby replaced by the Annex to this Directive.

Article 2

1. Member States shall bring into force the necessary provisions in order to comply with this Directive not later than 31 December 1989 and shall forthwith inform the Commission thereof.

2. However, until 31 December 2009, Member States shall continue to apply the measures provided for in Article 4 of Directive 76/117/EEC as regards the equipment for which conformity to the harmonized standards referred to in Directive 79/196/EEC, in its version of 16 January 1984, is attested by the certificate of conformity referred to in Article 8 of Directive 76/117/EEC, provided that this certificate has been issued before 1 January 1993.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 10 November 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 24, 30. 1. 1976, p. 45.

⁽²⁾ OJ No L 43, 20. 2. 1979, p. 20.

⁽³⁾ OJ No L 31, 2. 2. 1984, p. 19.

ANNEX

ANNEX I

HARMONIZED STANDARDS

The harmonized standards to which equipment must conform, depending on the type of protection, are the European standards referred to in the table below.

European Standards

(drawn up by CENELEC, 2, Rue Bréderode, PO Box 5, B-1000 Brussels)

Number	Title	Edition	Date
EN 50014	— Electrical equipment for use in potentially explosive atmospheres : general requirements — Amendment 1 — Amendment 2 — Amendments 3 and 4 — Amendment 5	1	March 1977 July 1979 June 1982 December 1982 February 1986
EN 50015	— Electrical equipment for use in potentially explosive atmospheres : oil immersion "o" — Amendment 1	1	March 1977 July 1979
EN 50016	— Electrical equipment for use in potentially explosive atmospheres : pressurized apparatus "p" — Amendment 1	1	March 1977 July 1979
EN 50017	— Electrical equipment for use in potentially explosive atmospheres : powder filling "q" — Amendment 1	1	March 1977 July 1979
EN 50018	— Electrical equipment for use in potentially explosive atmospheres : flameproof enclosure "d" — Amendment 1 — Amendment 2 — Amendment 3	1	March 1977 July 1979 December 1982 November 1985
EN 50019	— Electrical equipment for use in potentially explosive atmospheres : increased safety "e" — Amendment 1 — Amendment 2 — Amendment 3	1	March 1977 July 1979 September 1983 December 1985
EN 50020	— Electrical equipment for use in potentially explosive atmospheres : intrinsic safety "i" — Amendment 1 — Amendment 2	1	March 1977 July 1979 December 1985

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3173/88 of 14 October 1988 amending Regulation (EEC) No 3977/88 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1988 and certain conditions under which they may be fished

(Official Journal of the European Communities No L 282 of 15 October 1988)

On page 31 in Annex I:

for salmon, the footnote reference '(1)' shall be deleted in the second column.
