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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3571/88

of 17 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 16 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 18 November 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 17 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	130,15
1001 90 99	0,00	130,15
1002 00 00	33,13	118,10 ⁽⁴⁾
1003 00 10	26,87	122,92
1003 00 90	26,87	122,92
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	105,68 ⁽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	195,89
1102 10 00	60,06	179,02
1103 11 10	58,31	300,95
1103 11 90	3,91	210,84

⁽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 3572/88

of 17 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 16 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 18 November 1988.

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

Done at Brussels, 17 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 17 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	5,33
1001 90 99	0	0	0	5,33
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	7,46

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	9,49	9,49
1107 10 19	0	0	0	7,09	7,09
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 3573/88

of 17 November 1988

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 798/87⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 799/87⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 800/87⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 14 and 15 November 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 79, 21. 3. 1987, p. 11.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 79, 21. 3. 1987, p. 13.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

HAS ADOPTED THIS REGULATION:

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 18 November 1988.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	75,00 ⁽¹⁾
1510 00 90	119,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

(a) Lebanon: 0,60 ECU/100 kg;

(b) Turkey: 11,48 ECU/100 kg ⁽¹⁾ provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Algeria, Tunisia and Morocco: 12,69 ECU/100 kg ⁽¹⁾ provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

⁽¹⁾ These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,00

COMMISSION REGULATION (EEC) No 3574/88

of 17 November 1988

amending Regulation (EEC) No 3194/88 opening a standing invitation to tender for the export of bread-making wheat held by the German intervention agency

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2221/88 ⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 1836/82 ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 26 October 1988 Germany notified the Commission that it wished to complete Annex I to Regulation (EEC) No 3194/88 ⁽⁵⁾; whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 3194/88 is replaced by the Annex hereto.

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, 17 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 284, 19. 10. 1988, p. 14.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Niedersachsen	75 997
Nordrhein-Westfalen	90 886
Hessen	3 184
Rheinland-Pfalz	32 087
Baden-Württemberg	4 850
Saarland	7 119
Bayern	85 768

COMMISSION REGULATION (EEC) No 3575/88

of 17 November 1988

opening an invitation to tender for the refund for the export of maize to countries of zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of maize to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 2788/86 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made

from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to maize for export to the countries of zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 25 May 1989. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.
⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

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

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

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

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

Article 6

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

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

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

Article 8

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, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

ANNEX

Weekly tender for the refund for the export of maize to countries of zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands

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

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

COMMISSION REGULATION (EEC) No 3576/88

of 17 November 1988

opening a standing invitation to tender for the export of 100 000 tonnes of feed
wheat held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 2221/88⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No
1581/86 of 23 May 1986 laying down general rules for
intervention on the market in cereals⁽³⁾ provides that
cereals held by the intervention agencies shall be disposed
of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾,
as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays
down the procedure and conditions for the disposal of
cereals held by intervention agencies;

Whereas the wheat to be exported must be of a quality
suitable for feed;

Whereas it is appropriate, in the present market situation,
to open a standing invitation to tender for the export of
100 000 tonnes of feed wheat held by the German inter-
vention agency;

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

HAS ADOPTED THIS REGULATION:

Article 1

The German intervention agency may, on the conditions
laid down in Regulation (EEC) No 1836/82, open a
standing invitation to tender for the export of 100 000
tonnes of feed wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of
100 000 tonnes of feed wheat to be exported to all third
countries.

2. The regions in which the 100 000 tonnes of feed
wheat are stored are listed in Annex I hereto.

Article 3

The export licences shall be valid from their date of issue,
within the meaning of Article 9 of Regulation (EEC) No
1836/82, until the end of the third month following.

Tenders submitted in response to this invitation to tender
may not be accompanied by applications for export certi-
ficates under Article 43 of Commission Regulation (EEC)
No 3183/80⁽⁶⁾.

Article 4

1. By way of derogation from Article 7 (1) of Regula-
tion (EEC) No 1836/82, the time limit for submission of
tenders under the first partial invitation to tender shall
expire on 23 November 1988 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the
last partial invitation to tender shall expire on 21
December 1988 at 1 p.m. (Brussels time).

3. The tenders shall be lodged with the German inter-
vention agency.

Article 5

The common wheat to be exported shall be of a quality
suitable for feed.

Article 6

The German intervention agency shall notify the
Commission of the tenders received not later than two
hours after expiry of the time limit for the submission
thereof. Notification shall be given as specified in the
table in Annex II hereto.

Article 7

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

⁽⁶⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	22 734
Niedersachsen/Bremen	9 600
Nordrhein-Westfalen	4 707
Rheinland-Pfalz	4 481
Baden-Württemberg	1 061
Bayern	57 422

ANNEX II

Standing invitation to tender for the export of 100 000 tonnes of feed wheat held by the German intervention agency

(Regulation (EEC) No 3576/88)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (1)	Price increases (+) or reductions (—) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

COMMISSION REGULATION (EEC) No 3577/88

of 17 November 1988

determining the allocation for 1988 of import of beef and veal from the ACP States under Council Regulation (EEC) No 486/85

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 1821/87 ⁽²⁾, and in particular Article 5 (4) thereof,

Whereas Article 5 of Regulation (EEC) No 486/85 lays down the allocation between the ACP States of beef and veal imports into the Community and provides for the possibility, at the request of ACP States which are unable to export their full quotas, of a different allocation between those States for the current or subsequent year;

Whereas by letter of 16 June 1988 the ACP States concerned requested a transfer to Zimbabwe of 1 750 tonnes for 1988 by a reduction in the quotas for Botswana, Swaziland, Madagascar and Kenya by 900, 500, 250 and 100 tonnes respectively;

Whereas, at the present rate of imports from the ACP States, Zimbabwe appears capable of exporting the full amount of such an increased quota; whereas the transfer

to Zimbabwe requested by the other ACP States should be approved;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of beef and veal from the ACP States under Regulation (EEC) No 486/85 for the 1988 calendar year are hereby allocated as follows:

Botswana	18 016 tonnes,
Kenya	42 tonnes,
Madagascar	7 329 tonnes,
Swaziland	2 863 tonnes,
Zimbabwe	9 850 tonnes.

2. The allocations provided for in paragraph 1 shall be applied within a limit of 30 000 tonnes and without prejudice to the allocation of supplementary quantities as provided for in Article 5 (3) of Regulation (EEC) No 486/85.

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 October 1988.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

COMMISSION REGULATION (EEC) No 3578/88

of 17 November 1988

laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Articles 6 (2) and (3), 6a and thereof,

Whereas Regulation (EEC) No 1677/85 lays down rules for the dismantlement of newly created negative monetary compensatory amounts; whereas detailed rules should be laid down to ensure that they are applied in the same way in every Member State and for all group of agricultural products;

Whereas Article 6 (3) of Regulation (EEC) No 1677/85 provides that when the adjustment of the agricultural conversion rates takes effect by virtue of the dismantlement of 25 % of the transferred monetary compensatory amounts, prices fixed in ECU under the common agricultural policy are to be reduced in such a way as to neutralize the increase in prices in national currency which arises as a result of the change in the agricultural conversion rates; whereas in order to ensure that the neutralization is fully effective the dismantlement must be based on the newly created real monetary gaps applying to all groups of products, whether or not those gaps lead necessarily to the introduction of or an increase in monetary compensatory amounts;

Whereas the procedures required to ensure compliance with the limits on dismantlement laid down by Article 6 (2) of Regulation (EEC) No 1677/85 should be specified;

Whereas it is advisable to set minimum limits and thereby avoid adjustments to the agricultural conversion rates for which there is no economic or administrative justification;

Whereas, in order to offset the increase in agricultural prices arising from the 25 % dismantlement of the transferred real monetary gaps pursuant to the first indent of Article 6 (2) (a) of Regulation (EEC) No 1677/85, prices fixed in ECU under the common agricultural policy should be reduced by a factor which matches the said increase in accordance with paragraph 4 of that Article;

Whereas, in the case of products for which there is no marketing year, the date on which the new prices resulting from the dismantlement arrangements take

effect should be that on which the prices fixed for the products concerned under the common agricultural policy take effect;

Whereas Article 6a of Regulation (EEC) No 1677/85 provides, with respect to pigmeat, that the agricultural conversion rate of a Member State must be adjusted so as to avoid the creation of new monetary compensatory amounts; whereas, where the real monetary gap exceeds 2 000 points, this is achieved by maintaining this gap unchanged;

Whereas, where the difference between the monetary gap for pigmeat and that for cereals reaches the eight-maximum referred to in the second sentence of Article 6a (2) of Regulation (EEC) No 1677/85, the dismantlement arrangements provided for in Article 6 (2) of the said Regulation should be activated;

Whereas dismantlement pursuant to Article 6a of Regulation (EEC) No 1677/85 does not provide for the elimination of the real monetary gap if the latter is below the level at which the measures for the application of monetary compensatory amounts are activated; whereas rules, based on Article 6 of Regulation (EEC) No 1677/85, should be laid down for the dismantlement of such gaps;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For Member States which maintain their currencies among themselves within a maximum spread at any given time, of 2,25 %:

1. the total of the newly created real monetary gaps shall be the difference between the real monetary gap resulting from the parity realignment and the real monetary gap on the day before the realignment;
2. newly created transferred real monetary gaps shall be equal to the result, multiplied by 100, of a calculation of the difference between the old value and the new value of the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85, multiplied by the new central rate resulting from the parity realignment, divided by the agricultural conversion rate for the product group concerned;

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.

3. newly created natural real monetary gaps shall be equal to the difference between the total of the newly created real monetary gaps referred to in point 1 and the transferred real monetary gaps referred to in point 2.

Article 2

For the Member States other than those referred to in Article 1:

1. (a) the total of the newly created real monetary gaps shall be the difference between the real monetary gap calculated immediately after the realignment creating new real monetary gaps and the real monetary gap resulting from the preceding realignment, reduced by the dismantlement resulting from changes in the agricultural conversion rate during the period between the two realignments;
- (b) however, where the real monetary gap valid on the day before the realignment creating new real monetary gaps is a greater algebraic value than the real monetary gap resulting from the preceding realignment, reduced by the dismantlement resulting from changes in the agricultural conversion rate during the period between the two realignments, the total of the newly created real monetary gaps shall be determined on the basis of the criteria referred to in Article 1 (1);
2. (a) the real monetary gap valid on the day before the realignment shall be the real monetary gap referred to on the occasion of the last fixing of the applied monetary gaps;
- (b) the real monetary gap calculated immediately after the realignment shall be determined in accordance with the provisions of Article 5 (2) (b) of Regulation (EEC) No 1677/85 for the period of the two working days following the realignment;
3. the newly created transferred real monetary gaps shall be equal to the result, multiplied by 100, of a calculation of the difference between the old value and the new value of the correcting factor, multiplied by the new average exchange rate calculated in accordance with the second indent of Article 5 (2) (b) of Regulation (EEC) No 1677/85 for the period specified in point 2 (b), divided by the agricultural conversion rate for the product group concerned;
4. the newly created natural real monetary gaps shall be equal to the difference between the total of the newly created real monetary gaps referred to in point 1 and the newly created transferred real monetary gaps referred to in point 3.

Article 3

Where the dismantlement scheme established in accordance with Article 6 (2) of Regulation (EEC) No 1677/85 would lead to a dismantlement of a real monetary gap exceeding:

- the total of the newly created real monetary gaps, or
- the negative real monetary gap immediately after the realignment,

the last stage, or where necessary, the last stages of this scheme shall be adjusted to avoid such excess.

Article 4

1. Where the total of the newly created real monetary gaps, as referred to in Article 1 (1) and 2 (1), is less than or equal to 0,5 points, the real monetary gap in question shall be dismantled in its entirety at the beginning of the marketing year following the realignment.
2. Without prejudice to the provisions of paragraphs 1 and 3, if the dismantlement provided for in the second subparagraph of Article 6 (2) of Regulation (EEC) No 1677/85 leads to instalments of less than 0,5 points, the rate of dismantlement laid down shall be adjusted so as to dismantle 0,5 points in each instalment.
3. Where the balance of the newly created real monetary gap to be dismantled in subsequent instalments is less than 0,5 points, that real monetary gap shall be dismantled in the relevant instalment.

Article 5

1. Without prejudice to measures to be taken, where necessary for the other amounts fixed in ECU under the common agricultural policy, when a change in agricultural conversion rates takes effect pursuant to the first indent of Article 6 (2) (a) of Regulation (EEC) No 1677/85, prices fixed in ECU in accordance with market-organization arrangements shall be divided by the coefficient provided for in paragraph 4 of that Article, established on the basis of one quarter of the ratio between the old and the new correcting factor.
2. The coefficient reducing agricultural prices referred to in paragraph 1 shall be calculated to six decimal places.

Article 6

For products for which there is no marketing year, the new agricultural conversion rates fixed pursuant to Article 6 (2) (a) and (b), second indent, of Regulation (EEC) No 1677/85 and the new prices fixed in ECU pursuant to the first subparagraph of Article 6 (3) of that Regulation shall take effect on the day on which the price fixed for the product concerned under the common agricultural policy takes effect.

Article 7

1. Where, following a change in the market rate used for calculating monetary compensatory amounts, an increase in the applied monetary gap for pigmeat is required, the Commission shall adjust the agricultural conversion rate concerned in accordance with the adjustments provided for in Article 6a (2) of Regulation (EEC) No 1677/85 and the provisions of this Article in such a way as to leave the real monetary gap unchanged so long as the limit referred to in that provision is not reached.

However, in the case of realignment within the framework of the European Monetary System, adjustments of the agricultural conversion rate shall be made in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1677/85.

2. However, the adjustment of the agricultural conversion rate referred to in paragraph 1 may not result in a real monetary gap which is less than the neutral margin specified in the first subparagraph of Article 5 (3) of Regulation (EEC) No 1677/85, plus 0,500 points.

Where the limit is reached, the balance of the total of the newly created real monetary gap shall be dismantled on

the date of entry into force of the basic price for pig carcasses following the date of the monetary realignment.

3. Where the real monetary gap calculated immediately after the realignment is less than or equal to the neutral margin provided for in the first subparagraph of Article 5 (3) of Regulation (EEC) No 1677/85, plus 0,500 points, the newly created gap shall be dismantled on the date of entry into force of the basic price for pig carcasses following the date of the monetary realignment.

Where the difference between the monetary gap applicable to pigmeat and the monetary gap applicable to cereals reaches the maximum referred to in Article 6a of Regulation (EEC) No 1677/85, newly created real monetary gaps shall be dismantled in accordance with Articles 1 to 6 of this Regulation.

However, the agricultural conversion rate for pigmeat shall, where appropriate, be adjusted in such a way that the difference between the monetary gaps in question is not increased.

Article 8

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, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3579/88

of 17 November 1988

fixing the amount of the subsidy on oil seeds

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 27 (4) thereof,Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3355/88⁽⁴⁾,Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3398/88⁽⁷⁾, as last amended by Regulation (EEC) No 3525/88⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3398/88 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ are as shown in Annex III to this Regulation for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 18 November 1988.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 296, 29. 10. 1988, p. 17.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 299, 1. 11. 1988, p. 41.

⁽⁸⁾ OJ No L 307, 12. 11. 1988, p. 39.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	19,819	19,986	20,229	19,896	20,062	20,229
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	47,17	47,57	48,14	47,42	47,82	48,48
— Netherlands (Fl)	52,64	53,08	53,72	52,85	53,29	53,97
— BLEU (Bfrs/Lfrs)	948,43	956,43	976,80	960,72	968,73	976,80
— France (FF)	141,04	142,25	148,30	145,61	146,84	148,07
— Denmark (Dkr)	170,20	171,64	177,17	174,17	175,62	177,09
— Ireland (£ Irl)	15,672	15,805	16,495	16,195	16,331	16,468
— United Kingdom (£)	11,485	11,584	12,484	12,193	12,297	12,309
— Italy (Lit)	29 225	29 476	31 268	30 550	30 809	30 744
— Greece (Dr)	2 155,79	2 159,13	2 161,40	2 054,08	2 072,90	2 002,56
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	2 950,75	2 976,54	3 004,16	2 940,30	2 965,79	2 951,71
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 298,29	4 329,18	4 357,04	4 271,56	4 302,01	4 269,37

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	22,319	22,486	22,729	22,396	22,562	22,729
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,08	53,47	54,05	53,32	53,72	54,38
— Netherlands (Fl)	59,25	59,70	60,34	59,46	59,91	60,58
— BLEU (Bfrs/Lfrs)	1 068,59	1 076,59	1 097,51	1 081,43	1 089,45	1 097,51
— France (FF)	159,73	160,94	167,26	164,57	165,80	167,03
— Denmark (Dkr)	192,09	193,53	199,27	196,27	197,73	199,19
— Ireland (£ Irl)	17,750	17,884	18,604	18,304	18,440	18,578
— United Kingdom (£)	13,125	13,225	14,172	13,881	13,985	13,997
— Italy (Lit)	33 218	33 468	35 356	34 638	34 896	34 831
— Greece (Dr)	2 527,79	2 531,12	2 533,40	2 426,08	2 444,90	2 374,55
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	3 336,28	3 362,07	3 389,69	3 325,83	3 351,32	3 337,24
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 768,31	4 799,20	4 827,06	4 741,58	4 772,03	4 739,39

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	24,106	24,359	24,637	23,692	24,070
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	57,31	57,91	58,56	56,41	57,30
— Netherlands (Fl)	63,99	64,66	65,40	62,91	63,91
— BLEU (Bfrs/Lfrs)	1 154,36	1 166,49	1 189,64	1 144,01	1 162,27
— France (FF)	172,87	174,72	181,58	174,06	176,94
— Denmark (Dkr)	207,63	209,83	216,09	207,62	210,96
— Ireland (£ Irl)	19,210	19,417	20,196	19,360	19,680
— United Kingdom (£)	14,250	14,408	15,424	14,677	14,934
— Italy (Lit)	35 995	36 387	38 420	36 631	37 252
— Greece (Dr)	2 768,68	2 785,61	2 791,25	2 561,33	2 618,87
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 642,87	3 681,91	3 714,64	3 555,48	3 613,79
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 826,65	6 875,24	6 910,64	6 700,06	6 773,42
— in another Member State (Esc)	6 629,06	6 676,24	6 710,62	6 506,13	6 577,37
3. Compensatory aids:					
— in Spain (Pta)	3 593,28	3 630,67	3 662,08	3 501,48	3 559,80
4. Special aid:					
— in Portugal (Esc)	6 629,06	6 676,24	6 710,62	6 506,13	6 577,37

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0298070.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
DM	2,071960	2,067800	2,063460	2,059360	2,059360	2,047840
Fl	2,334830	2,331220	2,327140	2,323460	2,323460	2,312780
Bfrs/Lfrs	43,463400	43,462600	43,453200	43,452299	43,452299	43,437400
FF	7,081830	7,086650	7,092770	7,099050	7,099050	7,116110
Dkr	8,002340	8,006870	8,011070	8,018620	8,018620	8,041710
£Irl	0,775360	0,775858	0,776469	0,777077	0,777077	0,778714
£	0,656635	0,658152	0,659822	0,661272	0,661272	0,665787
Lit	1 542,62	1 548,45	1 554,48	1 559,93	1 559,93	1 575,29
Dr	171,29800	173,13200	175,04100	176,78600	176,78600	181,93000
Esc	172,40900	173,26200	174,12800	175,05900	175,05900	177,99900
Pta	136,59900	137,11200	137,73800	138,29100	138,29100	140,04600

COMMISSION REGULATION (EEC) No 3580/88

of 17 November 1988

concerning applications for STM licences for milk and milk products submitted during the first 10 days of November 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten ⁽³⁾, as last amended by Regulation (EEC) No 4024/87 ⁽⁴⁾, and in particular Article 3 (2) thereof,

Whereas pursuant to Article 6 (3) of Regulation (EEC) No 574/86 the Commission has been notified of the applications for STM licences for milk and milk products during the first 10 days of November 1988; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences submitted during the first 10 days of November 1988 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by the coefficient set out below in the case of the following products and the categories referred to in Article 2 of Regulation (EEC) No 606/86:

CN code	Description	Coefficient
ex 0401	Milk and cream, fresh, not concentrated or sweetened:	
ex 0403	— in immediate packings of a net capacity of 2 litres or less	0,76175
	— other	1,00000
0405 00	Butter and other fats and oils derived from milk	0,02578
ex 0406	Cheese:	
	— Category 1: Emmentaler, Gruyère	1,00000
	— Category 2: Roquefort	0,00228
	— Category 3: Blue-veined cheese	1,00000
	— Category 4: Processed cheese	0,00308
	— Category 5: Parmigiano Reggiano, Grana Padano	0,37462
	— Category 6: Havarti, fat content 60 %	1,00000
	— Category 7: Edam in balls, Gouda	0,13433
	— Category 8: Soft ripened cow's milk cheeses	0,01510
	— Category 9: Cheddar, Chester	0,01086
	— Category 10: Other	0,19030

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 378, 31. 12. 1987, p. 53.

Article 2

This Regulation shall enter into force on 18 November 1988.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3581/88

of 17 November 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing for the 1988/89 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of November 1988 at 47,15 ECU per 100 kilograms net;

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

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

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

Whereas, for fresh lemons originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,47 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 19 November 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3582/88

of 17 November 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 723/88 of 18 March 1988 fixing for the 1988/89 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for November 1988 at 45,73 ECU per 100 kilograms net;

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1988, p. 51.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

HAS ADOPTED THIS REGULATION:

Article 2

This Regulation shall enter into force on 19 November 1988.

Article 1

A countervailing charge of 2,04 ECU per 100 kilograms net is applied to tomatoes (CN code 0702 00) originating in Spain (except the Canary Islands).

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 24 November 1988.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3583/88

of 17 November 1988

fixing the export refunds 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)
No 2221/88 ⁽²⁾, and in particular the fourth subparagraph
of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
that Regulation and prices for those products in the
Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds ⁽³⁾, provides that when
refunds are being fixed, account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand, and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports and
the need to avoid disturbances on the Community
market;

Whereas Article 3 of Regulation (EEC) No 2746/75
defines the specific criteria to be taken into account when
the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat
and rye flour, groats and meal are concerned, in Article 4
of Regulation (EEC) No 2746/75; whereas furthermore,
when the refund on these products is being calculated,

account must be taken of the quantities of cereals
required for their manufacture; whereas these quantities
were fixed in Commission Regulation No 162/67/EEC ⁽⁴⁾,
as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

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

Whereas it follows from applying the detailed rules set
out above to the present situation on the market in
cereals, and in particular to quotations or prices for these
products within the Community and on the world
market, that the refunds should be as set out in the
Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession
of Spain and Portugal, refunds may be granted in the case
of exports to Portugal; whereas, in the light of the situa-
tion and the level of prices no refund should be fixed in
the case of exports to Portugal;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 November 1988.

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

Done at Brussels, 17 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 17 November 1988 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (2)
	07	22,00
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	05	52,00
	07	22,00
	08	60,00
	02	20,00
1002 00 00 000	08	60,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	57,00
	07	22,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	06	80,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	89,25
1101 00 00 120	01	89,25
1101 00 00 130	01	81,25
1101 00 00 150	01	71,25
1101 00 00 170	01	61,25
1101 00 00 180	01	51,25
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	89,25
1102 10 00 200	01	89,25
1102 10 00 300	01	89,25
1102 10 00 500	01	89,25
1102 10 00 900	—	—
1103 11 10 100	04	232,20
	02	191,20
1103 11 10 200	04	232,20
	02	181,20
1103 11 10 500	01	162,20
1103 11 10 900	01	153,20
1103 11 90 100	01	89,25
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Algeria,
- 05 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 06 Zones I and VIII,
- 07 Poland,
- 08 Zone II (b).

(²) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Commission Regulation (EEC) No 1569/77 with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis) ; 7 % maximum of which 5 % of soft wheat or other cereals.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 November 1988

repealing Decision 87/104/EEC accepting an undertaking given in connection with the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China and terminating the investigation

(88/576/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

Having regard to the proposal from the Commission, presented after consultations within the Advisory Committee as provided for under that Regulation,

Whereas :

A. Procedure

(1) Following a complaint lodged by the European Brushware Federation (Fédération Européenne de l'Industrie de la Brosserie et de la Pinceauterie — FEIBP) on behalf of Community producers in all Member States of paint, distemper, varnish and similar brushes whose collective output constitutes practically all Community production of the products in question, the Commission published a notice in the *Official Journal of the European Communities*⁽²⁾, announcing the initiation of an anti-dumping proceeding concerning imports into

the Community of paint, distemper, varnish and similar brushes falling within Common Customs Tariff subheading ex 96.01 B III (corresponding to NIMEXE code 96.01-49 and, from 1 January 1988, to CN code 9603 40 10) and originating in the People's Republic of China ; it then commenced an investigation.

- (2) Following the investigation, which established the existence of dumping and injury, the Chinese firm China National Nature Produce & Animal By-Products Import & Export Corporation offered an undertaking limiting the quantities exported to the Community.
- (3) Under the terms of the undertaking, the abovementioned firm undertook to reduce its exports to such an extent that the injury suffered by the Community industry would be eliminated. By Decision 87/104/EEC⁽³⁾, the Council accepted the undertaking.
- (4) In May 1988 the Commission received information suggesting that Chinese exports in 1987 to the Federal Republic of Germany and the United Kingdom alone far exceeded the maximum allowed for the Community as a whole in that year under the terms of the exporting firm's undertaking.
- (5) The Commission examined the information brought to its attention and heard the Chinese exporter.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 103, 30. 4. 1986, p. 2.

⁽³⁾ OJ No L 46, 14. 2. 1987, p. 45.

B. Failure to comply with the undertaking

- (6) The Commission carried out an initial verification of the alleged facts using the official statistics available. Those statistics indicate that the undertaking has indeed been broken. They confirm that imports of the product concerned from the People's Republic of China into Germany and the United Kingdom alone far exceed the overall quantity laid down in the undertaking for the Community as a whole; the United Kingdom authorities also supplied evidence that certain Chinese exports were transiting through Hong Kong, thus increasing the overall volume of exports originating in China, which amounts in this way to nearly twice that allowed under the undertaking.
- (7) The Chinese exporter claims that the quantities exported to the Community do not exceed the limits laid down in the undertaking. In support of this claim it supplied figures which do not, however, agree with those obtained from the Community importers, nor with those found in the official statistics referred to above, and do not include Chinese exports transiting through Hong Kong. The Chinese exporter was unable to put forward convincing arguments to refute the data obtained by the Commission. It should be noted that under the terms of the undertaking accepted by the Council, the exporter undertook to comply with the quantities laid down, whether by direct or indirect exports, or through a subsidiary company, branch or agent.

- (8) The Commission therefore has detailed evidence showing that the Chinese producer's exports to the Community, whether direct or transiting through a third country, far exceed the annual figures laid down in the undertaking.

C. Withdrawal of acceptance of the undertaking

- (9) The Council considers that under these circumstances Decision 87/104/EEC should be repealed and that a new examination of the facts is warranted,

HAS DECIDED AS FOLLOWS:

Sole Article

Decision 87/104/EEC is hereby repealed.

Done at Brussels, 14 November 1988.

For the Council,
The President
Y. POTTAKIS