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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3788/88

of 5 December 1988

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 2 December 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 6 December 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, 5 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 5 December 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	1,10	134,92
0712 90 19	1,10	134,92
1001 10 10	32,91	187,25 ⁽¹⁾ ⁽²⁾
1001 10 90	32,91	187,25 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	133,66
1001 90 99	0,00	133,66
1002 00 00	35,82	116,68 ⁽³⁾
1003 00 10	29,59	125,10
1003 00 90	29,59	125,10
1004 00 10	85,40	76,39
1004 00 90	85,40	76,39
1005 10 90	1,10	134,92 ⁽²⁾ ⁽³⁾
1005 90 00	1,10	134,92 ⁽²⁾ ⁽³⁾
1007 00 90	24,28	144,13 ⁽⁴⁾
1008 10 00	29,59	45,70
1008 20 00	29,59	118,92 ⁽⁴⁾
1008 30 00	29,59	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	29,59	0,00
1101 00 00	1,50	200,97
1102 10 00	64,00	177,20
1103 11 10	64,33	303,56
1103 11 90	0,72	216,14

⁽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 3789/88

of 5 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 2 December 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 6 December 1988.

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

Done at Brussels, 5 December 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 5 December 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 12	1st period 1	2nd period 2	3rd period 3
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	3,23	3,23	3,23
1001 90 99	0	3,23	3,23	3,23
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	3,73	3,73	3,73
1004 00 90	0	3,73	3,73	3,73
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	4,52	4,52	4,52

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	5,75	5,75	5,75	5,75
1107 10 19	0	4,30	4,30	4,30	4,30
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 3790/88
of 5 December 1988
on the supply of various consignments of cereals 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 912,5 tonnes of cereals;

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

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes 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, 5 December 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

1. **Operation No** ⁽¹⁾: 1030/88 — Commission Decision of 16 March 1988
2. **Programme**: 1988
3. **Recipient**: Ligue des sociétés de la Croix-Rouge et du Croissant-Rouge, service logistique, boîte postale 372, CH-1211 Genève 19 (tél.: 34 55 80; télex: 22555 LRCS-CH).
4. **Representative of the recipient** ⁽²⁾ ⁽¹⁰⁾: Cruz Roja Boliviana, avenida Simon Bolívar n° 1515, Casilla n° 741, La Paz, Bolivia (tel. 34 09 48, 32 65 68; telex 3318 BOLCRUZ)
5. **Place or country of destination**: Bolivia
6. **Product to be mobilized**: rolled oats
7. **Characteristics and quality of the goods** ⁽³⁾:
See list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.9)
8. **Total quantity**: 100 tonnes (172,5 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾ ⁽⁷⁾ ⁽⁸⁾:
See OJ No C 216, 14. 8. 1987, p. 3 (under III.B.3)
— making on the bags in letters at least 5 cm high:
'ACCIÓN N° 1030/88 / 'A red cross' / COPOS DE AVENA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / ACCIÓN DE LA LIGA DE SOCIEDADES DE LA CRUZ ROJA (LICROSS) / DISTRIBUCIÓN GRATUITA / LA PAZ'
11. **Method of mobilization**: Community market
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**: warehouse of the Red Cross, La Paz
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10. to 30. 1. 1989
18. **Deadline for the supply**: 10. 3. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 20. 12. 1988 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 3. 1. 1989 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: 20. to 31. 1. 1989
 - (c) deadline for the supply: 20. 3. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾:
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** ⁽⁶⁾:
Refund applicable on 25. 11. 1988, fixed by Commission Regulation (EEC) No 3372/88 in OJ No L 296, 29. 10. 1988, p. 63.

ANNEX II

1. **Operation No** ⁽¹⁾: 1084/88
2. **Programme**: 1988
3. **Recipient**: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Geneva 19, telex 22555 LRCS CH, tel. 34 55 80
4. **Representative of the recipient** ⁽²⁾ ⁽³⁾: Croissant-Rouge Marocain, Palais Mokri, BP 189, Takaddoum, Rabat, tel. 508 98 - 514 95; telex ALHILAL 319-40 M RABAT
5. **Place or country of destination**: Morocco
6. **Product to be mobilized**: milled medium-grain or long-grain rice (not parboiled) as defined in paragraph 2 of Annex A to Council Regulation (EEC) No 1418/76, as amended by Regulation (EEC) No 3877/87 (OJ No L 365, 24. 12. 1987)
7. **Characteristics and quality of the goods** ⁽⁴⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.10)
8. **Total quantity**: 100 tonnes (240 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁵⁾ ⁽⁷⁾ ⁽⁸⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIB.1 (c))
 - on the sacks shall be printed a red crescent 10 cm high with the points facing to the right followed by (in letters at least 5 cm high):
'ACTION N° 1084/88 / RIZ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / CASABLANCA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Casablanca
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 15. 1. 1989
18. **Deadline for the supply**: 31. 1. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 20. 12. 1988 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 3. 1. 1989 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: 15 to 31. 1. 1989
 - (c) deadline for the supply: 15. 2. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁹⁾: 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** ⁽⁶⁾:
Refund applicable on 25. 11. 1988 fixed by Commission Regulation (EEC) No 3372/88 in OJ No L 296, 29. 10. 1988, page 63

ANNEX III

1. **Operation No** ⁽¹⁾: 906/87
2. **Programme**: 1987
3. **Recipient**: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Geneva 19, telex 22555 LRCS CH, tel. 34 55 80
4. **Representative of the recipient** ⁽²⁾ ^(*): Croissant-Rouge Mauritanien, Avenue Gamal Abdel Nasser, BP 344, Nouakchott, tel. 526 70
5. **Place or country of destination**: Mauritania
6. **Product to be mobilized**: durum wheat
7. **Characteristics and quality of the goods** ⁽³⁾: See list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.2)
8. **Total quantity**: 500 tonnes
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾ ⁽⁷⁾ ⁽⁸⁾:
See list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (a))
— on the sacks shall be printed a red crescent 10 cm high with the points facing to the right followed by (in letters at least 5 cm high):
‘ACTION N° 906/87 / BLÉ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / NOUAKCHOTT’
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Nouakchott
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 15. 1. 1989
18. **Deadline for the supply**: 28. 2. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 20. 12. 1988 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 10. 1. 1989 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: 15 to 30. 1. 1989
 - (c) deadline for the supply: 10. 3. 1989
22. **Amount of the tendering security**: ECUS/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁹⁾:
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** ⁽⁶⁾:
Refund applicable on 25. 11. 1988 fixed by Commission Regulation (EEC) No 3372/88 in OJ No L 296, 29. 10. 1988, page 63

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) 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.
- (³) The successful tenderer shall deliver to the beneficiary 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.
The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) 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.
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) 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.
- (⁷) Shipment is to take place in 20-foot containers; conditions FCL/LCL shipper's-count-load and stowage (cls).
- (⁸) 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 an FCL/FCL or LCL/FCL basis, all costs of unloading and transport 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 an LCL/LCL or FCL/LCL basis, all the costs of unloading and transport 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 Article 14 (5) (a), 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.
- (⁹) 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.
- (¹⁰) Commission delegate to be contacted by the successful tenderer: Valle Arriby, Calle Colibri, Carretera de Baruta, Caracas, Venezuela, tel. 92 50 56/92 39 67/91 47 07, telex 26336 COMEU VC.

COMMISSION REGULATION (EEC) No 3791/88**of 5 December 1988****amending Regulation (EEC) No 3528/88 on the supply of olive oil as food aid to the United Nations Relief and Works Agency for Palestinian refugees in the Near East (UNRWA)**

THE COMMISSION 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 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, by Regulation (EEC) No 3528/88 ⁽³⁾, the Commission issued an invitation to tender for the supply of 100 tonnes of olive oil in four lots, free at port of landing; whereas, in order to improve the conditions of competition in the invitation to tender for the second submission of tenders expiring on 13 December 1988, the fourth note of Annex I should be deleted,*Article 1*

In Annex I to Regulation (EEC) No 3528/88 the fourth note is hereby deleted.

*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, 5 December 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 309, 15. 11. 1988, p. 5.

COMMISSION REGULATION (EEC) No 3792/88

of 5 December 1988

opening an invitation to tender for the refund for the export of bread-making rye to countries of zones I, II, III, 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 for 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 refund 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 bread-making rye 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, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands;

Whereas the purpose of the measure is such that refunds should be granted only on rye of the quality required; whereas the competent agency must make certain that rye exported is of this standard;

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 bread-making rye for export to the countries of zones I, II, III, 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.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 8 December 1988.

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 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.

3. The refund may only be granted if the bread-making rye exported is at least of the quality defined in Article 2 (2) of Commission Regulation (EEC) No 1569/77 ⁽²⁾ and

the criteria laid down in Article 6 of Commission Regulation (EEC) No 1570/77 ⁽³⁾.

To that end, the competent agency shall have an analysis of the goods loaded conducted by an approved agency or firm. Sampling and analysis costs shall be met by the successful tenderer.

4. Should the quality not tally with that defined in paragraph 3, the refund shall be reduced by ECU 10 per tonne.

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, 5 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽²⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽³⁾ OJ No L 174, 14. 7. 1977, p. 18.

ANNEX

Weekly tender for the refund for the export of bread-making rye to countries of zones I, II, III, 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 3793/88

of 5 December 1988

amending Regulation (EEC) No 2730/81 establishing a list of agencies in non-member importing countries entitled to issue invitations to tender in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 Articles 13 (3) and 17 (4) thereof,

Whereas Commission Regulation (EEC) No 2730/81 ⁽³⁾, as last amended by Regulation (EEC) No 321/88 ⁽⁴⁾, established a list of agencies in non-member importing countries entitled to issue invitations to tender in the milk and milk products sector;

Whereas, in the light of the most recent information available to the Commission on the trade practices followed by the importing countries concerned and the official nature of the agencies in question, Regulation (EEC) No 2730/81 should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 2730/81, the list of issuing organizations shall be modified as follows:

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

Done at Brussels, 5 December 1988.

	<i>Issuing organizations</i>
Barbados :	Barbados Dairy Industries Limited PO Box 56 (B) Saint Michael Barbados
Libya :	The General Dairies and Products Company PO Box 5318 Tripoli Drugs Medical Equipment and Appliances Import Company PO Box 12419 Tripoli
Morocco :	Ministry of Commerce 5, rue Ar Rich Tour Hassan Rabat Office de Commercialisation et d'Exportation Département Approvisionnement des Provinces Sahariennes 45 Avenue des F.A.R. Casablanca 01
Mozambique :	Empresa Nacional de Comercialização (ENÁMOCO) Importadora de bens de consumo (IMBEC) Rua Consiglieri Pedroso nr. 165 R/C Maputo

Article 2

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

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.
⁽³⁾ OJ No L 272, 26. 9. 1981, p. 25.
⁽⁴⁾ OJ No L 32, 4. 2. 1988, p. 10.

COMMISSION REGULATION (EEC) No 3794/88**of 5 December 1988****amending Regulation (EEC) No 1599/84 as regards the introduction of an application for payment of the aid in advance for products processed from fruit and vegetables**

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2247/88 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Article 11a of Commission Regulation (EEC) No 1599/84⁽³⁾, as last amended by Regulation (EEC) No 2396/88 ⁽⁴⁾, lays down the conditions for the payment in advance of part of the production aid for tomato products; whereas, in view of experience gained, processors who complete their processing cycle before 31 October should be permitted to lodge their applications for payment of the paid in advance before that date in order in principle to enable the advance to be paid earlier;

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

Committee for Products processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 11a (1) of Regulation (EEC) No 1599/84:

'However, if the processor completes his production year before 31 October, he may lodge his application for payment of the paid in advance on 10 October at the earliest.'

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, 5 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽³⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁴⁾ OJ No L 205, 30. 7. 1988, p. 85.

COMMISSION REGULATION (EEC) No 3795/88

of 5 December 1988

fixing the refunds in the milk and milk products sector for low-fat cheese for the period 1 January to 24 March 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 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 17 (5) thereof,

Whereas Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EEC) No 2882/88⁽⁴⁾, establishes an agricultural product nomenclature for export refunds; whereas a distinction was made, as regards cheese falling within CN code 0406 90 77, between products of a fat content by weight in the dry matter of less than 39 % and those of a fat content equal to or greater than 39 %; whereas from 1 January 1988 no refund was fixed for the former;

Whereas the new category of cheese includes 'low-fat' cheese, which was classified before 1 January 1988 within subheading 0404 E I b) ex 2 (cc) of the Common Customs Tariff and refunds were fixed in respect thereof;

Whereas from 25 March 1988 refunds were fixed for the low-fat cheese in question falling within CN code 0406 90 77 100; whereas, however, for the period 1 January to 24 March 1988 no refund was applicable; whereas the aim of that measure was not to prevent such products from qualifying for a refund, which was simply an involuntary consequence of the introduction of the new harmonized system; whereas the refunds in force at 31 December 1987 should be made applicable for that period;

Whereas, for the period concerned (1 January to 24 March 1988), Commission Regulations (EEC) No 88/88⁽⁵⁾, (EEC) No 238/88⁽⁶⁾ and (EEC) No 508/88⁽⁷⁾ fix the export refunds in the milk and milk products sector; whereas, for the sake of simplification, the three abovementioned Regulations should not be amended but should rather be supplemented by an independent regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 January to 24 March 1988 inclusive, the refunds for the following products shall be equal to the amounts as indicated:

(ECU/100 kg net weight)				
CN code	Description	Destination (¹)	Foot- notes	Refund
0406 90 77 100	Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø: of a fat content, by weight, in the dry matter of less than 39 %	028	(⁶) (⁷)	24,00
		032	(⁶) (⁷)	24,00
		036	(⁶) (⁷)	—
		038	(⁶) (⁷)	—
		400	(⁶) (⁷)	47,24
		404	(⁶) (⁷)	—
		...	(⁶) (⁷)	125,21

(⁶) No refund shall be paid in respect of exported cheese of which the free-at-frontier price, before application of the refund and the monetary compensatory amount, in the exporting Member State, is less than Ecu 140 per 100 kilograms. This limitation to Ecu 140 per 100 kilograms does not apply to cheeses falling within CN codes 0406 90 91 and 0406 90 93.

(¹) OJ No L 168, 28. 6. 1968, p. 13.

(²) OJ No L 110, 29. 4. 1988, p. 27.

(³) OJ No L 366, 24. 12. 1987, p. 1.

(⁴) OJ No L 260, 20. 9. 1988, p. 37.

(⁵) OJ No L 11, 15. 1. 1988, p. 5.

(⁶) OJ No L 24, 29. 1. 1988, p. 13.

(⁷) OJ No L 52, 26. 2. 1988, p. 21.

(7) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the refund is granted on the net weight, the weight of the liquid being deducted.

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

Article 2

The Member States shall notify the Commission before 1 April 1989 of cases where this Regulation is applied.

Article 3

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

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

Done at Brussels, 5 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3796/88

of 5 December 1988

introducing a countervailing charge on fresh clementines originating in Morocco

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 3270/88 of 24 October 1988 fixing for the 1988/1989 marketing year the reference prices for clementines⁽³⁾ fixed the reference price for products of class I for the month of December 1988 at 59,57 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 Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

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

Whereas, for fresh clementines originating in Morocco 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 clementines;

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 Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,78 ECU per 100 kilograms net is applied to fresh clementines CN code ex 0805 20 10 originating in Morocco.

Article 2

This Regulation shall enter into force on 7 December 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 291, 25. 10. 1988, p. 45.

⁽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.

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

Done at Brussels, 5 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3797/88

of 5 December 1988

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 2229/88⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3689/88⁽⁷⁾, as last amended by Regulation (EEC) No 3784/88⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ as amended by Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 3689/88 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 6 December 1988.

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

Done at Brussels, 5 December 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 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 321, 26. 11. 1988, p. 28.

⁽⁸⁾ OJ No L 332, 3. 12. 1988, p. 30.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

ANNEX

to the Commission Regulation of 5 December 1988 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
1103 21 00 ⁽²⁾	246,81	240,77
1104 19 10 ⁽²⁾	246,81	240,77
1104 29 10*10 ⁽²⁾ ⁽⁹⁾	180,92	177,90
1104 29 30*10 ⁽²⁾ ⁽⁹⁾	217,04	214,02
1104 29 91 ⁽²⁾	139,46	136,44
1104 30 10	106,36	100,32
1107 10 11	248,97	238,09
1107 10 19	188,78	177,90
1108 11 00	299,42	278,87
1109 00 00	688,38	507,04

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 1101, 1102, 1103 and 1104 and those falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40, products falling within heading Nos 1101, 1102, 1103 and 1104 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewert polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading Nos 1103 and 1104.

⁽⁹⁾ Taric code: wheat.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 June 1988

on the draft Sicilian Regional Law on the setting-up of a regional fund to encourage citrus exports (Italy)

(Only the Italian version of this text is authentic)

(88/605/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular Article 31 thereof,

After giving notice, in accordance with Article 93 (2) of the Treaty, to those concerned to submit their comments⁽³⁾,

Whereas :

I

1. The Italian Permanent Representation to the European Communities, in accordance with Article 93 (3) of the Treaty, informed the Commission by letter dated 25 March 1987, recorded as received on 1 April 1987, of the draft Sicilian Regional Law setting up a regional fund to encourage citrus exports.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ Letters from the Commission to the Governments of the other Member States dated 28. 7. 1987 and a communication to other interested parties (OJ No C 213, 11. 8. 1987, p. 6).

2. The measure consists in setting up a revolving fund for granting loans at a low interest rate of 6 % for a period of five years for citrus exports. The direct beneficiaries of the aid are undertakings which export citrus fruits.

II

1. In a letter dated 9 June 1987 (No SG(87)D/7156) to the Italian Government, the Commission said it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aid.

2. In its letter, the Commission informed the Italian authorities that it saw the aid as an operating aid contrary to its consistent philosophy on the application of Articles 92 to 94 of the Treaty; the measure has the direct effect of artificially lowering costs and improving production conditions and market outlets for the producers concerned as compared with producers in other Member States not in receipt of comparable aids.

The measure is consequently liable to distort competition and affect trade between the Member States; it meets the criteria of Article 92 (1) while being ineligible for any of the exceptions under Article 92 (2) and (3).

The Commission pointed out, moreover, that the Community rules for the organization of the market in fruit and vegetables (Regulation (EEC) No 1035/72) constitute a complete and comprehensive system which precludes the possibility of Member States taking any independent supplementary measures.

The regional aid consequently constitutes an infringement of Community provisions.

3. Under the Article 93 (2) procedure, the Commission gave the Italian Government notice to submit its comments.

The Commission also gave notice to the other Member States and interested parties to submit their comments.

III

In a letter dated 5 January 1988, the Italian Government replied to the Commission's letter. It made the following comments:

(a) According to the regional authorities, the measure has a short-term economic impact of great importance for the citrus fruit sector and has two objectives:

(i) to help maintain marketing levels in the citrus fruit sector. The crisis in the citrus fruit sector is due partly to the difficulties of marketing produce from remote plantations and partly to competition from other countries (Spain and Israel). The regional measure to promote exports is a purely short-term one intended to remedy a 'serious disturbance' in the Sicilian economy,

(ii) to maintain employment.

The regional authorities explained that employment in the export undertakings is largely seasonal and in most cases lasts for the citrus marketing period.

The problem of unemployment is assuming dramatic proportions, in particular in the Sicilian region.

(b) According to the regional authorities, the measure is not intended to distort competition between Sicily and the Member States; rather it is intended to promote the economic development of a region with a low standard of living and serious underemployment. On this count an exception could be made for this measure under Article 92 (3) (a).

IV

As regards the arguments put forward by the Italian authorities, the following should be stressed:

(a) Any measures to resolve the problems of the citrus market must be taken as part of the common market organization to avoid, *inter alia*, even greater problems arising from unilateral national measures which might shift the existing problems from the assisted regions to citrus-growing regions where no such aid is available.

(b) The problems of the citrus market are not new; for several products the market is characterized by

permanent structural surpluses which have not yet been reduced despite the implementation of Community structural reform programmes for citrus fruit in Italy. The regional aid is aimed at maintaining acceptable marketing levels by promoting easier disposal of products qualifying for aid. An aid of this kind therefore does not encourage producers to take the structural measures needed to find a lasting solution to the endemic problems noted in Italy.

The Commission does not take the view that the proposed measure is likely to remedy the socio-structural problems of Sicily, in particular as it may hamper the reorganization of the sector in question.

The granting of export aid would encourage citrus growers to maintain existing crops or even to increase citrus production. It might even have the indirect effect of increasing market supply and in this way affect intra-Community trade.

(c) Employment in the undertakings concerned will be better and more durably protected by structural improvements at the production stage than by short-term measures whose effects are of limited duration. Indeed, the measures are liable to raise staffing levels artificially in these undertakings without providing any long-term guarantee for the extra manpower.

(d) In the light of these considerations, the reasons given by the Italian authorities cannot be accepted.

V

The total quantity of citrus fruit which could be affected by the aid in 1987 is approximately 225 600 tonnes (ECU 75 900 000), of which some 126 600 tonnes were exported to non-member countries and 99 000 tonnes to other Member States. Spain exports 2 430 270 tonnes (ECU 971,068 million).

Italian exports account for 7,6 % of all Community exports (approximately 2 960 200 tonnes or ECU 1 210 200 000).

Italy's exports of citrus fruit worldwide account for 9,2 % of its production (4 % for export to Member States).

In 1987 citrus production in Italy totalled approximately 2 448 400 tonnes (on an area of 182 675 hectares), or about 30 % of Community production. Spain, with some 4 202 000 tonnes and an area of 256 250 hectares, is the main producer of citrus fruit.

The market for the main citrus fruits is generally well supplied; Community withdrawal measures in Italy affected 1 083 300 tonnes (ECU 236 200 000) in 1986/87 for mandarins, oranges and lemons, as a whole, representing approximately 80 % of withdrawal measures in the Community as a whole. Exports cannot rise significantly above present levels.

VI

1. Articles 92 to 94 the Treaty apply to citrus fruit production and trade pursuant to Article 31 of Regulation (EEC) No 1035/72.

The proposed scheme gives Sicilian exporters and, indirectly, producers of citrus fruit a special advantage by providing them artificially with financial support which they would not have obtained from the market in normal circumstances. Consequently, it has the effect of distorting competition between the recipients of the aid and operators who do not receive aid in Italy or the other Member States.

The creation of a regional fund to promote citrus exports may encourage producers to maintain or even increase their production.

The introduction of such a measure has the direct effect of increasing the quantities offered for export to the other Member States. The aid thus affects intra-Community trade.

The Sicilian aid scheme therefore meets the criteria of Article 92 (1) of the Treaty which states that such aids are incompatible in principle with the common market.

2. In addition, there is no provision for such aid in the Community rules on fruit and vegetables.

The rules are devised as a complete and comprehensive system which precludes any power on the part of the Member States to continue to take unilateral measures, which could moreover shift the existing problem in the assisted regions to citrus-producing regions in which no such aid is available. The aid scheme consequently constitutes an infringement of the rules.

3. The derogations from the rule of incompatibility with the common market provided for in Article 92 (2) are clearly not applicable to the scheme. Those provided for in paragraph 3 require objectives in the Community's interest and not only in the interest of individual sectors of the national economy. These derogations must be strictly interpreted.

Exceptions can be granted only in cases where the aid is necessary for the achievement of one of the objectives set out in those provisions. To allow such exceptions in respect of aid which does not offer such guarantees would amount to allowing trade between Member States to be affected and competition to be distorted without justification from the point of view of the Community interest and would bring about unfair advantage for certain Member States.

In the case in point, the aid does not offer such guarantees since the Italian Government was unable to provide any justification, and the Commission could find none, showing that the aid in question fulfilled the conditions required for granting one of the exceptions set out in Article 92 (3) of the Treaty.

The measure is not intended to promote an important project of common European interest within the meaning of Article 92 (3) (b) since its possible effects on trade run counter to the common interest.

Nor is the measure likely to remedy a serious disturbance in the economy of the Member State in question within the meaning of same provision.

With regard to the exceptions provided for in Article 92 (3) (a) and (c) in respect of aids intended to promote or facilitate the economic development of certain regions and certain activities referred to under (c), it should be noted that the proposed measure cannot improve in any lasting manner the conditions in the economic sector concerned by the aid since, as soon as it ceased to be granted, the sector would once again be in the same structural situation as before the implementation of the scheme.

It is the Commission's systematic policy not to permit export aids within the common market. For this reason alone the measure is unacceptable.

The aid in question is an artificial inducement to exporters in the region to maintain present marketing levels; in addition, it has adverse effects on the reorganization of the sector. Moreover, employment in undertakings in the region will be protected in a more stable and lasting fashion by measures to improve structures and not purely short-term measures.

Consequently, the aid is to be considered as operating aid for the undertakings concerned, a type of aid which the Commission has, on principle, always opposed since it is not subject to conditions qualifying it for exemption pursuant to Article 92 (3) (a) or (c).

Moreover, even if it had been possible to envisage an exception pursuant to Article 92 (3) of the Treaty for agricultural products, the fact that the aid infringes the market organization in question makes it impossible to apply any such exception in this case.

By the effect which the Sicilian measure may have on citrus fruit production, it might also result in an increase in European Agricultural Guidance and Guarantee Fund expenditure. For this reason too the aid is considered to be incompatible with the common interest.

4. It therefore follows that the aid is incompatible with the common market within the meaning of Article 92 of the EEC Treaty; consequently the proposed measure may not be put into effect,

HAS ADOPTED THIS DECISION:

Article 1

The aid provided for in Draft Law No 155/86 for Sicily on the setting-up of a regional fund to encourage citrus exports is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and may not be granted.

Article 2

The Italian Government shall inform the Commission, within one month from the date of notification of this Decision, of the measures taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 8 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 23 November 1988

approving the varietal conversion programme for hops submitted by the Kingdom of Belgium pursuant to Council Regulation (EEC) No 2997/87

(Only the French and Dutch versions of this text are authentic)

(88/606/EEC)

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

Having regard to Council Regulation (EEC) No 2997/87 of 22 September 1987 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production ⁽¹⁾, and in particular Article 2 (5) thereof,

Whereas, pursuant to Article 2 (5) of the abovementioned Regulation, on 10 March 1988 the Kingdom of Belgium forwarded to the Commission a varietal conversion programme for hops; whereas, at the request of the Commission, amendments to that programme have been forwarded by the Kingdom of Belgium; whereas further amendments to that programme were decided on 26 July 1988;

Whereas areas in which field operations prior to varietal conversion were underway on the date of adoption of Regulation (EEC) No 2997/87 may be covered by the programme;

Whereas the programme as amended satisfies the objectives of Regulation (EEC) No 2997/87 and contains the information required pursuant to Article 2 of Commission Regulation (EEC) No 3889/87 of 22 December 1987 laying down detailed rules for the application of the special measures for certain regions of hops production ⁽²⁾, as last amended by Regulation (EEC) No 619/88 ⁽³⁾;

Whereas the financial contribution to be borne by the national budget complies with the ceiling indicated in Article 2 (2) of Regulation (EEC) No 2997/87; whereas the actual costs referred to in that Article may cover factors for assessing the net loss of income following the implementation of the conversion plan; whereas, however, only factors relating to the net loss of income

incurred from the date of adoption of Regulation (EEC) No 2997/87 may enter into the calculation of the actual costs; whereas the financial contribution from the Member State to the varietal conversion programme will have to be adjusted accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Hops,

HAS ADOPTED THIS DECISION:

Article 1

The varietal conversion programme for hops submitted pursuant to Regulation (EEC) No 2997/87 by the Kingdom of Belgium on 10 March 1988, as last amended on 26 July 1988, is hereby approved. The main aspects of the programme are given in the Annex hereto.

Article 2

The Kingdom of Belgium shall inform the Commission every six months of progress in the programme.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 23 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽²⁾ OJ No L 365, 24. 12. 1987, p. 41.

⁽³⁾ OJ No L 60, 5. 3. 1988, p. 33.

ANNEX

1. *List of producer groups covered by the programme and 1986 reference areas*

- Pacohop SV: 98,13 ha,
- De Poperingse Hopproducenten Vereniging: 288,5 ha,
- De Aalsterse Hopproducenten Vereniging: 69,05 ha.

These groups are represented by Febelhop (association of producer groups).

2. *Duration of programme*

From 1988 to 1990. The last plantations must be carried out before 31 December 1990.

3. *Areas covered by the programme*

96,66 ha.

4. *Varieties to be planted and areas concerned**Aromatic varieties*

Hallertau :	33,54 ha
Hersbrücker spät :	6,73 ha
Challenger :	5,26 ha
Spalt :	0,10 ha
Total	45,63 ha

'Super-alpha' varieties⁽¹⁾

Yeoman :	38,03 ha
Target :	13,00 ha
Total	51,03 ha

⁽¹⁾ Within the meaning of Article 2 of Regulation (EEC) No 2997/87 and Article 1 (3) of Regulation (EEC) No 3889/87.

COMMISSION DECISION

of 24 November 1988

approving a third programme on fruit and vegetable markets in the Netherlands
pursuant to Council Regulation (EEC) No 355/77

(Only the Dutch version of this text is authentic)

(88/607/EEC)

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

Having regard to Council Regulation (EEC) No 355/77 of
15 February 1977 on common measures to improve the
conditions under which agricultural and fishery products
are processed and marketed⁽¹⁾, as last amended by
Regulation (EEC) No 1760/87⁽²⁾, and in particular Article
5 thereof,

Whereas on 28 September 1987 the Netherlands
Government forwarded a third programme following on
the programmes approved by Commission Decisions
80/306/EEC⁽³⁾ and 83/618/EEC⁽⁴⁾ on fruit and vegetable
markets and whereas it provided further information on 7
January and 4 July 1988;

Whereas the aims of this programme are to rationalize
fruit and vegetable markets, to reduce their number and
to increase the competitiveness of the sector by concen-
trating supply of fruit and vegetables; whereas it is
therefore a programme within the meaning of Article 2 of
Regulation (EEC) No 355/77;

Whereas the programme contains sufficient details
required pursuant to Article 3 of Regulation (EEC) No
355/77 showing that the objectives laid down in Article 1
thereof may be achieved in the fruit and vegetable
markets sector; whereas the schedule for implementation
of this programme does not exceed the time limit laid
down in Article 3 (1) (g) of that Regulation;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Committee
on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The third programme on fruit and vegetable markets,
forwarded by the Netherlands Government on 28
September 1987 and supplemented on 7 January and 4
July 1988 pursuant to Regulation (EEC) No 355/87, is
hereby approved.

Article 2

This Decision is addressed to the Kingdom of the
Netherlands.

Done at Brussels, 24 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽³⁾ OJ No L 97, 15. 4. 1980, p. 45.

⁽⁴⁾ OJ No L 350, 13. 12. 1983, p. 22.

COMMISSION DECISION

of 24 November 1988

approving the programme of measures to encourage the development of agriculture in certain regions of Spain, drawn up pursuant to Council Regulation (EEC) No 1118/88

(Only the Spanish version of this text is authentic)

(88/608/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1118/88 of 25 April 1988 on a specific common measure to encourage the development of agriculture in certain regions of Spain⁽¹⁾,

Whereas, in accordance with Article 1 (3) of the abovementioned Regulation, on 18 July 1988 the Spanish Government forwarded to the Commission the national programme of measures under that Regulation;

Whereas, at the request of the Commission pursuant to Article 4 (2) of that Regulation, amendments and clarifications to that programme were forwarded by the Spanish authorities on 5 October 1988;

Whereas the abovementioned programme contains all the measures and provisions listed in Article 2 of Regulation (EEC) No 1118/88 to ensure that the objectives laid down in that Regulation are achieved;

Whereas the abovementioned Regulation lays down a ceiling of 125 000 hectares which may qualify under the measures to improve agricultural areas managed individually; whereas, however, the programme provides for such measures relating to 159 989 hectares; whereas, in addition, improvement plans in the framework of an overall scheme may only be accepted where the contribution of the recipients amounts to at least 20 % of the total cost; whereas the conditions or eligibility for Community co-financing where the ceilings fixed in the Regulation are exceeded should accordingly be stipulated;

Whereas, as concerns investments in rural infrastructures, the construction and improvement of farm roads and local roads used for agriculture and/or forestry must be technically suited to those uses;

Whereas the establishment of collective irrigation networks and the execution of drainage works are only eligible for Community co-financing where the latter constitute an indispensable tool for the conversion of production to non-surplus products within the meaning of Article 1a (1) (a) to Council Regulation (EEC) No 797/85⁽²⁾, as last amended by Regulation (EEC) No

1137/88⁽³⁾; whereas in addition, in accordance with Article 3 (2) of Regulation (EEC) No 1118/88, all programmes are to include information enabling it to be shown that the areas concerned will be used in accordance with the list of products to which production may be converted; whereas the Spanish authorities have given their agreement for a detailed examination enabling compliance with this condition to be verified to be carried out within the follow-up committee set up to assist the Spanish authorities in the execution of the programme;

Whereas, in order to streamline implementation of the programme, public expenditure incurred by the Spanish Government from 1 May 1988 may be considered for Community financing in compliance with Regulation (EEC) No 1118/88 and forming part of the measures contained in the implementing programme;

Whereas the European Agricultural Guidance and Guarantee Fund (EAGGF) Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure.

HAS ADOPTED THIS DECISION:

Article 1

1. The programme of measures to encourage the development of agriculture in certain regions of Spain, forwarded by the Spanish Government on 18 July 1988, is hereby approved pursuant to Regulation (EEC) No 1118/88.

2. The programme is approved subject to the following conditions;

— the number of hectares qualifying for the measures for the improvement of agricultural areas managed individually must not exceed the limit laid down for the measure, namely 125 000 hectares and the recipients of the aids must contribute at least 20 % of the total cost of the investment,

⁽¹⁾ OJ No L 107, 28. 4. 1988, p. 3.

⁽²⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽³⁾ OJ No L 108, 29. 4. 1988, p. 1.

- the technical characteristics of the farm roads and local roads used for agriculture and/or forestry must be strictly suited to the said purposes,
- as regards the establishment of collective irrigation networks and the execution of drainage operations, only projects a detailed examination of which carried out within the follow-up committee enable the Commission to establish that they constitute an indispensable tool for the conversion of production to non-surplus products as provided for in Regulation (EEC) No 1118/88 may be eligible for Community co-financing.

Article 2

The membership of the follow-up committee and the contents of the information on progress in the programme pursuant to Articles 8 and 4 respectively of Regulation (EEC) No 1118/88 shall be decided in mutual

agreement between the Commission and the Spanish authorities before 31 December 1988.

Article 3

Public expenditure incurred by the Spanish Government from 1 May 1988, covering the measures laid down and meeting the conditions specified by the abovementioned programme, shall be considered eligible for Community co-financing in accordance with Regulation (EEC) No 1118/88.

Article 4

This Decision is addressed to the kingdom of Spain.

Done at Brussels, 24 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to 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)

(Official Journal of the European Communities No L 311 of 17 November 1988)

On page 3 in the table, in the column headed 'Order No':

for: '09.1152'

read: '09.1114'.
