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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3903/88
of 9 December 1988**

laying down for 1989 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French department of Guiana

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 2 of Regulation (EEC) No 170/83 it is incumbent upon the Council to formulate, in the light of the available scientific advice the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation;

Whereas, since 1977, the Community has operated a system of conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French department of Guiana most recently laid down by Council Regulation (EEC) No 3982/87⁽²⁾; whereas the latter Regulation expires on 31 December 1987;

Whereas the continuity of the system should be assured, in particular by maintaining the restriction on some fish stocks in the zone in order to conserve the stock and ensure adequate profitability for the fishermen concerned;

Whereas the processing industry based in the French department of Guiana depends on landings from vessels of non-member countries operating in the fishing zone off that department;

Whereas, therefore, it is necessary to ensure that those vessels which are under contract to land their catches in the French department of Guiana can continue to fish;

Whereas shrimp fishing licences calculated on the basis of scientific advice have been issued to non-member

countries whose vessels fish in the zone of the said department; whereas, therefore, a number of those licences are subject to changes on the basis of that scientific advice;

Whereas the technical and control measures applicable pursuant to Regulation (EEC) No 3982/87 should be maintained and should this prove necessary, supplemented,

HAS ADOPTED THIS REGULATION:

Article 1

Vessels flying the flag of one of the countries listed in Annex I shall be authorized, during the period from 1 January to 31 December 1989, to fish for the species listed in the said Annex in the part of the 200 nautical mile fishing zone off the coast of the French department of Guiana that lies more than 12 nautical miles from the base lines, in conformity with the conditions laid down in this Regulation.

Article 2

1. Fishing in the fishery zone referred to in Article 1 shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the observance of the conditions set out in that licence and the control measures and other provisions regulating fishing activities in that zone.

2. Applications for licences shall be submitted by the authorities of the non-member countries concerned to the Commission's services at least 15 working days before the desired date of commencement of validity. Licences will be issued to the authorities of the third countries concerned.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1987, p. 53.

3. Where no application for the grant of a licence, as referred to in point 1 of Annex I, has been submitted within 15 working days of the date of entry into force of this Regulation, the Commission, at the request of the French authorities, may issue licences, via the French authorities, to the shipowners of the relevant non-member countries.

4. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both sides of the prow and on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be obliterated, altered, covered or masked in any other way.

Article 3

1. The maximum number of licences, as well as the maximum number of temporary renewable licences, that may be issued for shrimp fishing on the basis of scientific advice to vessels flying the United States' flag and which are under contract to land all their catches in the French department of Guiana is specified in point 1 of Annex I.

2. The licences referred to in paragraph 1 shall cease to be valid when the contract stipulating the obligation to land the catches comes to an end, and in any event not later than 31 December 1989.

3. The duration of the validity of temporary licences shall be limited to three-month periods. To provide for a possible increase in the number of vessels flying the flag of a Member State in the zone referred to in Article 1, some temporary licences may not be renewed. In the event of such increase, the Member State concerned shall inform the Commission services at the latest one month before the expiry of the validity of the temporary licences.

4. The number of licences referred to in paragraph 1 may be revised if the scientific advice states that there has been a substantial change in stocks.

Article 4

1. Licences may be issued for shrimp fishing to vessels which fly the flag of one of the countries listed in point 2 of Annex I. The catch quantities authorized under such licences, the maximum number of licences and the maximum number of days at sea during which such licences are valid shall be as specified for each country in point 2 of Annex I.

2. The licences referred to in paragraph 1 shall be issued on the basis of a fishing plan submitted by the authorities of the country concerned, approved by the Commission and not exceeding the limits for the country concerned specified in point 2 of Annex I.

3. The period of validity of each of the licences referred to in paragraph 1 shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.

4. All licences referred to in paragraph 1 issued to vessels of a non-member country shall cease to be valid as soon as it is established that the quota laid down in point 2 of Annex I for that country has been used up.

Article 5

1. Licences may be issued for the fishing of species other than shrimps to vessels flying the flag of one of the countries listed in point 3 of Annex I. The maximum number of such licences for each country shall be as specified in point 3 of Annex I.

2. Snapper fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 75 % of the catches in the French department of Guiana.

3. Shark fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 50 % of the catches in the French department of Guiana.

Article 6

1. The following information shall accompany applications for licences submitted to the Commission :

- (a) name of the vessel ;
- (b) registration number ;
- (c) external identification letters and numbers,
- (d) port of registration ;
- (e) name and address of the owner or charterer ;
- (f) gross tonnage and overall length ;
- (g) engine power ;
- (h) call sign and radio frequency ;
- (i) intended method of fishing ;
- (j) species intended to be fished ;
- (k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. Where several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

Article 7

1. To obtain a licence as referred to in Article 3, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a shrimp-processing undertaking situated in the French department of Guiana and that it includes an obligation to land all catches of shrimps from the vessel concerned in that department so that they may be processed, packed and stored in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy, as well as with the entry into service of shrimp fishing vessels registered in Guiana. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 8

1. To obtain a fishing licence for snapper or shark, as referred to in Article 5, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a processing undertaking situated in the French department of Guiana and that it includes an obligation to land at least 75 % of all snapper catches, or 50 % of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 9

Licences may be cancelled with a view to issuing new licences. Such cancellation shall take effect on the date of issuance of the new licence by the Commission.

Article 10

Fishing for shrimps of the species *Penaeus subtilis* and *Penaeus brasiliensis* shall be forbidden in waters of a depth less than 30 metres. During these fishing activities carried out by vessels using trawls, by-catches shall be permitted.

2. Tuna fishing shall be authorized only for vessels using long lines.

3. Snapper fishing shall be authorized only for vessels using long lines or traps.

4. Shark fishing shall be authorized only for vessels using long lines or mesh nets having a minimum mesh of 100 mm and shall be forbidden in waters of a depth less than 30 metres.

Article 11

A log-book, a model of which appears in Annex II, shall be completed after each fishing operation. A copy of this log-book shall be sent to the Commission within 30 days of the last day of each fishing trip via the French authorities.

Article 12

1. The master of each vessel in possession of a licence referred to in Articles 4 and 5 (1), as concerns tuna fishing, shall observe the special conditions set out in Annex III, and in particular forward the information specified in the Annex. These conditions shall form an integral part of the licence.

2. The master of each vessel in possession of a licence as referred to in Articles 3 and 5 (2) and (3) shall, on landing the catch after each trip, submit to the French authorities a declaration, for whose accuracy the master alone is responsible, stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be made using the form of which a model appears in Annex IV.

Article 13

1. The French authorities shall take all appropriate measures to verify the accuracy of the declarations referred to in Article 12 (2), by checking them in particular against the log-book referred to in Article 11. The declaration shall be signed by the competent official after it has been verified.

2. The French authorities shall ensure that all landings of shrimps in the French department of Guiana by vessels in possession of a licence as referred to in Articles 3 and 5 (2) and (3) shall be the subject of a declaration as referred to in Article 12 (2).

3. Before the end of each month, the French authorities shall send to the Commission all the declarations referred to in paragraph 2 relating to the preceding month.

Article 14

The granting of licences to vessels from third countries shall be subject to the undertaking by the owner of the vessel concerned to permit an observer to come on board at the Commission's request.

Article 15

1. The French authorities shall take appropriate measures to ensure that the obligations set out in this Regulation are complied with, including the regular inspection of vessels.

2. Where an infringement is formally ascertained, the French authorities shall, without delay, and in any event not later than 30 days from the date on which the infringement was ascertained, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 16

1. Licences for vessels which have not complied with the obligations provided for in this Regulation, including the obligation to land all or part of the catches laid down in a contract as referred to in Articles 7 and 8 shall be withdrawn.

No licence shall be issued to such vessels for a period of four to 12 months from the date on which the infringement was committed.

2. Where a vessel fishes without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner or is managed by a natural or legal person who has or exercises the management of one or more other vessels to which licences have been issued, one of those licences may be withdrawn.

3. The granting of a licence may be refused during the period referred to in paragraph 1 to one or more vessels belonging to a shipowner who owns a vessel whose licence has been withdrawn under this Article or which has fished without a licence in the zone referred to in Article 1.

Article 17

1. If, for a period of one month, the Commission receives no communication as referred to in Article 12 (1)

concerning a vessel in possession of a licence referred to in Articles 4 and 5, the licence of such vessel shall be withdrawn.

2. If, for a period of one month, a vessel in possession of a licence as referred to in Article 3 has made no use of it, the licence of such vessel shall be withdrawn, except

- if the vessel is under repair,
- in cases of *force majeure*.

Article 18

The period of validity of licences valid on 31 December 1988 pursuant to Article 1 of Regulation (EEC) No 3982/87 may be extended, at the request of the authorities of the country concerned, until 31 January 1989. Licences thus extended shall be counted against the number of corresponding licences laid down in Annex 1 for the duration of the extension, without that total being exceeded.

Article 19

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1989.

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

Done at Brussels, 9 December 1988.

For the Council

The President

Y. POTTAKIS

*ANNEX I***1. Licences referred to in Article 3**

Vessels flying the flag of	Maximum number of licences	Of which maximum number of renewable licences
USA	22	10

2. Licences referred to in Article 4

Vessels flying the flag of	Quantity of authorized catches in tonnes	Maximum number of vessels with a licence	Maximum number of days at sea
Barbados	24	5	200
Guiana	24	5	200
Surinam	p.m.	p.m.	p.m.
Trinidad and Tobago	60	8	350

3. Licences referred to in Article 5

Species	Vessels flying the flag of	Maximum number of licences
(a) Tuna	Japan Korea	p.m. p.m.
(b) Snappers	Venezuela Barbados	35 5
(c) Shark	Venezuela	4

FICHE DE PÊCHE

LOG SHEET

Nom du navire _____
Vessel name _____

Nation _____

N° d'immatriculation _____
Official No _____

Nº de licence ZEE _____
Fishing licence No _____

Nom du capitaine _____
Captain's name _____

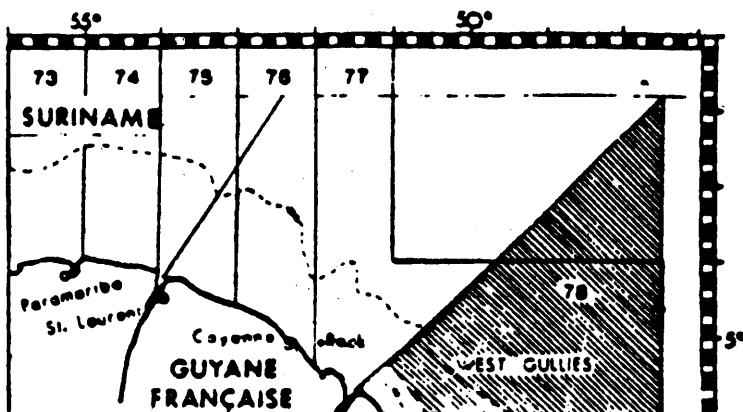
Nbre équipage _____
No in crew _____

Départ de _____
Depart from _____

Date _____

Débarquement à _____
Landed at

Date _____



Mois / Month Jour / Day	Zone n°	Sonde Depth	Jour ou nuit Day or night (D or N)	Nombre de fois où les engins ont été mis à l'eau - Number of times gear is shot	Total heures de pêche Hours fished	Queues de crevette -Head-off- shrimp (kg)	Crevettes entières -Head-on- shrimp (kg)	Crevettes conservées à bord Shrimps retained on board		Vivaneaux Snapper	Requins Shark	Thonidés Tuna
								Penaeus: subtilis brasiliensis	Xyphopenaeus Kroyeri			
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ANNEX III

Special conditions

1. Vessels in possession of a licence referred to in Articles 4 and 5 (1) (Thunnidae) must communicate information to the Commission of the European Communities in Brussels (telex 24189 FISEU-B) via the French authorities at the following times :
 - (a) on each entry into zones extending up to 200 nautical miles off the coast of the French department of Guiana, hereinafter called 'the zone' ;
 - (b) whenever leaving the zone ;
 - (c) whenever entering a port of a Member State ;
 - (d) whenever leaving a port of a Member State ;
 - (e) every week in respect of the previous week from the date of entry into the zone referred to in (a) or from the date of leaving the port referred to in (d).
2. Communications transmitted in accordance with the conditions of the licence at the times specified in 1 above should include the following particulars, where appropriate and should be transmitted in the following order :
 - name of vessel,
 - radio call sign,
 - licence number,
 - chronological number of the transmission for the trip in question,
 - indication of which of the types of transmission, as set out in paragraph 1, is involved,
 - date,
 - time,
 - geographical position,
 - quantity of each species caught during the fishing operation (in kilograms),
 - quantity of each species caught since the previous transmission of information (in kilograms),
 - the geographical coordinates of the position where the catches were made,
 - quantities of catches, by species, transferred to other vessels (in kilograms) since the previous information,
 - the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred,
 - the master's name.
3. The following code must be used in reporting species caught in accordance with paragraph 2 :
 - PEN : Brown shrimp (Penaeidae) ;
 - BOB : Atlantic sea bob shrimp (*Xyphopenaeus kroyerii*) ;
 - TUN : Tunny ;
 - SKH : Shark ;
 - XXX : Other.
4. In cases where, for reasons of *force majeure*, the communication cannot be transmitted by the vessel in possession of a licence, the message may be transmitted by another vessel on behalf of the former.

ANNEX IV

Declaration pursuant to Article 12 (2)

LANDING DECLARATION ⁽¹⁾

Name of vessel :

Registration No :

Name of master :

Name of agent :

Master's signature :

Voyage made from the

to the

Port of landing :

Quantity of shrimps landed (in live weight)	
'Head-off' shrimp :	kg
or (× 1,6) =	kg (head-on-shrimp)
'Head-on' shrimp :	kg
Thunnidae : kg	Snapper (Lutjanidae) : kg
Shark : kg	Other : kg

⁽¹⁾ One copy is kept by the master, one copy is kept by the control officer, and one copy is to be sent to the Commission of the European Communities.

COUNCIL REGULATION (EEC) No 3904/88**of 12 December 1988****amending for the 11th time Regulation (EEC) No 351/79 concerning the addition
of alcohol to products in the wine sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2964/88 ⁽²⁾, and in particular Article 25 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pending the adoption of provisions supplementing or harmonizing the definitions of semi-sparkling wines and products falling within CN code 2205, the period of validity of the provisions of Article 4 of Regulation (EEC) No 351/79 ⁽³⁾, as last amended byRegulation (EEC) No 4090/87 ⁽⁴⁾, should be extended by one year; whereas, moreover, experience gained shows that such an extension would give rise to no drawbacks,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Regulation (EEC) No 351/79, '31 December 1988' is replaced by '31 December 1989'.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 12 December 1988.

*For the Council**The President*

Y. POTTAKIS

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 269, 29. 9. 1988, p. 5.⁽³⁾ OJ No L 54, 5. 3. 1979, p. 90.⁽⁴⁾ OJ No L 382, 31. 12. 1987, p. 26.

COUNCIL REGULATION (EEC) No 3905/88

of 12 December 1988

imposing a definitive anti-dumping duty on imports of polyester yarn
originating in Mexico, South Korea, Taiwan and Turkey

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 12 thereof,

Having informed the EEC-Turkey Association Council
pursuant to Article 47 (2) of the Additional Protocol to
the Agreement establishing an Association between the
European Economic Community and Turkey⁽²⁾, and in
the absence of a decision by the said Association Council,

Having regard to the proposal from the Commission,
submitted after consultations within the Advisory
Committee set up under Regulation (EEC) No 2423/88,

Whereas :

A. PROVISIONAL MEASURES

- (1) Under Regulation (EEC) No 1695/88⁽³⁾, as
amended by Regulation (EEC) No 2871/88⁽⁴⁾, the
Commission imposed a provisional anti-dumping
duty on imports of partially oriented polyester yarn
(POY) and textured polyester yarn (PTY)
originating in Mexico, South Korea, Taiwan and
Turkey. POY is a feeder yarn used in the main for
the production of PTY which, in turn, is used to
produce fabrics of polyester or of cotton and
polyester. The duty was extended for a period not
exceeding two months by Regulation (EEC) No
3171/88⁽⁵⁾.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional
anti-dumping duty, Community producers and a
number of exporters of the product in question
applied to be heard by the Commission and
hearings were granted.

Community producers and some exporters also
expressed their views on the Regulation imposing
the provisional duty in writing.

Certain exporters asked the Commission to inform
them of the main facts and consideration on the
basis of which the Commission proposed to
recommend definitive measures. The Commission
complied with these requests.

C. DUMPING

1. Normal value

(a) *Korea, Taiwan and Mexico*

- (3) In general, normal value was calculated definitively
by the method used for the provisional calculation
of the value, namely on the basis of the domestic
prices charged by the producers which exported to
the Community and had supplied sufficient
information. It was established on a monthly basis
and by type of product.

During the months, where there were no sales on
the internal market of a certain type of exported
product, the weighted average of domestic sales for
the other months was used.

Where there were no domestic sales of a type of
product exported to the Community, or where, if
they existed, they were insufficient, the internal
market price of the most similar type of product or
alternatively the constructed value was used. Where
a substantial volume of domestic sales of a given
type of product was made at a loss, constructed
value was used as normal value. Constructed value
was calculated by adding together the cost of
production and a reasonable profit margin
established on the basis of the profits made on the
domestic sales of the product concerned, POY or
PTY, or on total sales of polyester yarn by the
exporting company concerned.

In the case of one Korean exporter and some
Mexican exporters, normal value was established, at
their request, on the basis of domestic prices net of
all discounts and rebates directly linked to the sales
under consideration, pursuant to Article 2 (3) (a) of
Regulation (EEC) No 2423/88, after evidence,
deemed to be convincing, had been adduced.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 3.

⁽³⁾ OJ No L 151, 17. 6. 1988, p. 39.

⁽⁴⁾ OJ No L 257, 17. 9. 1988, p. 24.

⁽⁵⁾ OJ No L 282, 15. 10. 1988, p. 28.

Also accepted was the request of a Taiwanese exporter that the constructed value be established on the basis of the profit margin on POY sales alone rather than all PTY sales, a margin determined with reference to another exporter in this case.

(b) *Turkey*

- (4) Normal value was calculated definitively using the method set out in the first and second paragraphs of recital 3 of this Regulation.

However, in the case of POY, the normal value of which had been calculated on the basis of the constructed value, one exporter challenged the amount of the profit margin established in respect of the profits made on all polyester yarn sales, arguing that the only acceptable margin was that calculated in respect of profits on POY sales. Since the Commission was unable to find a profit margin relating only to POY in the accounts of any of the Turkish companies involved in the proceeding, the Council agreed with the Commission that the method used to calculate the provisional measures should stand.

2. Export prices

- (5) In general, export prices were established on the basis of the prices actually paid or payable for products sold for export to the Community.

Where products were exported through subsidiaries established in the Community, export prices were calculated on the basis of the price at which they were resold to the first independent buyer, duly adjusted to take account of all costs incurred between import and resale, including, where appropriate, transport, insurance and customs duties and a margin considered reasonable to cover general expenses and profit, given the profit margins of independent importers of the product in question.

Adjustments were made to the exchange rates for prices of exports to the Community effected by Taiwanese exporters, the evidence submitted having been found satisfactory.

An adjustment was made to the exchange rate used to calculate the export price of a Mexican producer

in response to a request accompanied by sufficient supporting evidence.

3. Comparison

- (6) The normal monthly value for each type of product was generally compared, transaction by transaction, with the export prices of the corresponding type of product at the ex works stage. Any adjustments provisionally allowed according to the circumstances to take account of differences directly affecting price comparability pursuant to Article 2 (10) (c) and (d) of Regulation (EEC) No 2423/88 were maintained on the terms set out in recitals 10, 14, 18 and 22 of Regulation 1695/88.

(a) *Korea*

- (7) One exporter's renewed request concerning differences in selling conditions, based on Article 2 (10) (c) (v) of Regulation (EEC) No 2423/88, was not supported by sufficient evidence as to their direct link with the sales in question, and was thus rejected.

(b) *Mexico*

- (8) An adjustment to take account of credit costs pursuant to Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, has been taken into consideration following a request accompanied by supporting evidence judged to be satisfactory.

In the case of one Mexican exporter, to whom an adjustment to the export prices had been accorded in respect of 'bank charges' for the provisional calculation of the dumping margin, additional information showing that these expenses were not in fact bank charges led the Commission to reconsider the adjustment.

Requests for additional adjustments in respect of commissions paid to salesmen and of certain credit and domestic freight costs were also refused on the grounds that the evidence adduced was either in flagrant contradiction with the findings of the investigation, or insufficient.

(c) *Taiwan*

- (9) A further request was made for adjustment in respect of hedging of exchange rates but no new arguments were brought forward. The Council therefore agrees with the Commission's conclusions rejecting this request in the third paragraph of recital 18 of Regulation (EEC) No 1695/88.

(d) *Turkey*

- (10) A renewed request from one exporter for an adjustment in respect of the refinancing by international banks of sums owing to him abroad, when he had already been accorded adjustments in respect of credit costs for export sales, was not accepted. The request, made under Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, was rejected on the grounds that the Article did not provide for adjustment on such grounds.

Nor was any adjustment accorded pursuant to Article 2 (10) (b) of Regulation (EEC) No 2423/88 concerning the refunding of import charges to which a product exported to the Community is subject because the firms concerned had either made their request too late of not adduced satisfactory evidence.

4. Dumping margins

- (11) The dumping margin calculated for each exporter is equal to the difference between normal value and the price on export to the Community, duly adjusted.

The weighted average dumping margins for each of the exporters concerned, adjusted to free-at-Community-frontier prices, are as follows:

(a) *Korea*

— Kohap Ltd, Seoul	PTY	8,13 %
— Kolon Industries Inc., Seoul	PTY	5,71 %
	POY	0,02 %
— Sam Yang Co. Ltd, Seoul	PTY	3,38 %
— Tong Yang Polyester Co. Ltd, Seoul	PTY	4,09 %

(b) *Mexico*

— Celanese Mexicana SA, Mexico City	PTY	15,85 %
	POY	4,43 %
— Fibras Sinteticas SA de C.V., Mexico City	PTY	26,74 %
— Fibras Quimicas SA, Monterrey	PTY	5,79 %
— Nylon de Mexico SA, Monterrey	POY	15,80 %
— Kimex SA, Mexico City	PTY	18,72 %

(c) *Taiwan*

— Chung Shing Textile Co. Ltd, Taipei	PTY	1,67 %
— Far Eastern Textile Ltd, Taipei	PTY	6,21 %
	POY	0,09 %

— Nan Ya Plastics Corp., Taipei	PTY	4,92 %
	POY	0,52 %
— Shin Kong Synthetic Fibres Corp., Taipei	PTY	4,96 %
	POY	22,11 %
— Tuntex Distinct Corp., Taipei	PTY	0,31 %
	POY	0,00 %

(d) *Turkey*

— Nergis AS, Bursa	PTY	38,50 %
— Polylen AS, Bursa	PTY	27,60 %
— Sasa Artificial & Synthetic Fibres Inc., Adana	PTY	11,13 %
	POY	2,67 %
— Sifas Sentetik Iplik Fabrikalari AS Bursa	PTY	17,34 %
— Sönmez Filament AS, Bursa	PTY	13,18 %

D. INJURY

- (12) In Regulation (EEC) No 1695/88 the Commission described the effect of imports at dumping prices on Community industry, notably as regards volume, prices, market share and profitability. It explained that to do this, imports from the various countries involved in the proceeding had to be aggregated.

On the point it was claimed that the figures given in recital 26 of the said Regulation were not correct in that they did not indicate the use of POY in the production of PTY.

Since no data were available to identify the proportion of POY in Community production and consumption, the Commission used production and consumption figures drawn from data relating to PTY only; the data took into account the internal transfer of POY used to make PTY.

In these circumstances, and with no new evidence forthcoming, the Council upholds the findings set out in recitals 24 to 32 of Regulation (EEC) No 1695/88.

The Commission considered whether Community producers having links with Mexican exporters should be excluded when establishing injury, pursuant to Article 4 (5) of Regulation (EEC) No 2423/88.

Since the purpose of this Article is to exclude Community producers that might complain about companies with whom they have links, the Council notes that none of the Community producers import polyester yarn from the exporting

companies concerned, that the latter act as autonomous economic entities, that the volume of exports to the Community is small, that one of the Community producers has only indirect links with an exporting company and that the Community producers concerned are not protected against the unfair practices of other exporting companies.

For all of these reasons, and in view of the fact that the links between certain Community producers and exporting companies should not lead to these producers being deprived of protection against unfair practices, the Council finds that the Community producers concerned should not be excluded from the proceeding.

1. Product comparability

- (13) Exporters challenged the validity of the comparison made between the polyester yarn produced by their companies and those of Community producers, arguing that they were not similar products, notably as regards quality, that they were not used for the same purposes and that they were not interchangeable with Community products. These arguments were not accepted since the Commission believes that the requirement that a product be similar to an imported product should not be interpreted narrowly, and that only fundamental differences in quality or use are grounds for considering that a product is not similar to another.

In this case the physical characteristics of the products are very similar and the use made of lower-quality polyester yarn is not wholly different from the use made of those of supposedly better quality.

The Council therefore considers that the alleged differences in quality and use are not sufficient to justify a distinction being made between these products.

2. Causality

- (14) In recital 33 of Regulation (EEC) No 1695/88 the Commission established a causal link between the injury suffered by Community producers and the imports sold at dumping prices.

However, a number of exporters argued that their polyester yarn exports to the Community were either small or diminishing in volume, and so could not have contributed to the injury.

Under Regulation (EEC) No 2423/88 injury may still be caused even if the volume of each individual exporter is very small. This argument does not therefore justify the exclusion of these exporters from the proceeding.

In these circumstances, and in the absence of any fresh evidence in respect of the arguments set out in recital 33 of Regulation (EEC) No 1695/88, the Council confirms the findings and conclusions presented by the Commission in that recital.

E. QUANTITATIVE RESTRICTIONS AND ANTI-DUMPING MEASURES

- (15) As regards the existence of quantitative restriction on imports into Spain and Italy of polyester yarn originating in Korea, and on imports into Spain of polyester yarn originating in Taiwan, it was argued that the imposition of an anti-dumping duty on polyester yarn imports from these countries on top of the quantitative restrictions was incompatible with Article XIX of the GATT and paragraph 6 of the Fourth Multifibre Arrangement (MFA IV).

The Council finds that, contrary to what was argued, neither Community law nor international rules — notably the MFA — prohibit the imposition of anti-dumping duties, customs duties or any other measure affecting imports subject to quantitative restrictions, provided it is established that injury has been caused despite the restrictions.

As to the wisdom of applying such measures in this case, the Council notes that as far as the overall Community industry is concerned, even if the volume of polyester yarn imports of Korean and Taiwanese origin is small, the level of undercutting involved is as much as 30 % in the case of polyester yarn from Korea and 38 % in that of polyester yarn from Taiwan.

In these circumstances, the Council finds that the Community industry has been exposed to unfair competition from these countries.

The Council notes that substantial undercutting has occurred with regard to imports into Spain and Italy: up to 35 % in Italy and 41 % in Spain in the case of Korean polyester yarn, and 33 % in Spain in the case of Taiwanese polyester yarn. The quantitative restrictions introduced for these countries have therefore not protected them from unfair price competition nor prevented injury. It should also be pointed out that these countries' producers suffered serious financial losses in the reference period.

The Council therefore believes that the imposition of anti-dumping measures on imports from Korea and Taiwan is necessary.

F. COMMUNITY INTEREST

- (16) Certain importers and users have argued that the Community producers behaved as if they were members of a cartel, in so far as high prices were charged, difficulties in obtaining supplies were noted, and a certain segmentation of the Community fibres market was set up. However, no element of proof to support these arguments has been advanced which would allow the Commission to open an investigation under the Community competition rules.

In these circumstances, in view of the serious difficulties facing the Community industry concerned, the Commission concluded that it was in the Community interest to take appropriate steps to remove the injury caused to Community polyester yarn producers. These measures, which would have fairly negligible effects on the production costs of the user industry and no serious consequences for consumers, should take the form of a definitive anti-dumping duty.

The Council therefore confirms that it is in the Community interest to adopt definitive anti-dumping measures in respect of imports originating in the four exporting countries named in this proceeding.

G. DEFINITIVE DUTY

- (17) Arguments were advanced concerning the way that differences in the production of POY and PTY had been taken into account. It is confirmed that the Commission has, as far as possible, taken these differences into account, notably as regards production costs, price comparison and the calculation of the injury threshold.

The Council confirms the Commission's conclusions concerning both the method used for the establishment of the duty to be applied and the form of the duty, as described in recitals 35 and 36 of Regulation (EEC) No 1695/88.

H. COLLECTION OF THE PROVISIONAL DUTY

- (18) In view of the dumping margins recorded and the injury caused, the Council believes that the amounts secured by the provisional anti-dumping duty should be definitively collected, either in their entirety or up to the maximum duty definitively

imposed if the definitive duty is lower than the provisional duty. The balance remaining after the definitive duties have been covered shall be released,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of non-textured, partially oriented polyester yarn (POY) falling within CN code 5402 42 00, originating in Mexico, Taiwan or Turkey.

2. The amount of the duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be:

— 15,8 % for POY originating in Mexico, excluding yarn produced and sold for export to the Community by Celanese Mexicana SA, Mexico City, which shall not be subject to such a duty;

— 8,7 % for POY originating in Taiwan, excluding yarn produced and sold for export to the Community by the following firms, which shall not be subject to duty:

Far Eastern Textile Ltd, T'aipei,
Nan Ya Plastics Corp., T'aipei,
Tuntex Distinct Corp., T'aipei;

— 2,7 % for POY originating in Turkey.

3. The provisions in force concerning customs duties shall apply.

Article 2

1. A definitive anti-dumping duty is hereby imposed on imports of textured polyester yarn (PTY) falling within CN codes 5402 33 10 and 5402 33 90, originating in Mexico, South Korea, Taiwan or Turkey.

2. The amount of the duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be:

— 8,1 % for PTY originating in South Korea. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below:

Kohap Ltd, Seoul	8,1 %
Kolon Industries Inc., Seoul	5,7 %
Sam Yang Co. Ltd, Seoul	3,4 %
Tong Yang Polyester Co. Ltd, Seoul	4,1 %

— 26,7 % for PTY originating in Mexico. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below:

Celanese Mexicana SA, Mexico City	15,9 %,
Fibras Quimicas SA, Monterrey	5,8 %,
Kimex SA, Mexico City	18,7 %;

Sasa Artificial and Synthetic Fibres Inc., Adana	11,1 %,
Nergis AS, Bursa	8,6 %,
Sifas Sentetik Iplik Fabrikalari AS, Bursa	7,2 %,
Polylen AS, Bursa	7,2 %.

— 6,2 % for PTY originating in Taiwan. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below :

Chung Shing Textile Co. Ltd, T'aipei	1,7 %,
Nan Ya Plastics Corp., T'aipei	4,9 %,
Shinkong Synthetic Fibres Corp., T'aipei	5,0 %.

Tuntex Distinct Corp., T'aipei, shall be exempted from the duty referred to above ;

— 13,2 % for PTY originating in Turkey. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below :

3. The provisions in force concerning customs duties shall apply.

Article 3

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 1695/88 shall be definitively collected, either in their entirety or up to an amount not exceeding the rates specified in this Regulation. The balance of these secured amounts after coverage of the definitive duties shall be released.

Article 4

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, 12 December 1988.

For the Council

The President

P. ROUMELIOTIS

COMMISSION REGULATION (EEC) No 3906/88

of 15 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 14 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 16 December 1988.

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

Done at Brussels, 15 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. 96.

ANNEX

to the Commission Regulation of 15 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	129,76
0712 90 19	1,10	129,76
1001 10 10	31,98	186,20 ⁽¹⁾ ⁽²⁾
1001 10 90	31,98	186,20 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	128,99
1001 90 99	0,00	128,99
1002 00 00	35,82	115,88 ⁽⁴⁾
1003 00 10	29,59	124,15
1003 00 90	29,59	124,15
1004 00 10	85,40	75,38
1004 00 90	85,40	75,38
1005 10 90	1,10	129,76 ⁽²⁾ ⁽³⁾
1005 90 00	1,10	129,76 ⁽²⁾ ⁽³⁾
1007 00 90	24,28	138,52 ⁽⁴⁾
1008 10 00	29,59	44,48
1008 20 00	29,59	118,14 ⁽⁴⁾
1008 30 00	29,59	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	29,59	0,00
1101 00 00	0,41	194,43
1102 10 00	63,20	176,08
1103 11 10	62,89	301,96
1103 11 90	0,72	209,08

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

⁽²⁾ In accordance with 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 3907/88

of 15 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 14 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 16 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 11. 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 15 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	5,18	5,18	5,18
1001 90 99	0	5,18	5,18	5,18
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	7,26	7,26	7,26

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	9,22	9,22	9,22	9,22
1107 10 19	0	6,89	6,89	6,89	6,89
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 3908/88

of 15 December 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 12 and 13 December 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,

⁽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.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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 16 December 1988.

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

Done at Brussels, 15 December 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 ⁽²⁾

⁽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 ^(*) 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 ^(*) 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.

^(*) 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 3909/88
of 15 December 1988
fixing the export refunds on milk and milk 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 (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,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within subheadings ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93 of the combined nomenclature, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within headings 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no

refund for cheeses of a free-at-frontier value less than 140 ECU/100 kg;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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 situation 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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 0401, 0402, 0403, 0404, 0405 and 2309 of the combined nomenclature.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 15 December 1988 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 000		5,64
0401 10 90 000		5,64
0401 20 11 100		5,64
0401 20 11 500		9,08
0401 20 19 100		5,64
0401 20 19 500		9,08
0401 20 91 100		12,31
0401 20 91 500		14,46
0401 20 99 100		12,31
0401 20 99 500		14,46
0401 30 11 100		18,77
0401 30 11 400		29,32
0401 30 11 700		44,39
0401 30 19 100		18,77
0401 30 19 400		29,32
0401 30 19 700		44,39
0401 30 31 100		53,00
0401 30 31 400		83,14
0401 30 31 700		91,75
0401 30 39 100		53,00
0401 30 39 400		83,14
0401 30 39 700		91,75
0401 30 91 100		104,67
0401 30 91 400		154,19
0401 30 91 700		180,02
0401 30 99 100		104,67
0401 30 99 400		154,19
0401 30 99 700		180,02
0402 10 11 000		62,00
0402 10 19 000		62,00
0402 10 91 000		0,6200
0402 10 99 000		0,6200
0402 21 11 200		62,00
0402 21 11 300		96,31
0402 21 11 500		102,84
0402 21 11 900		112,06
0402 21 17 000		62,00
0402 21 19 300		96,31
0402 21 19 500		102,84
0402 21 19 900		112,06
0402 21 91 100		113,05
0402 21 91 200		113,99
0402 21 91 300		115,71
0402 21 91 400		125,81
0402 21 91 500		129,25
0402 21 91 600		142,31
0402 21 91 700		150,25
0402 21 91 900		159,00
0402 21 99 100		113,05

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 21 99 200		113,99
0402 21 99 300		115,71
0402 21 99 400		125,81
0402 21 99 500		129,25
0402 21 99 600		142,31
0402 21 99 700		150,25
0402 21 99 900		159,00
0402 29 15 200		0,6200
0402 29 15 300		0,9631
0402 29 15 500		1,0284
0402 29 15 900		1,1206
0402 29 19 200		0,6200
0402 29 19 300		0,9631
0402 29 19 500		1,0284
0402 29 19 900		1,1206
0402 29 91 100		1,1305
0402 29 91 500		1,2581
0402 29 99 100		1,1305
0402 29 99 500		1,2581
0402 91 11 110		5,64
0402 91 11 120		12,31
0402 91 11 310		19,86
0402 91 11 350		25,09
0402 91 11 370		31,42
0402 91 19 110		5,64
0402 91 19 120		12,31
0402 91 19 310		19,86
0402 91 19 350		25,09
0402 91 19 370		31,42
0402 91 31 100		25,01
0402 91 31 300		37,13
0402 91 39 100		25,01
0402 91 39 300		37,13
0402 91 51 000		29,32
0402 91 59 000		29,32
0402 91 91 000		104,67
0402 91 99 000		104,67
0402 99 11 110		0,0564
0402 99 11 130		0,1231
0402 99 11 150		0,2056
0402 99 11 310		22,91
0402 99 11 330		28,25
0402 99 11 350		38,70
0402 99 19 110		0,0564
0402 99 19 130		0,1231
0402 99 19 150		0,2056
0402 99 19 310		22,91
0402 99 19 330		28,25
0402 99 19 350		38,70
0402 99 31 110		0,2717
0402 99 31 150		40,42
0402 99 31 300		0,5300
0402 99 31 500		0,9175
0402 99 39 110		0,2717
0402 99 39 150		40,42
0402 99 39 300		0,5300

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,9175
0402 99 91 000		1,0467
0402 99 99 000		1,0467
0403 10 11 100		5,64
0403 10 11 300		9,08
0403 10 13 000		12,31
0403 10 19 000		18,77
0403 10 31 100		0,0564
0403 10 31 300		0,0908
0403 10 33 000		0,1231
0403 10 39 000		0,1877
0403 90 11 000		62,00
0403 90 13 000		62,00
0403 90 19 000		113,05
0403 90 31 000		0,6200
0403 90 33 000		0,6200
0403 90 39 000		1,1305
0403 90 51 100		5,64
0403 90 51 300		9,08
0403 90 53 000		12,31
0403 90 59 110		18,77
0403 90 59 140		29,32
0403 90 59 170		44,39
0403 90 59 310		53,00
0403 90 59 340		83,14
0403 90 59 370		91,75
0403 90 59 510		104,67
0403 90 59 540		154,19
0403 90 59 570		180,02
0403 90 61 100		0,0564
0403 90 61 300		0,0908
0403 90 63 000		0,1231
0403 90 69 000		0,1877
0404 90 11 100		62,00
0404 90 11 910		5,64
0404 90 11 950		19,86
0404 90 13 120		62,00
0404 90 13 130		96,31
0404 90 13 140		102,84
0404 90 13 150		112,06
0404 90 13 911		5,64
0404 90 13 913		12,31
0404 90 13 915		18,77
0404 90 13 917		29,32
0404 90 13 919		44,39
0404 90 13 931		19,86
0404 90 13 933		25,09
0404 90 13 935		31,42
0404 90 13 937		37,13
0404 90 13 939		38,87
0404 90 19 110		113,05
0404 90 19 115		113,99
0404 90 19 120		115,71
0404 90 19 130		125,81
0404 90 19 135		129,25

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 19 150		142,31
0404 90 19 160		150,25
0404 90 19 180		159,00
0404 90 19 900		—
0404 90 31 100		62,00
0404 90 31 910		5,64
0404 90 31 950		19,86
0404 90 33 120		62,00
0404 90 33 130		96,31
0404 90 33 140		102,84
0404 90 33 150		112,06
0404 90 33 911		5,64
0404 90 33 913		12,31
0404 90 33 915		18,77
0404 90 33 917		29,32
0404 90 33 919		44,39
0404 90 33 931		19,86
0404 90 33 933		25,09
0404 90 33 935		31,42
0404 90 33 937		37,13
0404 90 33 939		38,87
0404 90 39 110		113,05
0404 90 39 115		113,99
0404 90 39 120		115,71
0404 90 39 130		125,81
0404 90 39 150		129,25
0404 90 39 900		—
0404 90 51 100		0,6200
0404 90 51 910		0,0564
0404 90 51 950		22,91
0404 90 53 110		0,6200
0404 90 53 130		0,9631
0404 90 53 150		1,0284
0404 90 53 170		1,1206
0404 90 53 911		0,0564
0404 90 53 913		0,1231
0404 90 53 915		0,1877
0404 90 53 917		0,2932
0404 90 53 919		0,4439
0404 90 53 931		22,91
0404 90 53 933		28,25
0404 90 53 935		38,70
0404 90 53 937		40,42
0404 90 53 939		—
0404 90 59 130		1,1305
0404 90 59 150		1,2581
0404 90 59 930		0,6377
0404 90 59 950		0,9175
0404 90 59 990		1,0467
0404 90 91 100		0,6200
0404 90 91 910		0,0564
0404 90 91 950		22,91
0404 90 93 110		0,6200
0404 90 93 130		0,9631
0404 90 93 150		1,0284

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1206
0404 90 93 911		0,0564
0404 90 93 913		0,1231
0404 90 93 915		0,1877
0404 90 93 917		0,2932
0404 90 93 919		0,4439
0404 90 93 931		22,91
0404 90 93 933		28,25
0404 90 93 935		38,70
0404 90 93 937		40,42
0404 90 93 939		—
0404 90 99 130		1,1305
0404 90 99 150		1,2581
0404 90 99 930		0,6377
0404 90 99 950		0,9175
0404 90 99 990		1,0467
0405 00 10 100		—
0405 00 10 200		139,88
0405 00 10 300		175,98
0405 00 10 500		180,49
0405 00 10 700		185,00
0405 00 90 100		185,00
0405 00 90 900		232,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	75,00
	404	—
	...	87,74
0406 20 90 915	028	—
	032	—
	400	100,00
	404	—
	...	116,99
0406 20 90 917	028	—
	032	—
	400	106,25
	404	—
	...	124,30
0406 20 90 919	028	—
	032	—
	400	118,75
	404	—
	...	138,92
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	15,41
	404	—
	...	23,26

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	—
	...	74,16
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	—
	...	74,16
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 100	—	—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	20,00
	...	50,52

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	28,00
	...	74,16
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	87,34
	404	—
	...	131,82
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	87,34
	404	—
	...	131,82
0406 40 00 100	028	—
0406 40 00 900	032	—
	038	—
	400	65,00
	404	—
	...	131,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (?)	Amount of refund
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	156,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	43,18
	404	—
	...	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 33 959		—
0406 90 35 110		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (")	Amount of refund
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	170,00
	404	140,00
	...	190,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	217,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	170,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	170,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	40,26
	404	—
	...	91,15

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	44,39
	404	—
	...	100,50
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	50,45
	404	—
	...	114,22
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	156,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	50,00
	404	—
	...	130,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	45,21
	404	—
	...	114,22

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	...	140,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	43,18
	404	—
	...	119,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 83 990	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	163,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	40,26
	404	—
	...	91,15
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	44,39
	404	—
	...	100,50
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	50,45
	404	—
	...	114,22
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	156,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	59,00
	404	—
	...	140,35
0406 90 89 972	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	59,00
	404	—
	...	140,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	18,09
	404	—
	...	21,46
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	31,72
	404	—
	...	37,62
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	38,62
	404	—
	...	45,81
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		18,60
2309 10 70 200		24,80
2309 10 70 300		31,00
2309 10 70 500		37,20
2309 10 70 600		43,40
2309 10 70 700		49,60
2309 10 70 800		54,56
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		18,60
2309 90 70 200		24,80
2309 90 70 300		31,00
2309 90 70 500		37,20
2309 90 70 600		43,40
2309 90 70 700		49,60
2309 90 70 800		54,56
2309 90 70 900		—

(⁷) 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).

COMMISSION REGULATION (EEC) No 3910/88
of 15 December 1988
fixing additional amounts for eggs in shell

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 3207/88⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No 4155/87⁽⁹⁾, and (EEC) No 2164/72⁽¹⁰⁾, as amended by Regulation (EEC) No

3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (a) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 19 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 286, 20. 10. 1988, p. 2.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

*ANNEX***Additional amounts applicable to certain products listed in Article 1 (1) (a) of Regulation (EEC) No 2771/75**

<i>(ECU/100 kg)</i>		
CN code	Description of imports ⁽¹⁾	Additional amount
0407 00 30	01	20,00

⁽¹⁾ Origin :

01 Finland, Norway, Sweden, Czechoslovakia and the German Democratic Republic (with the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems).

COMMISSION REGULATION (EEC) No 3911/88
of 15 December 1988
fixing additional amounts for poultrymeat 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 (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by the Regulation (EEC) No 3907/87 ⁽²⁾, and in particular Article 8 ⁽⁴⁾ thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries ⁽³⁾, as last amended by Regulation (EEC) No 1527/73 ⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third coun-

tries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 19 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 14.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

ANNEX

Additional amounts applicable to poultrymeat products with the exception of live and slaughtered poultry and halves or quarters

(Ecu/100 kg)

CN code	Description (1)	Additional amount
0207 39 11	01	4,00
0207 39 31	02	30,00
0207 39 75	03	10,00
0207 41 10	01	4,00
0207 42 10	02	30,00
0207 43 61	03	10,00

(1) Origin :

01 Hungary and Yugoslavia.

02 Israel.

03 Bulgaria, Israel and Poland.

COMMISSION REGULATION (EEC) No 3912/88

of 15 December 1988

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1104/88 ⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 3197/88 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 1105/88 ⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1988/89 marketing year was fixed by Regulation (EEC) No 2255/88 ⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82 the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the

beginning on the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Regulation (EEC) No 2258/88 ⁽⁸⁾;

Whereas, under Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, under Article 1 of Commission Regulation (EEC) No 2049/82 ⁽⁹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹⁰⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹¹⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹²⁾, as last amended by Regulation (EEC) No 1636/87 ⁽¹³⁾,
- 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 correcting factor;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 284, 19. 10. 1988, p. 19.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 110, 29. 4. 1988, p. 18.

⁽⁷⁾ OJ No L 199, 26. 7. 1988, p. 1.

⁽⁸⁾ OJ No L 199, 26. 7. 1988, p. 5.

⁽⁹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹⁰⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹¹⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession of Spain and Portugal the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1935/87⁽¹⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87⁽²⁾;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ECU that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted

into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1988/89 marketing year, has been fixed by Commission Regulation (EEC) No 2731/88⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 185, 4. 7. 1987, p. 21.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 5.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 116.

ANNEX I

Gross aid

Products intended for human consumption :

(in ECU per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Peas used :							
— in Spain	6,134	6,314	6,494	6,674	6,854	6,854	6,854
— in Portugal	6,186	6,366	6,546	6,726	6,906	6,906	6,906
— in another Member State	6,580	6,760	6,940	7,120	7,300	7,300	7,300
Field beans used :							
— in Spain	6,580	6,760	6,940	7,120	7,300	7,300	7,300
— in Portugal	6,186	6,366	6,546	6,726	6,906	6,906	6,906
— in another Member State	6,580	6,760	6,940	7,120	7,300	7,300	7,300

Products used in animal feed :

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
A. Peas used :							
— in Spain	8,567	8,661	8,754	8,934	9,114	10,108	10,108
— in Portugal	8,425	8,518	8,610	8,790	8,970	9,978	9,978
— in another Member State	8,691	8,786	8,881	9,061	9,241	10,222	10,222
B. Field beans used :							
— in Spain	9,453	9,675	9,829	10,009	10,482	10,929	10,929
— in Portugal	9,324	9,546	9,700	9,880	10,357	10,811	10,811
— in another Member State	9,566	9,787	9,941	10,121	10,591	11,032	11,032
C. Sweet lupins harvested in Spain and used :							
— in Spain	8,893	8,778	8,663	8,663	8,663	9,988	9,988
— in Portugal	8,704	8,587	8,470	8,470	8,470	9,815	9,815
— in another Member State	9,059	8,946	8,832	8,832	8,832	10,140	10,140
D. Sweet lupins harvested in another Member State and used :							
— in Spain	10,043	9,928	9,813	9,813	9,813	11,138	11,138
— in Portugal	9,854	9,737	9,620	9,620	9,620	10,965	10,965
— in another Member State	10,209	10,096	9,982	9,982	9,982	11,290	11,290

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	316,27	326,42	335,11	343,80	352,49	352,49	352,49
— Denmark (Dkr)	57,61	59,77	61,36	62,95	64,54	64,54	64,54
— Federal Republic of Germany (DM)	15,54	15,96	16,39	16,81	17,24	17,24	17,24
— Greece (Dr)	270,00	297,18	324,36	351,54	378,72	378,72	378,72
— Spain (Pta)	1 014,72	1 042,48	1 070,24	1 098,00	1 125,75	1 125,75	1 125,75
— France (FF)	49,15	51,23	52,59	53,96	55,32	55,32	55,32
— Ireland (£ Irl)	5,452	5,685	5,837	5,989	6,141	6,141	6,141
— Italy (Lit)	10 005	11 168	11 465	11 762	12 060	12 060	12 060
— Netherlands (Fl)	17,42	17,89	18,37	18,85	19,32	19,32	19,32
— Portugal (Esc)	1 237,09	1 270,93	1 304,77	1 338,61	1 372,45	1 372,45	1 372,45
— United Kingdom (£)	3,662	4,293	4,415	4,536	4,658	4,658	4,658

Amounts to be deducted in the case of :

- Peas used in Spain (Pta): 68,78,
- Peas, and field beans used in Portugal (Esc): 74,07.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	417,74	424,25	428,84	437,53	446,22	493,59	493,59
— Denmark (Dkr)	76,09	77,68	78,52	80,11	81,71	90,38	90,38
— Federal Republic of Germany (DM)	20,52	20,74	20,97	21,39	21,82	24,14	24,14
— Greece (Dr)	661,49	672,91	684,32	711,50	738,68	920,61	920,61
— Spain (Pta)	1 340,27	1 354,92	1 369,57	1 397,32	1 425,08	1 576,37	1 576,37
— France (FF)	64,94	66,60	67,32	68,68	70,05	77,49	77,49
— Ireland (£ Irl)	7,209	7,397	7,477	7,629	7,781	8,610	8,610
— Italy (Lit)	13 477	14 514	14 671	14 969	15 266	16 887	16 887
— Netherlands (Fl)	23,01	23,26	23,51	23,98	24,46	27,06	27,06
— Portugal (Esc)	1 633,97	1 651,83	1 669,69	1 703,53	1 737,37	1 921,81	1 921,81
— United Kingdom (£)	5,119	5,689	5,752	5,874	5,995	6,671	6,671
Amounts to be deducted in the case of use :							
— Spain (Pta)	19,12	19,28	19,59	19,59	19,59	17,58	17,58
— Portugal (Esc)	50,01	50,39	50,95	50,95	50,95	45,87	45,87

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (FB/Flux)	0,00	0,00	0,00	89,07	0,00	0,13	0,52	8,62	0,00	0,00	22,12
— Denmark (Dkr)	0,00	0,00	0,00	16,22	0,00	0,02	0,09	1,57	0,00	0,00	4,03
— Federal Republic of Germany (DM)	0,00	0,00	0,00	4,38	0,00	0,01	0,03	0,42	0,00	0,00	1,09
— Greece (Dr)	0,00	0,00	0,00	343,67	0,00	0,50	2,00	33,25	0,00	0,00	85,34
— Spain (Pta)	0,00	0,00	0,00	285,78	0,00	0,42	1,66	27,65	0,00	0,00	70,96
— France (FF)	0,00	0,00	0,00	13,86	0,00	0,02	0,08	1,34	0,00	0,00	3,44
— Ireland (£ Irl)	0,000	0,000	0,000	1,542	0,000	0,002	0,009	0,149	0,000	0,000	0,383
— Italy (Lit)	0	0	0	3 047	0	4	18	295	0	0	757
— Netherlands (Fl)	0,00	0,00	0,00	4,91	0,00	0,01	0,03	0,47	0,00	0,00	1,22
— Portugal (Esc)	0,00	0,00	0,00	348,40	0,00	0,51	2,02	33,71	0,00	0,00	86,51
— United Kingdom (£)	0,000	0,000	0,000	1,279	0,000	0,002	0,007	0,124	0,000	0,000	0,318

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	459,80	472,58	480,02	488,71	511,41	532,70	532,70
— Denmark (Dkr)	83,75	86,53	87,89	89,49	93,64	97,54	97,54
— Federal Republic of Germany (DM)	22,59	23,11	23,47	23,90	25,01	26,05	26,05
— Greece (Dr)	823,76	858,55	880,91	908,09	989,05	1 070,83	1 070,83
— Spain (Pta)	1 475,20	1 509,28	1 533,03	1 560,79	1 633,27	1 701,28	1 701,28
— France (FF)	71,48	74,19	75,36	76,72	80,29	83,63	83,63
— Ireland (£ Irl)	7,937	8,243	8,373	8,524	8,921	9,294	9,294
— Italy (Lit)	14 915	16 168	16 423	16 720	17 496	18 225	18 225
— Netherlands (Fl)	25,32	25,91	26,31	26,79	28,03	29,20	29,20
— Portugal (Esc)	1 798,47	1 840,02	1 868,98	1 902,82	1 991,18	2 074,09	2 074,09
— United Kingdom (£)	5,723	6,379	6,482	6,604	6,926	7,229	7,229
Amounts to be deducted in the case of use :							
— Spain (Pta)	17,43	17,27	17,27	17,27	16,81	15,88	15,88
— Portugal (Esc)	45,50	45,31	45,31	45,31	43,99	41,55	41,55

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	89,07	0,00	0,13	0,52	8,62	0,00	0,00	22,12
— Denmark (Dkr)	0,00	0,00	0,00	16,22	0,00	0,02	0,09	1,57	0,00	0,00	4,03
— Federal Republic of Germany (DM)	0,00	0,00	0,00	4,38	0,00	0,01	0,03	0,42	0,00	0,00	1,09
— Greece (Dr)	0,00	0,00	0,00	343,67	0,00	0,50	2,00	33,25	0,00	0,00	85,34
— Spain (Pta)	0,00	0,00	0,00	285,78	0,00	0,42	1,66	27,65	0,00	0,00	70,96
— France (FF)	0,00	0,00	0,00	13,86	0,00	0,02	0,08	1,34	0,00	0,00	3,44
— Ireland (£ Irl)	0,000	0,000	0,000	1,542	0,000	0,002	0,009	0,149	0,000	0,000	0,383
— Italy (Lit)	0	0	0	3 047	0	4	18	295	0	0	797
— Netherlands (Fl)	0,00	0,00	0,00	4,91	0,00	0,01	0,03	0,47	0,00	0,00	1,22
— Portugal (Esc)	0,00	0,00	0,00	348,40	0,00	0,51	2,02	33,71	0,00	0,00	86,51
— United Kingdom (£)	0,000	0,000	0,000	1,279	0,000	0,002	0,007	0,124	0,000	0,000	0,318

ANNEX VII

Partial aid

Sweet lupins intended for used in animal feed :

(in national currency per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Products harvested in :							
— BLEU (Bfrs/Lfrs)	490,70	487,50	482,00	482,00	482,00	545,16	545,16
— Denmark (Dkr)	89,38	89,27	88,26	88,26	88,26	99,82	99,82
— Federal Republic of Germany (DM)	24,10	23,84	23,57	23,57	23,57	26,66	26,66
— Greece (Dr)	869,62	848,66	827,52	827,52	827,52	1 070,10	1 070,10
— Spain (Pta)	1 574,36	1 556,93	1 539,35	1 539,35	1 539,35	1 741,06	1 741,06
— France (FF)	76,28	76,53	75,67	75,67	75,67	85,59	85,59
— Ireland (£ Irl)	8,471	8,502	8,406	8,406	8,406	9,511	9,511
— Italy (Lit)	15 910	16 679	16 490	16 490	16 490	18 651	18 651
— Netherlands (Fl)	27,02	26,72	26,42	26,42	26,42	29,89	29,89
— Portugal (Esc)	1 919,36	1 898,12	1 876,69	1 876,69	1 876,69	2 122,60	2 122,60
— United Kingdom (£)	6,099	6,566	6,487	6,487	6,487	7,389	7,389
Amounts to be deducted in the case of use in :							
— Spain (Pta)	25,60	25,91	26,06	26,06	26,06	23,44	23,44
— Portugal (Esc)	66,74	67,49	68,06	68,06	68,06	61,10	61,10

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	64,78	0,00	0,10	0,38	6,27	0,00	0,00	16,09
— Denmark (Dkr)	0,00	0,00	0,00	11,80	0,00	0,02	0,07	1,14	0,00	0,00	2,93
— Federal Republic of Germany (DM)	0,00	0,00	0,00	3,18	0,00	0,00	0,02	0,31	0,00	0,00	0,79
— Greece (Dr)	0,00	0,00	0,00	249,94	0,00	0,37	1,45	24,19	0,00	0,00	62,06
— Spain (Pta)	0,00	0,00	0,00	207,84	0,00	0,30	1,21	20,11	0,00	0,00	51,61
— France (FF)	0,00	0,00	0,00	10,08	0,00	0,01	0,06	0,98	0,00	0,00	2,50
— Ireland (£. Irl)	0,000	0,000	0,000	1,122	0,000	0,002	0,007	0,109	0,000	0,000	0,279
— Italy (Lit)	0	0	0	2 216	0	3	13	214	0	0	550
— Netherlands (Fl)	0,00	0,00	0,00	3,57	0,00	0,01	0,02	0,35	0,00	0,00	0,89
— Portugal (Esc)	0,00	0,00	0,00	253,38	0,00	0,37	1,47	24,52	0,00	0,00	62,92
— United Kingdom (£)	0,000	0,000	0,000	0,930	0,000	0,001	0,005	0,090	0,000	0,000	0,231

ANNEX IX

Exchange rate of the ECU to be used

	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
In national currency, 1 ECU =	42,4582	7,85212	2,05853	169,610	132,678	6,90403	0,768411	1 506,86	2,31943	169,216	0,635566

COMMISSION REGULATION (EEC) No 3913/88

of 15 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 3900/88⁽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 14 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 16 December 1988.

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

Done at Brussels, 15 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 346, 15. 12. 1988, p. 45.

⁽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 15 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⁾	241,37	235,33
1104 19 10 ⁽²⁾	241,37	235,33
1104 29 10 * 10 ⁽²⁾ ⁽⁶⁾	176,90	173,88
1104 29 30 * 10 ⁽²⁾ ⁽⁶⁾	212,20	209,18
1104 29 91 ⁽²⁾	136,37	133,35
1104 30 10	104,10	98,06
1107 10 11	243,60	232,72
1107 10 19	184,76	173,88
1108 11 00	292,78	272,23
1109 00 00	676,30	494,96
2302 10 10	60,18	54,18
2302 10 90	122,10	116,10
2302 20 10	60,18	54,18
2302 20 90	122,10	116,10
2302 30 10	60,18	54,18
2302 30 90	122,10	116,10
2302 40 10	60,18	54,18
2302 40 90	122,10	116,10

⁽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.

⁽⁶⁾ Taric code: wheat.

COMMISSION REGULATION (EEC) No 3914/88

of 14 December 1988

on the analytical procedures to be used in determining the dry matter, fatty matter and sugar content of products falling within CN code 1905 90 30

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 3174/88⁽²⁾, and in particular Article 9 thereof,

Whereas, in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the analytical procedures to be used in determining the sugars content (sum of sucrose, fructose, glucose, lactose and maltose content), fat content and dry matter content of products falling within CN code 1905 90 30;

Whereas the studies carried out and research done indicate that the analytical procedures set out in Article 1 of this Regulation are appropriate;

Whereas the entry into force of this Regulation involves the repeal of Commission Regulation (EEC) No 2093/84 of 19 July 1984 on the analytical procedure to be used in determining the dry matter, fatty matter and sugar content of certain ordinary bakers' wares falling within heading No 19.07 of the Common Customs Tariff⁽³⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The sugars content (sum of sucrose, fructose, glucose, lactose and maltose content), fat content and dry matter content of products falling within CN code 1905 90 30 shall be determined by means of the procedures set out below:

- sugars content (sum of sucrose, fructose, glucose, lactose and maltose content): to be determined by HPLC,
- fatty matter content: to be determined after hydrolysis by hydrochloric acid; substances which can be extracted with petroleum ether after that hydrolysis shall be regarded as fatty matter,
- dry matter content: to be determined by drying a representative sample to constant mass at $103 \pm 2^\circ\text{C}$.

Article 2

Regulation (EEC) No 2093/84 is hereby repealed.

Article 3

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

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

Done at Brussels, 14 December 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 298, 31. 10. 1988, p. 1.

⁽³⁾ OJ No L 193, 21. 7. 1984, p. 15.

COMMISSION REGULATION (EEC) No 3915/88

of 15 December 1988

laying down provisions for the implementation of Article 63c of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, as amended by Regulation (EEC) No 1315/88⁽²⁾, and in particular Article 143 thereof,

Whereas Article 63c of Regulation (EEC) No 918/83 provides for relief from import duties for consignments containing samples of reference substances approved by the World Health Organization (WHO) which are intended for use in the quality control of materials used in the manufacture of medicinal products; whereas such consignments are addressed to consignees authorized by the competent national authorities to benefit from such relief;

Whereas the requisite conditions for the correct implementation of that provision should be laid down; whereas those conditions must be established in accordance with the procedure provided for in Article 143 (2) and (3) of Regulation (EEC) No 918/83;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down provisions for the implementation of Article 63c of Regulation (EEC) No 918/83.

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

Done at Brussels, 15 December 1988.

Article 2

The relief referred to in Article 63c of Regulation (EEC) No 918/83 shall apply only to consignments sent by the 'WHO Collaborating Centre for Chemical Reference Substances' in Stockholm (Sweden) to consignees who are authorized by the competent national authorities to receive them duty free.

Article 3

Relief from import duties for consignments referred to in Article 63c of Regulation (EEC) No 918/83 shall be conditional on the display, on packages containing reference substances, of:

- firstly, the stamp of the WHO Collaborating Centre referred to in Article 2 above,
- secondly, a label, a specimen of which is shown in the Annex to this Regulation, on which the box corresponding to chemical reference substances has been clearly marked with a tick.

Article 4

Relief shall extend to any special packaging which is essential to the transportation of chemical reference substances and to any requisite accessories which the consignments may contain.

Article 5

This Regulation shall enter into force on 1 January 1989.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ OJ No L 123, 17. 5. 1988, p. 2.

ANNEX

Symbol and lettering in black

URGENT

☐ Medicinal products (!)

☐ Chemical reference substances (!)

(!) Tick appropriate box

Light green background

(Dimensions 62 × 44 mm)

COMMISSION REGULATION (EEC) No 3916/88
of 15 December 1988

extending the period of validity of the measures provided for by Regulation (EEC) No 3191/80 on transitional measures concerning non-recovery of the variable slaughter premium for sheepmeat and goatmeat products exported from the Community

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1115/88 ⁽²⁾, and in particular Article 33 thereof,

Whereas Commission Regulation (EEC) No 3191/80 of 9 December 1980 on transitional measures concerning non-recovery of the variable slaughter premium for sheepmeat and goatmeat products exported from the Community ⁽³⁾, as last amended by Commission Regulation (EEC) No 3680/87 ⁽⁴⁾ lays down that the period of validity of those measures shall end on the last day of the 1988 marketing year; whereas during this period the quantities exported within the framework of that Regulation have not been greater than the traditional quantities; whereas while waiting for decisions on this sector it is appropriate to extend this period up to the end of the 1989 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The period of validity of Regulation (EEC) No 3191/80 is hereby extended until the end of the 1989 marketing year.

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 from 2 January 1989.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 332, 10. 12. 1980, p. 14.

⁽⁴⁾ OJ No L 346, 10. 12. 1987, p. 16.

COMMISSION REGULATION (EEC) No 3917/88

of 15 December 1988

fixing, for 1989, the quota for imports into Portugal of live swine from third countries and certain detailed rules for the application thereof

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 3797/85 of 20 December 1985 laying down detailed rules concerning quantitative restrictions on imports into Portugal from third countries of certain agricultural products subject to the system of transition by stages ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾, and in particular Article 3 thereof,

Whereas the quotas for 1988 for imports into Portugal of certain pigmeat products from third countries are set out in the Annex to Commission Regulation (EEC) No 3718/87 ⁽³⁾; whereas Article 3 of the said Regulation lays down a minimum annual rate of progressive increase of the quotas of 10 % during the first stage; whereas this increase still reflects market needs; whereas, however, the Portuguese authorities have requested that quantitative restrictions on imports, in the pigmeat sector, be limited to imports of live swine; whereas the evolution of the trade since accession allows the acceptance of this request; whereas the quota for 1989 should be fixed accordingly;

Whereas, to ensure proper management of the quota, applications for import authorizations should be subject to the lodging of a security; whereas provision should also be made for the quota to be staggered over the year;

Whereas provision should be made for Portugal to communicate information to the Commission on the application of the quota;

Whereas this Regulation replaces Regulation (EEC) No 3718/87; whereas the said Regulation should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quota for 1989 that Portugal may apply pursuant to Article 280 of the Act of Accession, on imports of live

swine from third countries, shall be as shown in the Annex hereto.

Article 2

1. The Portuguese authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between the applicants.

The quota shall be staggered over the year as follows:

- 25 % during the period from 1 January to 31 March 1989,
- 25 % during the period from 1 April to 30 June 1989,
- 25 % during the period from 1 July to 30 September 1989,
- 25 % during the period from 1 October to 31 December 1989.

2. Applications for import authorizations shall be subject to the lodging of a security which shall be released under the conditions defined by the Portuguese authorities once the goods have been imported.

Article 3

The minimum rate of progressive increase of the quota shall be 10 % at the beginning of each year during the first stage.

The increase shall be added to each quota and the subsequent increase shall be calculated on the basis of the total figure obtained.

Article 4

The Portuguese authorities shall communicate to the Commission the measures which they adopt for the application of Article 2.

They shall transmit, not later than the 15th of each month, the following information in respect of the preceding month:

- the quantities covered by the import authorizations issued, by country of provenance,
- the quantities imported, by country of provenance.

Article 5

Regulation (EEC) No 3718/87 is hereby repealed.

Article 6

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 23.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 349, 12. 12. 1987, p. 23.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

(tonnes)		
CN code	Description	Quota for 1989
0103	Live swine :	24
0103 10 00	— Pure-bred breeding animals	
	— Other :	
ex 0103 91	— — Weighing less than 50 kg :	
0103 91 10	— — — Domestic species	
ex 0103 92	— — Weighing 50 kg or more :	
	— — — Domestic species :	
0103 92 11	— — — — Sows having farrowed at least once, of a weight of not less than 160 kg	24
0103 92 19	— — — — Other	

COMMISSION REGULATION (EEC) No 3918/88

of 15 December 1988

fixing, from 1989, the quota for imports into Portugal of live swine from Spain
and certain detailed rules for the application thereof

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 3792/85
of 20 December 1985 laying down the arrangements
applying to trade in agricultural products between Spain
and Portugal⁽¹⁾, as last amended by Regulation (EEC) No
3296/88⁽²⁾, and in particular Article 13 thereof,

Whereas the quotas for 1988 for imports into Portugal of
certain products from Spain are set out in the Annex to
Commission Regulation (EEC) No 3719/87⁽³⁾, as
amended by Regulation (EEC) No 2199/88⁽⁴⁾; whereas
Article 4 (4) (a) of Regulation (EEC) No 3792/85 lays
down a minimum annual rate of increase of the quotas of
10 % during the first stage; whereas these quotas are in
addition to those applicable under Article 269 of the Act
of Accession to imports from the Community as
constituted at 31 December 1985; whereas, however, the
Portuguese authorities have requested that quantitative
restrictions on imports, in the pigmeat sector, be limited
to imports of live swine; whereas the evolution of the
trade since accession allows the acceptance of this
request; whereas the quota for 1989 should be fixed
accordingly;

Whereas, to ensure proper management of the quota,
applications for import authorizations should be subject
to the lodging of a security; whereas provision should
also be made for the quota to be staggered over the year;

Whereas provision should be made for Portugal to
communicate information to the Commission on the
application of the quota;

Whereas this Regulation replaces Regulation (EEC) No
3719/87; whereas the said Regulation should therefore be
repealed;

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

Article 1

The quota for 1989 that Portugal may apply pursuant to
Regulation (EEC) No 3792/85, on imports of live swine
from Spain, shall be as shown in the Annex hereto.

Article 2

1. The Portuguese authorities shall issue import
authorizations so as to ensure a fair allocation of the
available quantity between the applicants.

The quota shall be staggered over the year as follows:

- 25 % during the period from 1 January to 31 March
1989,
- 25 % during the period from 1 April to 30 June 1989,
- 25 % during the period from 1 July to 30 September
1989,
- 25 % during the period from 1 October to 31
December 1989.

2. Applications for import authorizations shall be
subject to the lodging of a security which shall be released
under the conditions defined by the Portuguese
authorities once the goods have been imported.

Article 3

The Portuguese authorities shall communicate to the
Commission the measures which they adopt for the
application of Article 2.

They shall transmit, not later than the 15th of each
month, the following information in respect of the
preceding month:

- the quantities covered by the import authorizations
issued,
- the quantities imported.

Article 4

Regulation (EEC) No 3719/87 is hereby repealed.

Article 5

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 349, 12. 12. 1987, p. 27.

⁽⁴⁾ OJ No L 195, 23. 7. 1988, p. 50.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

CN code	Description	(tonnes) Quota for 1989
0103	Live swine :	45
0103 10 00	- Pure-bred breeding animals	
	- Other :	
ex 0103 91	- - Weighing less than 50 kg :	
0103 91 10	- - - Domestic species	
ex 0103 92	- - Weighing 50 kg or more :	
	- - - Domestic species :	
0103 92 11	- - - - Sows having farrowed at least once, of a weight of not less than 160 kg	
0103 92 19	- - - - Other	

COMMISSION REGULATION (EEC) No 3919/88
of 15 December 1988

**laying down detailed rules for applying the quota for imports into Portugal of
live swine from the Community as constituted on 31 December 1985**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

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 495/86 of 25 February 1986 fixing for 1986 the initial quotas applicable to Portuguese imports from the Community as constituted on 31 December 1985 of certain products in the pigmeat sector⁽¹⁾, as amended by Regulation (EEC) No 3720/87⁽²⁾, and in particular Article 2 thereof,

Whereas the Portuguese authorities have requested that quantitative restrictions on imports, in the pigmeat sector, be limited to imports of live swine;

Whereas detailed rules for applying the quota fixed by the Council pursuant to Article 269 of the Act of Accession should be laid down;

Whereas, to ensure proper management of the quota fixed in this way, applications for import authorizations should be subject to the lodging of a security; whereas provision should also be made for the quota to be staggered over the year;

Whereas provision should be made for Portugal to communicate information to the Commission on the application of the quota;

Whereas this Regulation replaces certain provisions of Commission Regulation (EEC) No 3720/87; whereas the said Regulation should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for applying Regulation (EEC) No 495/86.

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 34.

⁽²⁾ OJ No L 349, 12. 12. 1987, p. 31.

1. The Portuguese authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between applicants.

The quota shall be staggered over the year as follows:

- 25 % during the period from 1 January to 31 March 1989,
- 25 % during the period from 1 April to 30 June 1989,
- 25 % during the period from 1 July to 30 September 1989,
- 25 % during the period from 1 October to 31 December 1989.

2. Applications for import authorizations shall be subject to the lodging of a security which shall be released under the conditions defined by the Portuguese authorities once the goods have been imported.

Article 3

The Portuguese authorities shall communicate to the Commission the measures which they adopt for the application of Article 2.

They shall transmit, not later than the 15th of each month, the following information in respect of the preceding month:

- the quantities covered by the import authorizations issued, by country of provenance,
- the quantities imported, by country of provenance.

Article 4

Regulation (EEC) No 3720/87 is hereby repealed.

Article 5

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3920/88
of 15 December 1988
fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 2261/88 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 3026/88 ⁽⁴⁾, as last amended by Regulation (EEC) No 3835/88 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3026/88 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 55,304 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 199, 26. 7. 1988, p. 8.

⁽⁴⁾ OJ No L 271, 1. 10. 1988, p. 69.

⁽⁵⁾ OJ No L 338, 9. 12. 1988, p. 38.

COMMISSION REGULATION (EEC) No 3921/88
of 15 December 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 16 December 1988.

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

Done at Brussels, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 15 December 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 (?)
	07	22,00
	02	20,00 (?)
1001 90 91 000	01	0
1001 90 99 000	05	58,00
	07	22,00
	06	65,00
	02	20,00
1002 00 00 000	06	65,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	65,00
	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	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	97,00
1101 00 00 120	01	97,00
1101 00 00 130	01	89,00
1101 00 00 150	01	79,00
1101 00 00 170	01	69,00
1101 00 00 180	01	59,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	97,00
1102 10 00 200	01	97,00
1102 10 00 300	01	97,00
1102 10 00 500	01	97,00
1102 10 00 900	—	—
1103 11 10 100	04	235,00
	02	200,00
1103 11 10 200	04	235,00
	02	189,00
1103 11 10 500	01	169,00
1103 11 10 900	01	159,00
1103 11 90 100	01	97,00
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 Zone II b),
- 07 Poland.

(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).

COMMISSION REGULATION (EEC) No 3922/88

of 15 December 1988

fixing the corrective amount applicable to the refund on cereals

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⁾,

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⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is 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 possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation 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 exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- 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 preceding indent and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ 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, 15 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 15 December 1988 fixing the corrective amount
applicable to the refund on cereals

Product code	Destination (*)	(ECU/tonne)						
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	—	—	—
1001 10 90 000	01	0	0	0	0	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	02	0	0	0	0	0	- 30,00	- 30,00
	03	0	+ 3,00	+ 3,00	+ 3,00	0	- 30,00	- 30,00
	04	0	+ 4,50	+ 4,50	+ 4,50	0	0	0
1002 00 00 000	01	0	0	0	0	0	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	0	—	—	—
1003 00 90 000	02	0	0	0	0	0	- 30,00	- 30,00
	03	0	+ 3,00	+ 3,00	+ 3,00	0	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	0	0	—	—
1101 00 00 120	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	—	—
1102 10 00 200	01	0	0	0	0	0	—	—
1102 10 00 300	01	0	0	0	0	0	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 10 200	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 10 500	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 10 900	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(*) For the following destinations:

- 01 all third countries,
- 02 other third countries,
- 03 Algeria, Tunisia, Egypt and the Canary Islands,
- 04 Soviet Union,
- 05 Algeria.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 December 1988

approving a second programme relating to the milk sector in Belgium pursuant to Council Regulation (EEC) No 355/77

(Only the Dutch and French texts are authentic)

(88/624/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 13 January 1988 the Belgian Government forwarded a second programme approved by Decision 80/411/EEC⁽³⁾ and whereas it provided further information on 11 August 1988;

Whereas the aim of the second programme is to rationalize and redirect the processing and marketing of drinking milk and milk products so as to increase the competitiveness of the sector and to increase the value of its products; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas, in view of the situation on the milk market, approval of the programme cannot relate to investment projects:

- providing for an increase in milk processing capacity if such projects do not prove at the same time that equivalent capacities are being closed down;
- relating to the production of butter, whey powder, milk powder, butteroil, lactose, casein and caseinates;

- relating to the production of other products incurring European Agricultural Guarantee and Guidance Fund (EAGGF) Guarantee Section expenditure that would be unjustifiable in view of the market situation;

Whereas approval of that programme cannot extend to investments relating to research and development, in particular for new products;

Whereas approval of that programme cannot extend to investments relating to milk collection;

Whereas approval of that programme cannot relate to investments for the manufacture of products such as certain sorts of cheeses for which there is already surplus production capacity within the European Community;

Whereas approval of that programme cannot relate to investments concerning products not listed in Annex II to the Treaty;

Whereas the programme contains sufficient details required under Article 3 of Regulation (EEC) No 355/77 showing that the objectives laid down in Article 1 thereof may be achieved in the milk and milk products processing and marketing sector in Belgium; whereas the schedule for implementation of the 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,

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽³⁾ OJ No L 98, 16. 4. 1980, p. 12.

HAS ADOPTED THIS DECISION:

Article 1

1. The second programme for the milk sector submitted by the Belgian Government on 13 January 1988 and supplemented on 11 August 1988 pursuant to Regulation (EEC) No 355/77 is hereby approved.

2. Approval does not extend to projects:

- which provide for an increase in milk processing capacity unless evidence is furnished to show that equivalent capacities are being closed down;
- which relate to the production of butter, whey powder, milk powder, butteroil, lactose, casein or caseinates;
- which relate to the production of other products incurring EAGGF Guarantee Section expenditure that would be unjustifiable in view of the market situation.

3. Approval of the programme shall not extend to investments relating to products which are not listed in Annex II to the Treaty, investments relating to research on and development of new products, milk collection or the manufacture of products for which there already exists surplus production capacities within the European Community.

Article 2

This Decision is addressed to Belgium.

Done at Brussels, 7 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 8 December 1988

amending Decision 82/947/EEC authorizing the United Kingdom to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the English text is authentic)

(88/625/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, as last amended by Directive 88/380/EEC ⁽²⁾, and in particular Article 15 (2), (3) and (7) thereof;

Whereas, under Article 15 (1) of Directive 70/457/EEC, seed and propagating material of varieties of agricultural plant species which have been officially accepted in at least one of the Member States in accordance with the provisions of the said Directive are in principle subject to no marketing restrictions relating to variety within the Community;

Whereas, however, Article 15 (2) of the said Directive provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the United Kingdom was authorized by Commission Decision 82/947/EEC ⁽³⁾ to prohibit the marketing of seed of certain varieties of agricultural plant species, including the wheat variety Campremy;

Whereas, in respect of the variety Campremy, the authorization was granted on the ground that, when assessed in accordance with the national rules governing the acceptance of varieties in the United Kingdom, which apply as part of current Community provisions, the variety was not considered sufficiently uniform with regard to certain of its characteristics (Article 15 (3) (a) of Directive 70/457/EEC);

Whereas the variety can now after all be considered sufficiently uniform and the United Kingdom has requested that the authorization be withdrawn;

Whereas, therefore, the authorization can no longer be justified by the aforementioned provision of Directive 70/457/EEC and Decision 82/947/EEC should be amended accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 (II) of Decision 82/947/EEC the following point is deleted:

'2. *Triticum aestivum* 'L.
Campremy'.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 8 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ OJ No L 187, 16. 7. 1988, p. 31.

⁽³⁾ OJ No L 383, 31. 12. 1982, p. 23.