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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3923/88
of 12 December 1988**

imposing a definitive anti-dumping duty on imports of paracetamol originating in the People's Republic of China and definitively collecting the provisional duty

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 regard to the proposal from the Commission, submitted after consultation within the Advisory Committee as provided for under that Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 1745/88⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of paracetamol originating in the People's Republic of China. That duty was extended for a period not exceeding two months by Regulation (EEC) No 3172/88⁽³⁾.

B. Subsequent procedure

- (2) After the provisional anti-dumping duty was imposed, the exporter concerned requested and was granted a hearing. He made his views known on the said duty.

C. Dumping

- (3) No new evidence concerning dumping has been communicated since the provisional duty was imposed and the results of the inquiry set out in Regulation (EEC) No 1745/88 are accordingly considered to be definitive.

D. Injury

- (4) No new evidence concerning injury to Community industry has been communicated and the

conclusions concerning injury set out in Regulation (EEC) No 1745/88 are accordingly confirmed.

The Council accordingly shares the Commission's view that the facts as definitively established show that the injury caused by dumped imports of paracetamol originating in the People's Republic of China must be considered as material.

E. Community interest

- (5) No new information concerning the Community interest has been communicated since the provisional duty was imposed and the conclusions concerning the Community interest set out in Regulation (EEC) No 1745/88 remain unchanged. In these circumstances the defence of Community interests requires the imposition of a definitive anti-dumping duty on imports of paracetamol originating in the People's Republic of China.

F. Undertaking

- (6) The exporter concerned offered the Commission a price undertaking for future exports to the Community. The Commission did not consider that undertaking as acceptable. It informed the exporter concerned of the reasons for its decision.

G. Definitive duty

- (7) The Council confirms that it considers it necessary to apply a variable duty levied on the basis of a minimum price which, while remaining substantially lower than the dumping margin, corresponds to the minimum price required to ensure that the Community producer receives an adequate return on his sales.

Since the Commission's conclusions concerning the form and rate of the provisional anti-dumping duty set out in Regulation (EEC) No 1745/88 remain unchanged, the amount of the definitive anti-dumping duty should be equal to that of the provisional anti-dumping duty,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 155, 22. 6. 1988, p. 29.

⁽³⁾ OJ No L 282, 15. 10. 1988, p. 29.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of paracetamol falling within CN code 2924 29 30 and originating in the People's Republic of China.
2. The amount of the duty shall be equal either to the difference between the net, free-at-Community frontier price per kilogram, not cleared through customs and ECU 5, or to 15 % of this net, free-at-Community frontier price per kilogram, not cleared through customs, whichever is the higher.

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

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 1745/88 are hereby definitively collected.

Article 3

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

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

Done at Brussels, 12 December 1988.

For the Council

The President

P. ROUMELIOTIS

COMMISSION REGULATION (EEC) No 3924/88

of 16 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 15 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 17 December 1988.

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

Done at Brussels, 16 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 16 December 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies (ECU/tonne)	
	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	129,80
1001 90 99	0,00	129,80
1002 00 00	35,82	115,88 ⁽³⁾
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 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	29,59	0,00
1101 00 00	0,41	195,57
1102 10 00	63,20	176,08
1103 11 10	62,89	302,87
1103 11 90	0,72	210,31

⁽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 3925/88

of 16 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 15 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 17 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 16 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 3926/88
of 16 December 1988
fixing the import levies on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 2229/88⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN code 1006 10, 1006 20 and 1006 30⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2699/88⁽⁴⁾, as last amended by Regulation (EEC) No 3841/88⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2699/88 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

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, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 307, 12. 11. 1988, p. 17.

⁽⁵⁾ OJ No L 340, 10. 12. 1988, p. 8.

ANNEX

to the Commission Regulation of 16 December 1988 fixing the import levies on rice and broken rice

(ECU/tonne)				
CN code	Portugal	Third countries (except ACP or OCT) (¹)	ACP or OCT (¹) (²) (³)	Arrangement in Regulation (EEC) No 3877/86
1006 10 91	—	303,29	148,04	—
1006 10 99 (⁴)	—	301,42	147,11	226,07
1006 20 10	—	379,11	185,95	—
1006 20 90 (⁴)	—	376,77	184,78	282,58
1006 30 11	13,05	503,06	239,60	—
1006 30 19 (⁴)	12,97	586,42	281,32	439,82
1006 30 91	13,90	535,76	255,53	—
1006 30 99 (⁴)	13,90	628,65	301,97	471,49
1006 40 00	0	119,58	56,79	—

(¹) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

(²) In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The amount is applicable to medium-grain and long-grain rice, as defined in paragraph 2 of Annex A of Regulation (EEC) No 1418/76, as amended by Regulation (EEC) No 3877/87 (OJ No L 365, 24. 12. 1987, p. 1).

N.B. The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25).

COMMISSION REGULATION (EEC) No 3927/88**of 16 December 1988****fixing the premiums to be added to the import levies on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2700/88 ⁽³⁾, as last amended by Regulation (EEC) No 3842/88 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

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, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 30.

⁽⁴⁾ OJ No L 340, 10. 12. 1988, p. 10.

ANNEX

to the Commission Regulation of 16 December 1988 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU / tonne)			
	Current 12	1st period 1	2nd period 2	3rd period 3
1006 10 91	0	0	0	—
1006 10 99 (*)	0	0	0	—
1006 20 10	0	0	0	—
1006 20 90 (*)	0	0	0	—
1006 30 11	0	0	0	—
1006 30 19 (*)	0	0	0	—
1006 30 91	0	0	0	—
1006 30 99 (*)	0	0	0	—
1006 40 00	0	0	0	0

(*) The amount is applicable to medium-grain and long-grain rice, as defined in paragraph 2 of Annex A of Regulation (EEC) No 1418/76, as amended by Regulation (EEC) No 3877/87 (OJ No L 365, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3928/88
of 16 December 1988

**amending Regulation (EEC) No 1787/87 introducing the buying-in of beef in
respect of certain Member States and qualities and fixing the buying-in prices
for beef**

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 805/68 of 27
June 1968 on the common organization of the market in
beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No
2248/88 ⁽²⁾, and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾,
as last amended by Regulation (EEC) No 3844/88 ⁽⁴⁾,
introduced the buying-in of beef in respect of certain
Member States or regions thereof and quality groups, and
fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4)
and to Article 3 (2) of Commission Regulation (EEC) No

2226/78 ⁽⁵⁾, as last amended by Regulation (EEC) No
3492/88 ⁽⁶⁾, the buying-in prices should be replaced, on
the basis of the data and prices available to the Commis-
sion, by the list of Member States or regions thereof and
the quality groups eligible for intervention annexed to
this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to amended Regulation (EEC) No 1787/87 is
hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 26 December
1988.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 24.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 340, 10. 12. 1988, p. 14.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 306, 11. 11. 1988, p. 20.

*ANNEX**ANNEX I***Member States or regions within a Member State and groups of qualities**

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	CR
Germany	AU, AR
Spain	—
France	—
Ireland	—
Italy	—
Luxembourg	AR, AO
Netherlands	—
Great Britain	CU
Northern Ireland	CU, CR'

COMMISSION REGULATION (EEC) No 3929/88

of 16 December 1988

concerning the stopping of fishing for cod by vessels flying the flag of Ireland

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3977/87 of 21 December 1987 fixing, for certain fish stocks and groups of fish stocks, total allowable catches for 1988 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 3472/88⁽⁴⁾, provides for cod quotas for 1988;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitation on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of Ireland or registered in Ireland have reached the quota allocated for 1988; whereas Ireland has

prohibited fishing for this stocks as from 9 December 1988; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of Ireland or registered in Ireland are deemed to have exhausted the quota allocated to Ireland for 1988.

Fishing for cod in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of Ireland or registered in Ireland is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 9 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 375, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 305, 10. 11. 1988, p. 12.

COMMISSION REGULATION (EEC) No 3930/88

of 16 December 1988

concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3977/87 of 21 December 1987 fixing, for certain fish stocks and groups of fish stocks, total allowable catches for 1988 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 3472/88⁽⁴⁾, provides for common sole quotas for 1988;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII f, and g by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1988; whereas Belgium has prohibited

fishing for this stock as from 10 December 1988; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII f, and g by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1988.

Fishing for common sole in the waters of ICES division VII f and g by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 10 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 375, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 305, 10. 11. 1988, p. 12.

COMMISSION REGULATION (EEC) No 3931/88

of 16 December 1988

concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 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,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 16 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.

ANNEX

Description of the goods	Classification CN Code	Reasons																		
(1)	(2)	(3)																		
Preparation in the form of tablets (weighing 100 mg per tablet) put up in retail packages with instructions on dosage and use to counter calcium deficiency, having the following homeopathic composition : <table><tr><td>Lactose :</td><td>79,0 mg</td></tr><tr><td>Silica D-6 :</td><td>2,5 mg</td></tr><tr><td>Calcium phosphate D-6 :</td><td>0,5 mg</td></tr><tr><td>Calcium carbonate D-4 :</td><td>0,5 mg</td></tr><tr><td>Sodium phosphate D-6 :</td><td>0,5 mg</td></tr><tr><td>Urtica D-1 :</td><td>10,0 mg</td></tr><tr><td>Starch :</td><td>5,0 mg</td></tr><tr><td>Magnesium stearate :</td><td><u>2,0 mg</u></td></tr><tr><td></td><td>100,0 mg</td></tr></table>	Lactose :	79,0 mg	Silica D-6 :	2,5 mg	Calcium phosphate D-6 :	0,5 mg	Calcium carbonate D-4 :	0,5 mg	Sodium phosphate D-6 :	0,5 mg	Urtica D-1 :	10,0 mg	Starch :	5,0 mg	Magnesium stearate :	<u>2,0 mg</u>		100,0 mg	2106 90 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the texts of CN codes 2106, 2106 90 and 2106 90 99. The product is a food supplement and not a medicament within the meaning of CN code 3004 (see also HS Explanatory Notes to heading No 2106).
Lactose :	79,0 mg																			
Silica D-6 :	2,5 mg																			
Calcium phosphate D-6 :	0,5 mg																			
Calcium carbonate D-4 :	0,5 mg																			
Sodium phosphate D-6 :	0,5 mg																			
Urtica D-1 :	10,0 mg																			
Starch :	5,0 mg																			
Magnesium stearate :	<u>2,0 mg</u>																			
	100,0 mg																			

COMMISSION REGULATION (EEC) No 3932/88

of 16 December 1988

opening an invitation to tender for the sale of olive oil held by the Portuguese intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Portuguese intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Portuguese intervention agency, 'Instituto Regulador e Orientador de Mercados Agrícolas', hereinafter referred to as 'Iroma', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

- 825 tonnes of extra virgin olive oil,
- 500 tonnes of virgin olive oil,
- 220 tonnes of virgin lampante olive oil.

Article 2

The invitation to tender shall be published on 19 December 1988.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Iroma, Rua Padre António Vieira nº 1, Lisboa, Portugal.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach the Iroma, at the central office, Rua Padre António Vieira nº 1, Lisboa, Portugal not later than 2 p.m. (local time) on 10 January 1989.

Article 4

1. With regard to virgin lampante olive oil, tenders shall be submitted for an oil of 5° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

Virgin lampante olive oil:

- up to 5° acidity:
increase of Esc 601,6 for each degree or fraction of degree of acidity below 5°,
- above 5° up to 8° acidity:
reduction of Esc 601,6 for each degree or fraction of degree of acidity above 5°,
- above 8°:
additional reduction of Esc 658 for each degree or fraction of degree above 8°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, Iroma shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Iroma not later than the fifth working day after the date of notification of the decision referred to in Article 6.

Iroma shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Esc 3 340 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Esc 430 per 100 kilograms.

Article 10

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

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3933/88**of 16 December 1988****amending Annex IV to Regulation (EEC) No 3433/81 laying down detailed rules for the application of Regulation (EEC) No 1796/81 as regards imports of preserved cultivated mushrooms originating in non-member countries**

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

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

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of preserved cultivated mushrooms ⁽³⁾, and in particular Article 6 thereof,

Whereas Article 4 (1) of Commission Regulation (EEC) No 3433/81 ⁽⁴⁾, as last amended by Regulation (EEC) No 3179/88 ⁽⁵⁾, lays down that the entry into free circulation of the quantities of mushrooms originating in the People's Republic of China, South Korea and Taiwan shall be subject to the production of a certificate to be issued by the competent authorities listed in Annex IV to the Regulation; whereas the People's Republic of China

has appointed a new competent authority in this field; whereas the Annex should therefore be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EEC) No 3433/81 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽³⁾ OJ No L 183, 4. 7. 1981, p. 1.

⁽⁴⁾ OJ No L 346, 2. 12. 1981, p. 5.

⁽⁵⁾ OJ No L 283, 18. 10. 1988, p. 8.

*ANNEX**ANNEX IV*

The competent authorities referred to in Article 4 of this Regulation are as follows:

For the People's Republic of China:

- Shanghai Foreign Economic Relations and Trade Commission
- Fujian Foreign Economic Relations and Trade Commission
- Guangxi Foreign Economic Relations and Trade Commission
- Zhejiang Foreign Economic Relations and Trade Commission
- Jiangsu Foreign Economic Relations and Trade Commission
- Sichuan Foreign Economic Relations and Trade Commission
- Chongqing City Foreign Economic Relations and Trade Commission
- Anhui Foreign Economic Relations and Trade Commission
- Guangdong Foreign Economic Relations and Trade Commission
- Import/Export Department, Ministry of Foreign Economic Relations and Trade.

For South Korea:

Korea Canned Goods Export Association.

For Taiwan:

Taiwan Mushroom Packers United Export Corporation.

COMMISSION REGULATION (EEC) No 3934/88

of 16 December 1988

amending Regulation (EEC) No 636/86 fixing the quantitative restrictions on imports into Spain of certain fruit and vegetables from third countries

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 3798/85 of 20 December 1985 laying down detailed rules governing quantitative restrictions on imports into Spain of certain fruit and vegetables from third countries⁽¹⁾, and in particular Article 3 thereof,

Whereas Article 144 of the Act of Accession provides that Spain may maintain quantitative restrictions on imports of certain fruit and vegetables from third countries until 31 December 1989; whereas Commission Regulation (EEC) No 636/86⁽²⁾, as last amended by Regulation (EEC) No 3941/87⁽³⁾, fixes, by volume, the quotas applicable in Spain in respect of certain fruit and vegetables from third countries;

Whereas an increase of 15 % in the quotas for 1988 is not likely to cause disruption on the Spanish market;

whereas the quotas for 1989 should therefore be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 636/86 is hereby amended as follows:

1. In Article 1 (1), 'for 1988' is replaced by 'for 1989';
2. Annex I is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 28.

⁽²⁾ OJ No L 60, 1. 3. 1986, p. 22.

⁽³⁾ OJ No L 373, 31. 12. 1987, p. 15.

ANNEX

ANNEX I

CN code	Description	(tonnes) Quota for 1989
0702 00	Tomatoes, fresh or chilled :	} 3 047
0702 00 10	— From 1 November to 14 May	
0702 00 90	— From 15 May to 31 October	
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled :	} 3 031
0703 10	— Onions and shallots :	
	— — Onions :	
0703 10 11	— — — Seed	
0703 10 19	— — — Other	
0703 20 00	— Garlic	574
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled :	} 1 644
0704 10	— Cauliflowers and headed broccoli :	
0704 10 10	— — From 15 April to 30 November	
0704 10 90	— — From 1 December to 14 April	
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled :	} 505
ex 0706 10 00	— Carrots and turnips :	
	— Carrots	
0805	Citrus fruit, fresh or chilled :	} 2 632
0805 10	— Oranges :	
	— — Sweet oranges, fresh :	
	— — — From 1 April to 30 April :	
0805 10 11	— — — Sanguines and semi-sanguines	
	— — — Other :	
0805 10 15	— — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	
0805 10 19	— — — — Other	
	— — — From 1 May to 15 May :	
0805 10 21	— — — Sanguines and semi-sanguines	
	— — — Other :	
0805 10 25	— — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	
0805 10 29	— — — — Other	
	— — — From 16 May to 15 October :	
0805 10 31	— — — Sanguines and semi-sanguines	
	— — — Other :	
0805 10 35	— — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	
0805 10 39	— — — — Other	
	— — — From 16 October to 31 March :	
0805 10 41	— — — Sanguines and semi-sanguines	
	— — — Other :	
0805 10 45	— — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	
0805 10 49	— — — — Other	
	— — Other :	
0805 10 70	— — — From 1 April to 15 October	
0805 10 90	— — — From 16 October to 31 March :	

CN code	Description	(tonnes) Quota for 1989
0805 20	— Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids:	
ex 0805 20 30	— — Monreales and satsumas:	
	— — Satsumas	
ex 0805 20 50	— — Mandarins and wilkings:	
	— — Mandarins	} 692
0805 20 70	— — Tangerines:	
0805 30	— Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):	
0805 30 10	— — Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>):	712
0806	Grapes, fresh or dried:	
0806 10	— Fresh:	
	— — Table grapes:	
	— — — From 1 November to 14 July:	
0806 10 11	— — — — Of the variety Emperor (<i>Vitis vinifera</i> cv.) from 1 December to 31 January	} 773
0806 10 15	— — — — Other	
0806 10 19	— — — From 15 July to 31 October:	
0808	Apples, pears and quinces, fresh:	
0808 10	— Apples:	
0808 10 10	— — Cider apples, in bulk, from 16 September to 15 December	
	— — Other:	
0808 10 91	— — — From 1 August to 31 December	} 1 494
0808 10 93	— — — From 1 January to 31 March	
0808 10 99	— — — From 1 April to 31 July	
0808 20	— Pears and quinces:	
	— — Pears:	
0808 20 10	— — — Perry pears, in bulk, from 1 August to 31 December	
	— — — Other:	
0808 20 31	— — — — From 1 January to 31 March	} 741
0808 20 33	— — — — From 1 April to 15 July	
0808 20 35	— — — — From 16 July to 31 July	
0808 20 39	— — — — From 1 August to 31 December	
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:	
0809 10 00	— Apricots	492
ex 0809 30 00	— Peaches, including nectarines:	
	— Peaches	1 414'

COMMISSION REGULATION (EEC) No 3935/88

of 16 December 1988

amending Regulation (EEC) No 637/86 fixing the quantitative restrictions on imports into Portugal of certain fruit and vegetables from third countries

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 (1) thereof,Whereas Article 280 of the Act of Accession provides that Portugal may maintain quantitative restrictions on imports from third countries of certain agricultural products until 31 December 1995; whereas Commission Regulation (EEC) No 637/86 ⁽³⁾, as last amended by Regulation (EEC) No 3942/87 ⁽⁴⁾, fixes, by volume, the quotas applicable in Portugal in respect of certain fruit and vegetables from third countries;

Whereas an increase of 10 % in the quotas for 1988 is not likely to cause disruption on the Portuguese market;

whereas the volume of the quotas for 1989 should therefore be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 637/86 is hereby amended as follows:

1. in Article 1 (1), 'for 1988' is replaced by 'for 1989';
2. the Annex is replaced by the Annex to this Regulation.

Article 2.

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 23.⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.⁽³⁾ OJ No L 60, 1. 3. 1986, p. 26.⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 20.

ANNEX

ANNEX I

CN code	Description	(tonnes) Quota for 1989
0702 00	Tomatoes, fresh or chilled :	
ex 0702 00 10	— From 1 November to 14 May :	
	— From 1 December to 14 May	
ex 0702 00 90	— From 15 May to 31 October :	598
	— From 15 May to 31 May	
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled :	
0703 10	— Onions and shallots :	
	— — Onions :	
ex 0703 10 11	— — — Seed :	
	— From 1 August to 30 November	
ex 0703 10 19	— — — Other :	227
	— From 1 August to 30 November	
ex 0703 20 00	— Garlic :	
	— From 1 August to 31 December	10
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled :	
0704 10	— Cauliflowers and headed broccoli :	
ex 0704 10 10	— — From 15 April to 30 November :	
	— From 1 November to 30 November	
ex 0704 10 90	— — From 1 December to 14 April :	100
	— From 1 December to 31 March	
0805	Citrus fruit, fresh or chilled :	
0805 10	— Oranges :	
	— — Sweet oranges, fresh :	
	— — — From 1 April to 30 April :	
0805 10 11	— — — — Sanguines and semi-sanguines	
	— — — — Other :	
0805 10 15	— — — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	
0805 10 19	— — — — — Other	
	— — — — — From 1 May to 15 May :	
0805 10 21	— — — — — Sanguines and semi-sanguines	
	— — — — — Other :	
0805 10 25	— — — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	
0805 10 29	— — — — — Other	
	— — — — — From 16 May to 15 October :	
ex 0805 10 31	— — — — — Sanguines and semi-sanguines :	
	— From 16 May to 31 August	
	— — — — — Other :	
ex 0805 10 35	— — — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins :	128
	— From 16 May to 31 August	
ex 0805 10 39	— — — — — Other :	
	— From 16 May to 31 August	
	— — — — — From 16 October to 31 March :	

CN code	Description	(tonnes) Quota for 1989
ex 0805 10 41	— — — — Sanguines and semi-sanguines : — From 1 February to 31 March	24
	— — — — Other :	
ex 0805 10 45	— — — — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamllins : — From 1 February to 31 March	
ex 0805 10 49	— — — — Other : — From 1 February to 31 March	
	— — Other :	
ex 0805 10 70	— — — From 1 April to 15 October : — From 1 April to 31 August	
ex 0805 10 90	— — — From 16 October to 31 March : — From 1 February to 31 March	
0805 20	— Mandarins (including tangerines and satsumas); clementines, wilkins and similar citrus hybrids :	
ex 0805 20 30	— — Monreales and satsumas : — Satsumas : from 1 November to 31 March	
ex 0805 20 50	— — Mandarins and wilkins : — Mandarins : from 1 November to 31 March	
ex 0805 20 70	— — Tangerines : — From 1 November to 31 March	24
0805 30	— Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):	
ex 0805 30 10	— — Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>): — From 1 June to 31 October	
0806	Grapes, fresh or dried :	407
0806 10	— Fresh : — — Table grapes :	
ex 0806 10 19	— — — From 15 July to 31 October : — From 15 August to 30 September	
0808	Apples, pears and quinces, fresh :	
0808 10	— Apples : — — Other :	686
ex 0808 10 93	— — — From 1 January to 31 March : — From 1 March to 31 March	
ex 0808 10 99	— — — From 1 April to 31 July : — From 1 April to 30 June	
0808 20	— Pears and quinces : — — Pears : — — — Other :	
ex 0808 20 31	— — — — From 1 January to 31 March : — From 1 February to 31 March	427
0808 20 33	— — — — From 1 April to 15 July	
0808 20 35	— — — — From 16 July to 31 July	
ex 0808 20 39	— — — — From 1 August to 31 December : — From 1 August to 31 August	
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh :	40
ex 0809 10 00	— Apricots : — From 15 June to 15 July	
ex 0809 30 00	— Peaches, including nectarines : — Peaches : from 1 May to 30 September	

COMMISSION REGULATION (EEC) No 3936/88
of 16 December 1988

**amending Regulation (EEC) No 639/86 fixing the quotas for imports into
Portugal of certain vegetables from the Canary Islands**

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

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

Having regard to Council Regulation (EEC) No 502/86 of
25 February 1986 laying down detailed rules for quanti-
tative restrictions on imports into Portugal of certain
agricultural products from the Canary Islands⁽¹⁾, and in
particular Article 3 thereof,

Whereas, pursuant to Protocol 2 to the Act of Accession
and the abovementioned Regulation (EEC) No 502/86,
Portugal is authorized to maintain restrictions on imports
on certain products from the Canary Islands;

Whereas Commission Regulation (EEC) No 639/86⁽²⁾, as
last amended by Regulation (EEC) No 3943/87⁽³⁾, fixes
the level of the quantitative restrictions applicable in
Portugal in respect of certain vegetables from the Canary
Islands;

Whereas an increase of 20 % in the quotas for 1988 is
not likely to cause disruption on the Portuguese market;

Whereas the volume of the quotas for 1989 should
therefore be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 639/86 is hereby amended as
follows:

1. in Article 1, 'for 1988' is replaced by 'for 1989';
2. the Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 16 December 1988.

For the Commission
Frans ANDRIESSEN
Vice-President

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 49.

⁽²⁾ OJ No L 60, 1. 3. 1986, p. 30.

⁽³⁾ OJ No L 373, 31. 12. 1987, p. 23.

ANNEX

ANNEX

CN code	Description	(tonnes) Quota for 1989
0702 00	Tomatoes, fresh or chilled:	
ex 0702 00 10	— From 1 November to 14 May:	
	— From 1 December to 14 May	} 259
ex 0702 00 90	— From 15 May to 31 October:	
	— From 15 May to 31 May	
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:	
0703 10	— Onions and shallots:	
	— — Onions:	
ex 0703 10 11	— — — Seed:	
	— From 1 August to 30 November	} 97
ex 0703 10 19	— — — Other:	
	— From 1 August to 30 November	

COMMISSION REGULATION (EEC) No 3937/88

of 16 December 1988

on the sale by storage agencies of unprocessed currants for the manufacture of dried grapes paste

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2247/88 ⁽²⁾, and in particular Articles 8 (8) and 20 thereof,Having regard to Council Regulation (EEC) No 1277/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables ⁽³⁾, and in particular Article 6 (1) thereof,Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies ⁽⁴⁾, as last amended by Regulation (EEC) No 2328/88 ⁽⁵⁾, provides that products to be put to specific uses yet to be determined are to be sold at prices fixed in advance or determined by an invitation to tender;

Whereas, in order to take advantage of a new possibility for disposal, provision should be made for unprocessed currants held by storage agencies to be sold for the manufacture of dried grapes paste at a price fixed in advance; whereas the quantities which may be put up for sale must be limited to quantities determined on the basis of possible uses of dried grapes by the industry;

Whereas, in order to guarantee proper utilization of the unprocessed dried grapes, the finished product must be defined; whereas the lodging of a processing security guaranteeing that the unprocessed dried grapes will be used in accordance with the provisions in force must be required;

Whereas Regulation (EEC) No 626/85 lays down the conditions applying to the sale of unprocessed currants by storage agencies; whereas the particulars of the purchase application that are specified in Article 7 (2) of that Regulation should be supplemented by a declaration by the applicant specifying the limitations which will be observed regarding the use of the grapes;

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

Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. Unprocessed currants bought in by storage agencies pursuant to Regulation (EEC) No 626/85 may be sold at a price fixed in advance for the manufacture of dried grapes paste in accordance with the provisions of this Regulation.

2. The quantities put up for sale shall be limited depending on probable disposal possibilities for the purpose laid down.

Article 2

1. The unprocessed currants shall be used for the manufacture of paste falling within CN code 2007.

Manufacture shall be completed within 120 days at the latest after the date of acceptance of the purchase application as referred to in Article 8 (2) of Regulation (EEC) No 626/85.

2. A processing security shall be lodged to guarantee that the unprocessed currants will be used within the period specified in paragraph 1.

Article 3

In addition to the particulars specified in Article 7 (2) of Regulation (EEC) No 626/85, purchase applications shall include a declaration by which the applicant undertakes to use the grapes for the purpose specified in Article 2 (1) above.

Article 4

During the period in which unprocessed currants are being offered for sale under the terms of this Regulation, Member States shall notify the Commission:

(a) by the 10th of each month at the latest, of the quantities sold between the 16th and the last day of the previous month;

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁵⁾ OJ No L 202, 27. 7. 1988, p. 45.

(b) by the 25th of each month at the latest, of the quantities sold between the first and the 15th of that month.

Article 5

The storage agencies responsible for sales under the terms of this Regulation, the prices to be charged, the quantity to be put on sale and the amount of the processing

security shall be determined in accordance with the procedure laid down in Article 22 of Regulation (EEC) No 426/86.

Article 6

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

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3938/88**of 16 December 1988****determining the price fixed in advance of unprocessed currants from the 1986 harvest, reserved for the manufacture of dried grapes paste**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Committee for Products Processed from Fruit and Vegetables,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2247/88⁽²⁾, and in particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1277/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables⁽³⁾, and in particular Article 6 (1) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies⁽⁴⁾, as last amended by Regulation (EEC) No 2328/88⁽⁵⁾, stipulates that such products, intended for specific uses yet to be determined, must be sold at prices fixed in advance or determined by an invitation to tender;

Whereas Commission Regulation (EEC) No 3937/88 of 16 December 1988 on the sale by storage agencies of unprocessed currants for the manufacture of dried grapes paste⁽⁶⁾ stipulates that certain quantities of dried grapes may be sold at a price fixed in advance to interested operators;

Whereas the price fixed in advance should be set at a level related to the prices of other similar raw materials used for this purpose and the amount of the security designed to ensure processing of the raw material should be fixed;

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

Article 1

1. The Greek storage agencies listed in the Annex shall proceed to the sale of a maximum of 200 tonnes of currants from the 1986 harvest, in accordance with the provisions of Regulations (EEC) No 626/85 and (EEC) No 3937/88 at a price of Ecu 45 per 100 kilograms net.

2. The processing security referred to in Article 2 (2) of Regulation (EEC) No 3937/88 shall be Ecu 15 per 100 kilograms net.

Article 2

1. Purchase applications must be lodged in writing with each Greek storage agency at the headquarters of the YDAGEP, 241 Acharnon Street, Athens.

2. Details of the quantities and storage locations may be obtained by interested parties at the addresses given in the Annex.

Article 3

1. The competent authority shall ensure that the quantity referred to in Article 1 (1) is not exceeded.

2. The storage agencies shall notify the competent authority on a daily basis of the applications and quantities deemed acceptable under Article 8 (1) of Regulation (EEC) No 626/85. For this purpose, the said authority shall approve the purchase applications before acceptance.

3. Where purchase applications exceed the quantity referred to in Article 1 (1), the competent authority shall assign the quantity of dried grapes available by drawing lots.

Article 4

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁵⁾ OJ No L 202, 27. 7. 1988, p. 45.

⁽⁶⁾ See page 29 of this Official Journal.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

List of storage agencies referred to in Article 1 of this Regulation

1. ASO, Mezonos 241, Patras, Greece.
 2. Panegialios Enosis Sineterismon, Egion, Greece.
 3. Enosis Georgikon Sineterismon Zakynthou, Zakynthos, Greece.
 4. Enosis Georgikon Sineterismon, Olympia Ilias, Pyrgos, Greece.
 5. Kentriki syneteristiki enosi prostasias georgikon proionton nomou messinias, Kalamata, Greece.
-

COMMISSION REGULATION (EEC) No 3939/88**of 16 December 1988****amending Regulation (EEC) No 2580/88 laying down the rules for amending the list of rice varieties set out in Annex B to Council Regulation (EEC) No 3878/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3878/87 of 18 December 1987 on the production aid for certain varieties of rice ⁽¹⁾, as amended by Regulation (EEC) No 1424/88 ⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Article 2 (1) of Commission Regulation (EEC) No 2580/88 ⁽³⁾ lays down 31 July for the introduction of applications from Member States for the inclusion of rice varieties in Annex B to Regulation (EEC) No 3878/87 ;

Whereas inclusion in the national catalogue is an essential condition for the introduction of such applications ; whereas, as such a condition cannot be met by that date, which precedes the harvest, the date in question should be put back to 20 December ;

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

In Article 2 (1) of Regulation (EEC) No 2580/88, '31 July' is hereby replaced by '20 December'.

Article 2

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

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 365, 24. 12. 1987, p. 3.

⁽²⁾ OJ No L 131, 27. 5. 1988, p. 2.

⁽³⁾ OJ No L 230, 19. 8. 1988, p. 8.

COMMISSION REGULATION (EEC) No 3940/88
of 16 December 1988
fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 3901/88 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 December 1988.

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

Done at Brussels, 16 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 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 346, 15. 12. 1988, p. 47.

ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	36,16 ⁽¹⁾
1701 11 90	36,16 ⁽¹⁾
1701 12 10	36,16 ⁽¹⁾
1701 12 90	36,16 ⁽¹⁾
1701 91 00	44,75
1701 99 10	44,75
1701 99 90	44,75 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 3941/88

of 16 December 1988

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 3734/88⁽³⁾, as last amended by Regulation (EEC) No 3822/88⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3734/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 3734/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December 1988.

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

Done at Brussels, 16 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 328, 1. 12. 1988, p. 9.

⁽⁴⁾ OJ No L 337, 8. 12. 1988, p. 24.

ANNEX

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

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4475	—
1702 20 90	0,4475	—
1702 30 10	—	53,75
1702 40 10	—	53,75
1702 60 10	—	53,75
1702 60 90	0,4475	—
1702 90 30	—	53,75
1702 90 60	0,4475	—
1702 90 71	0,4475	—
1702 90 90	0,4475	—
2106 90 30	—	53,75
2106 90 59	0,4475	—

COMMISSION REGULATION (EEC) No 3942/88**of 16 December 1988****amending for the second time Regulation (EEC) No 3796/88 introducing a countervailing charge on fresh clementines originating in Morocco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 3796/88 ⁽³⁾, as amended by Regulation (EEC) No 3854/88 ⁽⁴⁾, introduced a countervailing charge on fresh clementines originating in Morocco;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh clementines originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3796/88, 'Ecu 3,68' is hereby replaced by 'Ecu 8,65'.

Article 2

This Regulation shall enter into force on 17 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 334, 6. 12. 1988, p. 18.

⁽⁴⁾ OJ No L 343, 13. 12. 1988, p. 13.

COMMISSION REGULATION (EEC) No 3943/88

of 16 December 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of apples originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 1789/88 of 24 June 1988 fixing the reference price for apples for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of December 1988 at Ecu 45,63 per 100 kilograms net;

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

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

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

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

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, when the Commission introduces a countervailing charge on imports of apples in Turkey, at the same time it reintroduces for the product in question the conventional rate of customs duty; whereas, therefore, a rate of customs duty of 8 % should be reintroduced for these apples, with a minimum charge of Ecu 2,30 per 100 kilograms net;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of Ecu 9,97 per 100 kilograms net is applied on imports of apples (CN code 0808 10 91) originating in Turkey.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 158, 25. 6. 1988, p. 18.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

2. The rate of customs duty on imports of these products shall be 8 % with a minimum charge of Ecu 2,30 per 100 kilograms net.

Article 2

This Regulation shall enter into force on 20 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3944/88
of 16 December 1988
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3765/88⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3806/88⁽⁷⁾, as amended by Regulation (EEC) No 3857/88⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3806/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ are as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 19 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 330, 2. 12. 1988, p. 15.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 335, 7. 12. 1988, p. 18.

⁽⁸⁾ OJ No L 343, 13. 12. 1988, p. 17.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	19,180	19,223	18,992	19,161	19,329	19,573
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	45,68	45,79	45,25	45,69	46,09	46,95
— Netherlands (Fl)	50,95	51,07	50,46	50,93	51,37	52,29
— BLEU (Bfrs/Lfrs)	917,51	928,22	917,06	925,23	933,34	945,12
— France (FF)	135,92	140,41	138,51	139,76	141,00	142,84
— Denmark (Dkr)	164,44	168,18	166,10	167,58	169,05	171,21
— Ireland (£ Irl)	15,101	15,615	15,405	15,544	15,682	15,886
— United Kingdom (£)	11,260	12,016	11,821	11,891	11,998	12,035
— Italy (Lit)	28 311	29 845	29 326	29 477	29 741	29 786
— Greece (Dr)	1 977,81	1 959,28	1 870,05	1 861,72	1 880,71	1 819,08
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	2 912,92	2 920,38	2 881,88	2 896,32	2 922,54	2 920,24
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 165,66	4 172,54	4 109,61	4 118,67	4 149,45	4 135,93

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	21,680	21,723	21,492	21,661	21,829	22,073
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	51,59	51,69	51,16	51,59	51,99	52,85
— Netherlands (Fl)	57,57	57,69	57,08	57,54	57,99	58,90
— BLEU (Bfrs/Lfrs)	1 037,67	1 048,94	1 037,78	1 045,94	1 054,05	1 065,84
— France (FF)	154,61	159,37	157,47	158,72	159,96	161,80
— Denmark (Dkr)	186,33	190,29	188,20	189,68	191,16	193,31
— Ireland (£ Irl)	17,179	17,725	17,514	17,653	17,791	17,995
— United Kingdom (£)	12,901	13,704	13,508	13,579	13,686	13,723
— Italy (Lit)	32 304	33 933	33 414	33 565	33 828	33 873
— Greece (Dr)	2 349,80	2 331,27	2 242,05	2 233,72	2 252,71	2 191,08
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	3 298,45	3 305,92	3 267,41	3 281,85	3 308,07	3 305,78
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 635,68	4 642,56	4 579,63	4 588,68	4 619,47	4 605,94

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	24,507	24,885	23,990	24,368	24,746
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	58,25	59,14	57,06	57,98	58,87
— Netherlands (Fl)	65,05	66,05	63,69	64,71	65,71
— BLEU (Bfrs/Lfrs)	1 173,64	1 201,62	1 158,40	1 176,66	1 194,91
— France (FF)	175,89	183,53	176,40	179,28	182,15
— Denmark (Dkr)	211,15	218,30	210,28	213,63	216,97
— Ireland (£ Irl)	19,546	20,413	19,621	19,940	20,260
— United Kingdom (£)	14,781	15,870	15,192	15,411	15,668
— Italy (Lit)	36 864	39 155	37 493	38 000	38 620
— Greece (Dr)	2 787,55	2 831,65	2 611,32	2 641,33	2 698,92
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 763,92	3 822,12	3 683,59	3 729,85	3 788,07
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 895,93	6 969,16	6 772,99	6 824,39	6 897,76
— in another Member State (Esc)	6 696,33	6 764,44	6 576,95	6 626,87	6 698,11
3. Compensatory aids:					
— in Spain (Pta)	3 708,82	3 767,02	3 629,60	3 675,86	3 734,08
4. Special aid:					
— in Portugal (Esc)	6 696,33	6 767,44	6 576,95	6 626,87	6 698,11

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

ANNEX IV

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

(value of 1 ECU)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
DM	2,078620	2,074590	2,070590	2,066910	2,066910	2,055000
Fl	2,346130	2,341460	2,337400	2,333750	2,333750	2,322420
Bfrs/Lfrs	43,543800	43,516700	43,498200	43,482800	43,482800	43,422400
FF	7,102050	7,104140	7,108650	7,112190	7,112190	7,126590
Dkr	8,016210	8,016710	8,018240	8,020150	8,020150	8,029800
£ Irl	0,776890	0,776637	0,776718	0,776989	0,776989	0,777877
£	0,647100	0,649117	0,651010	0,652746	0,652746	0,658469
Lit	1 534,01	1 540,89	1 546,24	1 551,43	1 551,43	1 567,08
Dr	173,36100	175,03000	176,79800	178,35100	178,35100	183,66500
Esc	172,38100	173,24700	174,01900	175,00500	175,00500	177,62300
Pta	135,04000	135,41200	135,91100	136,41600	136,41600	138,08600

COMMISSION REGULATION (EEC) No 3945/88

of 16 December 1988

authorizing the conclusion of long-term private storage contracts for table wine, grape must, concentrated grape must and rectified concentrated grape must in respect of the 1988/89 wine year

THE COMMISSION 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 Articles 32 (5) and 81 thereof,

Whereas the forward estimate drawn up for the 1988/89 wine year indicates that the amounts of table wine available at the beginning of the wine year exceeds by more than four months' supply those normally used up over the year; whereas the conditions for authorization of long-term storage contracts specified in Article 32 (4) of Regulation (EEC) No 822/87 are therefore met;

Whereas the forward estimate indicates the existence of surpluses for all types of table wine and for table wines which stand in close economic relationship to those types of table wine; whereas it should therefore be made possible for long-term contracts to be concluded for those types of table wine; whereas it is necessary for the same reasons to open this possibility for grape must, concentrated grape must and rectified concentrated grape must;

Whereas Article 47 of Regulation (EEC) No 822/87 provides that only producers fulfilling the obligations laid down in Article 35 and, where appropriate, Articles 36 and 39 of that Regulation during a reference period to be determined may qualify for the intervention measures; whereas that period must therefore be specified;

Whereas the first subparagraph of Article 6 (2) of Commission Regulation (EEC) No 1059/83 of 29 April 1983 on storage contracts for table wine, grape must, concentrated grape must and rectified concentrated grape must⁽³⁾, as last amended by Regulation (EEC) No 3500/88⁽⁴⁾, specifies that table wines eligible for long-term storage contracts shall be classified into two categories on the basis of their characteristics with regard to quality; whereas minimum quality characteristics commensurate with the quality of the 1988 harvest should be fixed for each category;

Whereas it is necessary, for the purposes of possible implementation of Article 42 of Regulation (EEC) No 822/87, to know the maximum quantity of table wine subject to storage contract which may be distilled as provided for in the said Article; whereas producers should therefore be required to provide intervention agencies with the necessary information, which they are then to pass on to the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 16 December 1988 to 15 February 1989 private long-term storage contracts may be concluded, in accordance with the provisions of Regulation (EEC) No 1059/83, for:

- all types of table wine and for table wines in close economic relationship to such table wine, provided that the conditions of Article 6 of that Regulation are met, and
- grape must, concentrated grape must and rectified concentrated grape must.

2. In accordance with Article 47 (1) of Regulation (EEC) No 822/87 producers who, during the 1987/88 wine year, were subject to the obligations referred to in Articles 35, 36 or 39 of Regulation (EEC) No 822/87 wine year shall not be entitled to benefit from the measures provided for in this Regulation unless they provide evidence that they have complied with their obligations during the reference periods laid down in Article 18 of Commission Regulation (EEC) No 3105/88⁽⁵⁾ and Article 22 of Commission Regulation (EEC) No 441/88⁽⁶⁾.

Article 2

The minimum quality conditions that must be met for the two categories of wine referred to in Article 6 (2) of Regulation (EEC) No 1059/83 are set out in the Annexes to this Regulation.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽³⁾ OJ No L 116, 30. 4. 1983, p. 77.

⁽⁴⁾ OJ No L 306, 11. 11. 1988, p. 36.

⁽⁵⁾ OJ No L 277, 8. 10. 1988, p. 21.

⁽⁶⁾ OJ No L 45, 18. 2. 1988, p. 15.

Article 3

1. Producers who, within the limits specified in the first subparagraph of Article 5 (1) of Regulation (EEC) No 1059/83, wish to conclude a long-term storage contract for a table wine shall, when submitting the application for conclusion of a contract, advise the intervention agency of the total quantity of table wine they have produced during the current wine year.

For this purpose the producer shall submit a copy of the production declaration(s) drawn up pursuant to Article 2 of Commission Regulation (EEC) No 3929/87⁽¹⁾.

2. The Member States shall communicate to the Commission, not later than 10 May 1989, the maximum quantity of table wine subject to long-term storage contract which may be distilled as provided for in Article 42 (2) of Regulation (EEC) No 822/87.

Article 4

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

It shall apply with effect from 16 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 369, 29. 12. 1987, p. 59.

ANNEX I

MINIMUM QUALITY CONDITIONS FOR SECOND CATEGORY TABLE WINES

I. White wines

- | | |
|--|--|
| (a) minimum actual alcoholic strength : | 10 % vol |
| (b) minimum total acidity (expressed as tartaric acid) : | 4,5 grams per litre and 3,5 grams per litre for table wines produced in Spain ⁽¹⁾ |
| (c) maximum volatile acidity : | 9 milliequivalents |
| (d) maximum sulphur dioxide content : | 175 milligrams per litre |
| (e) maximum residual sugar content : | 2,5 grams per litre |
| (f) resistance with exposure to air : | good for 24 hours |
| (g) absence of abnormal taste. | |

II. Red wines

- | | |
|--|--|
| (a) minimum actual alcoholic strength : | 10 % vol |
| (b) minimum total acidity (expressed as tartaric acid) : | |
| — for wine of an actual alcoholic strength below 11 % vol : | 5 grams per litre and 4 grams per litre for table wines produced in Spain ⁽¹⁾ |
| — for wine of an actual alcoholic strength of 11 % vol or more : | 4,5 grams per litre and 3,5 grams per litre for table wines produced in Spain ⁽¹⁾ |
| (c) maximum volatile acidity : | |
| — for wine of an actual alcoholic strength below 12,5 % vol : | 12 milliequivalents per litre |
| — for wine of an actual alcoholic strength of 12,5 % vol or more : | 14 milliequivalents per litre |
| (d) maximum sulphur dioxide content : | 140 milligrams per litre |
| (e) maximum residual sugar content : | 2,5 grams per litre |
| (f) resistance with exposure to air : | good for 24 hours |
| (g) absence of abnormal taste : | |
| (h) absence of hybrids, as shown by test for malvidol diglucoside. | |

Rosé wines must comply with the conditions laid down above for red wines except as regards their content of sulphur dioxide, for which the same time limits as those fixed for white wines shall apply.

Conditions (a), (d) and (e) shall not apply to wines of types R III, A II and A III.

⁽¹⁾ Article 127 of the Act of Accession.

ANNEX II

MINIMUM QUALITY CONDITIONS FOR SUPERIOR CATEGORY TABLE WINES

I. White wines

- | | |
|--|--|
| (a) minimum actual alcoholic strength : | 11 % vol |
| (b) minimum total acidity (expressed as tartaric acid) : | 4,5 grams per litre and 3,5 grams per litre for table wines produced in Spain ⁽¹⁾ ; |
| (c) maximum volatile acidity : | 8 milliequivalents per litre |
| (d) maximum sulphur dioxide content : | 155 milligrams per litre |
| (e) maximum residual sugar content : | 2 grams per litre |
| (f) resistance with exposure to air : | good for 24 hours |
| (g) absence of abnormal taste. | |

II. Red wines

- | | |
|--|--|
| (a) minimum actual alcoholic strength : | 11 % vol |
| (b) minimum total acidity (expressed as tartaric acid) : | 4,5 grams per litre and 3,5 grams per litre for table wines produced in Spain ⁽¹⁾ ; |
| (c) maximum volatile acidity : | 11 milliequivalents per litre |
| (d) maximum sulphur dioxide content : | 115 milligrams per litre |
| (e) maximum residual sugar content : | 2 grams per litre |
| (f) resistance with exposure to air : | good for 24 hours |
| (g) absence of abnormal taste : | |
| (h) absence of hybrids. | |

Rosé wines must comply with the conditions laid down above for red wines except as regards their content of sulphur dioxide, for which the same time limits as those fixed for white wines shall apply.

Conditions (a), (d) and (e) shall not apply to wines of types R III, A II and A III.

⁽¹⁾ Article 127 of the Act of Accession.

COUNCIL REGULATION (EEC) No 3946/88

of 16 December 1988

imposing a definitive anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey the United States of America or Yugoslavia

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 notified the EEC-Yugoslavia Cooperation Council in accordance with Articles 35 and 38 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽³⁾,

Having regard to the proposal from the Commission, submitted after consultations within the Advisory Committee set up under the said Regulation,

Whereas :

A. PROVISIONAL MEASURES

- (1) Under Regulation (EEC) No 1696/88⁽⁴⁾, the Commission imposed a provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia. This duty was extended for a period not to exceed two months by Regulation (EEC) No 3170/88⁽⁵⁾.

B. SUBSEQUENT PROCEDURE

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

Community producers, most exporters and certain importers and users also expressed their views on

the Regulation imposing the provisional duty in writing.

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

C. DUMPING

1. Normal value

I. Overall method

- (3) In the case of Mexico, Taiwan, Turkey and the United States, the 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 substantial domestic sales of a given type of product, either the internal market price of the nearest type or alternatively the constructed value was used. Where substantial quantities of the domestic sales of a given product were 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 overall profits made on sales of similar products by the producer concerned.

II. The specific cases below should be noted:

(a) *United States*

- (4) In the case of some American dealers, constructed value was calculated definitively on the basis of the prices which the dealers actually paid the producers, plus a reasonable margin to cover their expenses and a profit margin established on the basis of their sales of similar products.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 3.

⁽³⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽⁴⁾ OJ No L 151, 17. 6. 1988, p. 47.

⁽⁵⁾ OJ No L 282, 15. 10. 1988, p. 27.

(b) *Mexico*

- (5) The normal value provisionally established for one exporter was adjusted at his 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.

(c) *Romania*

- (6) In view of the fact that Romania is not a market economy, normal value was calculated definitively from the normal value on the Turkish market.

The Romanian exporter raised objections about the choice of the Turkish market, pointing to the level of market protection, differences in production methods and higher wage costs in Turkey and, after the imposition of the provisional duty, suggested that Yugoslavia should be the reference country.

No significant differences were found between Romania and Turkey as regards the production technique, scale of production or the types of product. On the contrary, price levels and production costs in Turkey were found to be in reasonable proportion.

On wage costs, the argument could not be taken into consideration in practice since any alleged advantage is difficult to quantify and may be negated by other disadvantages. Furthermore, in market economies prices are not set solely on the basis of production costs but also take into account demand.

Lastly, the choice of the Yugoslav market was not considered appropriate in so far as Yugoslav producers do not produce black fibres, which make up a large proportion of Romanian exports to the Community.

Accordingly, the Council confirms the validity of the choice of the Turkish market.

(d) *Taiwan* YUL

- (7) Two exporters opposed the choice of the constructed value rather than the normal value of a similar product where there were no domestic sales of the type of product exported. The constructed value was chosen in the case of one exporter because the Commission lacked sufficient information to choose a similar product. The other exporter's proposal to group sales of fibres into four main categories was not adopted because this

method would not have allowed the Commission to make a sufficiently detailed comparison.

(e) *Yugoslavia*

- (8) Normal value was determined definitively on the basis of the prices paid or payable for the product on the internal market as shown in the firm's price lists. During the previous investigation it was established that actual prices were in line with list prices.

2. *Export prices*

- (9) 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 custom duties, and a margin considered reasonable to cover general expenses and profit, given the profit margins of independent importers of the product in question.

The Taiwanese exporters' request for adjustment of the exchange rates for prices of exports to the Community was accepted, the evidence presented having been found satisfactory.

3. *Comparison*

- (10) 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 were maintained.

The following specific cases should be noted:

(a) *United States*

- (11) Certain requests for adjustment concerning transport pursuant to Article 2 (10) (c) (i) of Regulation (EEC) No 2423/88 were taken into consideration, convincing supporting evidence having been submitted. In the case of one dealer, an adjustment was made in connection with the commissions paid in respect of the sales under consideration, pursuant to Article 2 (10) (c) (v) of the said Regulation.

(b) *Mexico and Yugoslavia*

- (12) Adjustments to take account of credit costs, pursuant to Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, were reconsidered following requests accompanied by sufficient supporting evidence.

(c) *Taiwan*

- (13) A further request was made for adjustment in respect of hedging of exchange rates but no new arguments were brought forward. The Council therefore confirms the Commission's conclusions rejecting this request in recital 17 of Regulation (EEC) No 1696/88.

(d) *Turkey*

- (14) An adjustment to take account of credit costs, pursuant to Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, was reconsidered following requests accompanied by sufficient supporting evidence.

However, 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.

4. *Dumping margins*

- (15) 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:

*United States of America**Producers*

— BASF Corp., Williamsburg	23,1 %
— E.I. Du Pont de Nemours & Co., Wilmington	0 %
— Eastman Chemical Products Inc., Kingsport	9,9 %
— Celanese Fibers Inc., Charlotte	9,2 %

Dealers

— William Barnet and Son Inc., Arcadia	6,2 %
— Consolidated Textiles, Charlotte	0 %
— Leigh Fibers Inc., Spartanburg	5,4 %
— RSM Co., Charlotte	2,5 %
— Titan Textile Co. Inc., Paterson	4,5 %

The dumping margin provisionally established for the R & M International Sales Co., Philadelphia, was not maintained since it had been calculated on

the basis of exports of fibres of Mexican origin not originating in the United States.

Mexico

— Celanese Mexicana SA., Mexico City	22,1 %
— Crisol Textil SA de CV, Mexico City	10,7 %
— Fibras Sinteticas SA de CV, Mexico City	15,0 %
— Kimex SA, Mexico City	9,5 %

Romania

— Ice Danubiana, Bucharest	23,4 %
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Taiwan

— Chung Shing Textile Co. Ltd, Taipei	15,8 %
— Far Eastern Textile Ltd, Taipei	5,1 %
— Nan Ya Plastics Corp., Taipei	6,3 %
— Shinkong Synthetic Fibres Corp., Taipei	9,2 %

Turkey

— Sasa Artificial & Synthetic Fibres Inc., Adana	6,8 %
— Sönmez Filament, Bursa	11,9 %

Yugoslavia

— Ohis Commerce, Skopje	18,7 %
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For the exporters listed below which failed to cooperate satisfactorily with the Commission investigation, the definitive dumping margin was determined on the basis of available information. The Commission considered the results of its investigation to be the most appropriate basis for determining the dumping margin and that the fixing of a margin lower than the highest margin determined for an exporter which cooperated with the investigation would reward failure to cooperate and make it possible to evade duty. It accordingly applied the highest margin determined to the following exporters:

— Tuntex Distinct Corp., Taiwan	15,8 %
— Vartilen, Yugoslavia	18,7 %

In the case of Tuntex, the evidence submitted after the imposition of provisional measures in respect of exports effected during the reference period was not considered sufficiently detailed or supported for carrying out a proper calculation.

D. *INJURY*

- (16) Since no new evidence concerning recitals 19 to 25 of Regulation (EEC) No 1696/88 was forthcoming, the Council confirms the findings presented in the said recitals.

The Commission considered whether Community producers having links with United States 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 exporting companies concerned act as autonomous economic entities, that the volume of exports to the Community is small 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

- (17) Exporters challenged the validity of the comparison made between the polyester fibres produced by their companies and those of Community producers, arguing that they were not similar products, that they were not used for the same purposes and that they were not interchangeable with Community products or that they were not produced in the Community. 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 differences in quality or basic 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 fibres is not significantly 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.

It was also alleged that the Community producers made mainly branded fibres, which the imports in question were not, and that in these circumstances the imports could not be considered to be similar products. The Council considers that branded and non-branded products have the same physical characteristics and uses and thus finds that they are similar products.

2. Causality and other factors

- (18) In recitals 27 and 28 of Regulation (EEC) No 1696/88 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 fibre 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 may injury 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.

A number of exporters, importers and users claimed that the difficulties encountered by Community producers were caused not by the growth in the volume of imports but by the chronic crisis in the industry.

It is true that the Community industry has suffered a crisis. To overcome it, Community producers have taken a number of restructuring measures that have improved their performance considerably. But the Community industry's return to profitability was jeopardized in the reference period by the growth in dumped imports. This had a negative effect on the performance of Community producers, as explained in recital 24 of Regulation (EEC) No 1696/88.

In these circumstances, even if there were other reasons for the precarious state of the industry in question, the Council considers that the effects of imports at dumping prices, taken in isolation, have caused serious injury.

The Council confirms therefore that the difficulties encountered by the Community industry for reasons other than dumping do not constitute grounds for depriving the Community industry of all protection against injury from dumping.

In these circumstances, and in the absence of any fresh evidence in respect of the arguments set out in recitals 27 and 28 of Regulation (EEC) No 1696/88, the Council confirms the findings and conclusions presented by the Commission in these recitals.

E. QUANTITATIVE RESTRICTIONS AND ANTI-DUMPING MEASURES

- (19) As regards the existence of quantitative restrictions on imports into the Benelux countries and Italy of polyester fibres originating in Romania, it was suggested that the imposition of an anti-dumping duty on imports of polyester fibres originating in Romania on top of these quantitative restrictions could not be justified legally.

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 the quantitative restrictions cover only four Member States, namely the Benelux countries and Italy, and that all imports into these countries are prohibited. It also notes that over 80 % of Romanian polyester fibre imports go to Germany, a country not protected by quantitative restrictions, and that in that country as in other Member States price undercutting of up to 38 % has been recorded.

The quantitative restrictions in respect of the Benelux countries and Italy do not therefore constitute adequate protection against the unfair practices of the Romanian exporter and do not counterbalance the injury suffered by the greater part of the Community industry. In any case, the Benelux countries and Italy will not be affected by the anti-dumping duty.

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

F. COMMUNITY INTEREST

- (20) Some exporters, importers and users claimed that it was not in the Community's interest to impose anti-dumping measures and advanced the following arguments:

1. Supply problems

- (21) It was argued that when imports became more expensive following the imposition of provisional anti-dumping measures, the Community producers were not able or ready to meet increased demand from the processing industry and users.

In reply, Community producers told the Commission that while there had indeed been some supply problems, they had been temporary and indeed limited to the months of June and July 1988 and the result of circumstantial factors, not their incapacity to meet demand; they had much under-used capacity that would enable them to

meet any demand within the usual commercial time limits.

In this respect, the Commission notes that, during the investigation period, the production capacity of the Community producers has reached a level of 79 %. As a result of this finding it appears that Community producers are able to boost their production to around 70 000 tonnes (without exceeding a 95 % level of capacity), corresponding more or less to the total volume of imports concerned in 1987.

In spite of this, certain fiberfill processors representing *circa* 20 % of the consumption of synthetic fibres of polyesters in the Community, informed the Commission that several Community producers were not in a position, during the last six months of 1988, to meet their needs. Since confidential treatment of information supplied to the Commission was requested by these companies, under Article 8 of Regulation (EEC) No 2423/88, the Commission was unable to check whether this information was correct with the parties directly concerned. However, the plaintiff has given assurances to the Commission that the Community industry did have the necessary capacity to satisfy the increasing demand for deliveries both of fiberfill and of certain specially dyed yarns. Moreover, the Commission learnt that one of the major Community producers was in the process of increasing its production capacity by 18 000 tonnes.

In these circumstances, the Commission considers that Community producers do have the necessary capacity to meet an increased demand for fibres.

2. The high prices charged by Community producers

- (22) Importers and users claimed that Community producers had taken advantage of the higher import prices resulting from the anti-dumping measures to raise their prices substantially. As a result, supplies could not be obtained on terms suitable for facing international competition. On this point the Council notes that the rise in prices attributed to the imposition of provisional anti-dumping measures has in fact had little impact on the increase in the actual prices of the fibre. This increase is due mainly to the worldwide rise in the price of raw materials used to make the fibre, notably glycol and paraxylene, which is affecting all fibre producers.

Furthermore, the price advantage which certain users enjoyed previously was derived from unfair practices and they have no permanent right to retain this advantage.

3. Existence of a cartel of Community producers

- (23) 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.

4. Conclusion

- (24) The Commission, after having assessed all these factors, has concluded that it was in the Community's interest to take definitive anti-dumping measures in respect of imports of fibres originating in the exporting countries involved in this proceeding. These measures which would have a limited effect on the production costs of the user industry and be without any significant consequence for consumers, should take the form of a definitive anti-dumping duty. The Council confirms these conclusions.

G. DEFINITIVE DUTY

- (25) 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 30 and 31 of Regulation (EEC) No 1696/88. The Council also confirms the grounds, mentioned in the said recital 30, by virtue of which there is no reason to apply any duty to producers in the United States of America.
- (26) With regard to fiberfill, taking into account recent difficulties, raised by certain users of this type of fibre, the Council considers that the question should be examined of whether a review of the measures concerning fiberfill would be appropriate. To that end, the Commission will carry out a further investigation into the allegations of the existence of shortages, made by the said users. In these circumstances, the Council considers that, in the case in point, the application of the definitive anti-dumping duty should be suspended for fiberfill for a period of five months as from the

entry into force of this Regulation, working on the supposition that a review might lead to different findings.

H. COLLECTION OF THE PROVISIONAL DUTY

- (27) 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 should be released. With regard to fiberfill, the amounts secured by way of the provisional anti-dumping duty should be released,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of synthetic polyester fibres falling within CN code 5503 20 00 originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia.

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:

— 6,2 % for polyester fibres originating in the United States of America, excluding those produced and sold for export to the Community by the following companies, which shall not be subject to such a duty:

- BASF Corp., Williamsburg,
- Consolidated Textiles, Charlotte,
- E.I. Du Pont de Nemours and Co., Wilmington,
- Eastman Chemical Products Inc., Kingsport,
- Celanese Fibers Inc., Charlotte,
- Hoechst Celanese Inc., Charlotte,
- Fibers Industry Inc., Charlotte;

— the following duties shall be applicable to fibres produced and sold for export to the Community by the companies listed below:

— Leigh Fibers Inc., Spartanburg	5,4 %
— RSM Co., Charlotte	2,5 %
— Titan Textile Co. Inc., Paterson	4,5 %

— 22,1 % for polyester fibres originating in Mexico, but as follows for such fibres produced and sold for export to the Community by the companies listed below:

— Fibras Sintéticas SA de CV, Mexico City	15,0 %
— Crisol Textil SA de CV, Mexico City	10,7 %
— Kimex SA, Mexico City	9,5 %

- 23,4 % for polyester fibres originating in Romania ;
- 15,8 % for polyester fibres originating in Taiwan, but as follows for such fibres produced and sold for export to the Community by the companies listed below :

Far Eastern Textile Ltd, Taipei	5,1 %
Nan Ya Plastics Corp., Taipei	6,3 %
Shinkong Synthetic Fibres Corp., Taipei	9,2 %
- 11,9 % for polyester fibres originating in Turkey, but as follows for polyester fibres produced and sold for export to the Community by the company listed below :

Sasa Artificial & Synthetic Fibres Inc., Adana	6,8 %
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- 18,7 % for polyester fibres originating in Yugoslavia.

3. The definitive anti-dumping duty imposed by Article 1 (1) shall be suspended for a period of five months as from the date of entry into force of this Regulation with regard to fiberfill. This suspension shall only apply where there is an express mention on the necessary import documents of the term fiberfill and of the technical specifications mentioned hereinafter. In the event of a review procedure being opened by the Commission before the end of that period, the suspension of the said duty shall continue to apply for the time necessary to complete the review.

This suspension applies to synthetic textile fibres of polyesters for padding and quilting in bedclothes,

furnishings, clothing, whether or not crimped, falling within CN code 5503 20 00, the technical specifications of which are as follows :

- decitex equal to or greater than 3,3,
- length equal to or greater than 38 mm.

Checking the use of the abovementioned fibres shall be carried out in accordance with the relevant provisions, and in particular of Regulation (EEC) No 4142/87 ⁽¹⁾.

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

5. The amounts secured by way of the provisional anti-dumping duty under Regulation (EEC) No 1696/88 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. With regard to fiberfill, the amounts secured by way of the provisional anti-dumping duty shall be released.

Article 2

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

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

Done at Brussels, 16 December 1988.

For the Council

The President

G. GENNIMATAS

⁽¹⁾ OJ No L 387, 31. 12. 1987, p. 81.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 December 1988

on the conclusion of an Agreement in the form of an Exchange of Letters
between the European Economic Community and the Republic of Austria on the
reciprocal establishment of tariff quotas for certain quality wines

(88/626/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in the context of the Agreement between the European Economic Community and the Republic of Austria⁽¹⁾, signed on 22 July 1972, the two Contracting Parties undertook to promote the expansion of reciprocal trade;

Whereas it is in the Community's interest to promote trade in quality wines with Austria by means of reciprocal tariff concessions;

Whereas the Commission has to that end negotiated with the Republic of Austria an Agreement in the form of an Exchange of Letters, which should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and the

Republic of Austria on the reciprocal establishment of tariff quotas for certain quality wines is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 12 December 1988.

For the Council

The President

P. ROUMELIOTIS

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for certain quality wines

A. Letter from the Community

Brussels,

Sir,

I have the honour to refer to the consultations which have taken place between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for certain quality wines. Since it is in the interests of the Community and of Austria to foster, within the meaning of Article 15 of the Agreement between the European Economic Community and the Republic of Austria, signed on 22 July 1972, the development of trade in this sector, the two Parties have agreed to apply the following provisions:

1. Austria shall open an annual zero-duty tariff quota for 85 000 hectolitres of quality wines produced in specified regions (quality wines psr) as referred to in Regulation (EEC) No 823/87, other than sparkling wines, originating in the Community, in containers holding two litres or less, falling within subheading ex 2204 21 A of the Austrian customs tariff.

A volume of 17 000 hectolitres of the quota shall be reserved for Spain.

However, from 1 March of each quota period Austria shall grant all Member States access to the outstanding balance of the volume reserved for Spain which Spain has not used by 1 March.

Until Regulation (EEC) No 823/87 is implemented by Portugal, the Portuguese quality wines listed in Annex I shall be considered to be quality wines psr.

2. For as long as Austria imposes quantitative restrictions on imports of wine, the quantity reserved for the Community in the annual quota opened by Austria for quality wines shall be at least equal to the quota of 85 000 hectolitres referred to above.
3. Austria shall also open an annual zero-duty tariff quota for 2 000 hectolitres sparkling quality wines produced in specified regions, as referred to in Regulation (EEC) No 823/87, originating in the Community, in containers holding two litres or less, falling within subheading ex 2204 10 of the Austrian customs tariff.
4. The Community shall open an annual zero-duty tariff quota for 85 000 hectolitres of quality wines which comply with the Republic of Austria's 1985 law on wine, originating in Austria, in containers holding two litres or less, falling within CN code ex 2204 21.

However, imports into Spain and Portugal of wine originating in Austria shall be subject to duties equal to those applied by Spain and Portugal respectively to imports from the Community as constituted on 31 December 1985.

5. The Community shall also open an annual zero-duty tariff quota for 2 000 hectolitres of sparkling quality wines which comply with the Republic of Austria's 1985 law on wine, originating in Austria, in containers holding two litres or less, falling within CN code ex 2204 10.

However, imports into Spain and Portugal of sparkling quality wines originating in Austria shall be subject to duties equal to those applied by Spain and Portugal respectively to imports from the Community as constituted on 31 December 1985.

6. The quota period for the quotas referred to in points 1 to 5 above shall run from 1 July of each year to 30 June of the following year⁽¹⁾.
7. Consignments of wine covered by the concessions provided for in this Agreement must be accompanied by an import certificate, which shall be valid from the date of issue until the end of the fourth month following the month of issue but not valid after the end of the quota period concerned or, where appropriate, after 1 March as referred to in the third subparagraph of point 1 or 15 May 1989 as referred to in footnote ⁽¹⁾ to point 6. The system for granting certificates shall be administered in a way which permits the agreed quantities to be imported. To that end the two Parties shall regularly exchange information on the number of licences issued and used. It is further agreed that the granting of an import certificate may not be linked to any undertaking to buy a given quantity of local wine.

The wine in question must be accompanied by a certificate issued by a mutually recognized official body certifying that it complies with the provisions of point 1 to 5 ; the list of official bodies shall be drawn up by agreement between the Parties.
8. The Contracting Parties shall ensure that the agreed mutual advantages are not jeopardized by other measures.
9. Consultations shall be held at the request of either Party on any problem relating to the operation of this Agreement, which may be amended by agreement between the Parties.
10. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Austria.
11. This Agreement shall enter into force on 1 January 1989 and shall apply for an initial period ending on 30 June 1992. During the second half of 1991 consultations shall be held to decide whether it should be extended and, if so, in what form.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the
Council of the European Communities*

⁽¹⁾ However, for the first half of 1989, the quota volumes shall be 50 % of the annual volumes and the date of 1 March referred to in the third subparagraph of point 1 shall be replaced by 15 May 1989.

B. Letter from the Republic of Austria

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'I have the honour to refer to the consultations which have taken place between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for certain quality wines. Since it is in the interests of the Community and of Austria to foster, within the meaning of Article 15 of the Agreement between the European Economic Community and the Republic of Austria, signed on 22 July 1972, the development of trade in this sector, the two Parties have agreed to apply the following provisions :

1. Australia shall open an annual zero-duty tariff quota for 85 000 hectolitres of quality wines produced in specified regions (quality wines psr) as referred to in Regulation (EEC) No 823/87, other than sparkling wines, originating in the Community, in containers holding two litres or less, falling within subheading ex 2204 21 A of the Austrian customs tariff.

A volume of 17 000 hectolitres of the quota shall be reserved for Spain.

However, from 1 March of each quota period Austria shall grant all Member States access to the outstanding balance of the volume reserved for Spain which Spain has not used by 1 March.

Until Regulation (EEC) No 823/87 is implemented by Portugal, the Portuguese quality wines listed in Annex I shall be considered to be quality wines psr.

2. For as long as Austria imposes quantitative restrictions on imports of wine, the quantity reserved for the Community in the annual quota opened by Austria for quality wines shall be at least equal to the quota of 85 000 hectolitres referred to above.
3. Austria shall also open an annual zero-duty tariff quota for 2 000 hectolitres of sparkling quality wines produced in specified regions, as referred to in Regulation (EEC) No 823/87, originating in the Community in containers holding two litres or less, falling within subheading ex 2204 10 of Austrian customs tariff.
4. The Community shall open an annual zero-duty tariff quota for 85 000 hectolitres quality wines which comply with the Republic of Austria's 1985 law on wine, originating in Austria, in containers holding two litres or less, falling within CN code ex 2204 21.

However, imports into Spain and Portugal of wine originating in Austria shall be subject to duties equal to those applied by Spain and Portugal respectively to imports from the Community as constituted on 31 December 1985.

5. The Community shall also open an annual zero-duty tariff quota for 2 000 hectolitres of sparkling quality wines which comply with the Republic of Austria's 1985 law on wine, originating in Austria, in containers holding two litres or less, falling within CN code ex 2204 10.

However, imports into Spain and Portugal of sparkling quality wines originating in Austria shall be subject to duties equal to those applied by Spain and Portugal respectively to imports from the Community as constituted on 31 December 1985.

6. The quota period for the quotas referred to in points 1 to 5 above shall run from 1 July of each year to 30 June of the following year⁽¹⁾.

⁽¹⁾ However, for the first half of 1989, the quota volumes shall be 50 % of the annual volumes and the date of 1 March referred to in the third subparagraph of point 1 shall be replaced by 15 May 1989.

7. Consignments of wine covered by the concessions provided for in this Agreement must be accompanied by an import certificate, which shall be valid from the date of issue but not valid after the end of the quota period concerned or, where appropriate, after 1 March as referred to in the third subparagraph of point 1 or 15 May 1989 as referred to in footnote (1) to point 6. The system for granting certificates shall be administered in a way which permits the agreed quantities to be imported. To that end the two Parties shall regularly exchange information on the number of licences issued and used. It is further agreed that the granting of an import certificate may not be linked to any undertaking to buy a given quantity of local wine.

The wine in question must be accompanied by a certificate issued by a mutually recognized official body certifying that it complies with the provisions of points 1 to 5; the list of official bodies shall be drawn up by agreement between the Parties.

8. The Contracting Parties shall ensure that the agreed mutual advantages are not jeopardized by other measures.
9. Consultations shall be held at the request of either Party on any problem relating to the operation of this Agreement, which may be amended by agreement between the Parties.
10. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Austria.
11. This Agreement shall enter into force on 1 January 1989 and shall apply for an initial period ending on 30 June 1992. During the second half of 1991 consultations shall be held to decide whether it should be extended and, if so, in what form.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Republic of Austria

*ANNEX***List of wines produced in Portugal to be considered to be quality wines produced in specified regions****1. Wines produced in accordance with the Portuguese legislation in force concerning the 'denominação de origem controlada':**

- Dão,
- Vinho Verde,
- Douro,
- Bucelas,
- Colares,
- Bairrada,
- Algarve (whether or not associated with one of the following terms : Lagoa, Lagos, Portimão or Tavira) and wines produced in accordance with the Portuguese legislation in force concerning the 'indicação de proveniência regulamentada',
- Trás-os-Montes,
- Beiras,
- Ribatejo-Oeste.

2. Liqueur wines produced in accordance with the Portuguese legislation in force concerning the 'denominação de origem controlada':

- Vinho do Porto, which may also bear the following names : Porto, vin de Porto, Oporto, Port, Port wine, Portwein, Portvin, Portwijn,
 - Vinho da Madeira, which may also bear the following names : Madeira, Madeirawein, Madeira wine, vin de Madère, Madera, vino di Madera, Madeirawijn,
 - Moscatel de Setúbal or Setúbal,
 - Carcavelos.
-

COUNCIL DIRECTIVE

of 12 December 1988

on the information to be published when a major holding in a listed company is acquired or disposed of

(88/627/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas a policy of adequate information of investors in the field of transferable securities is likely to improve investor protection, to increase investors' confidence in securities markets and thus to ensure that securities markets function correctly;

Whereas, by making such protection more equivalent, coordination of that policy at Community level is likely to make for greater inter-penetration of the Member States' transferable securities markets and therefore help to establish a true European capital market;

Whereas to that end investors should be informed of major holdings and of changes in those holdings in Community companies the shares of which are officially listed on stock exchanges situated or operating within the Community;

Whereas coordinated rules should be laid down concerning the detailed content and the procedure for applying that requirement;

Whereas companies, the shares of which are officially listed on a Community stock exchange, can inform the public of changes in major holdings only if they have been informed of such changes by the holders of those holdings;

Whereas most Member States do not subject holders to such a requirement and where such a requirement exists there are appreciable differences in the procedures for

applying it; whereas coordinated rules should therefore be adopted at Community level in this field,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall make subject to this Directive natural persons and legal entities in public or private law who acquire or dispose of, directly or through intermediaries, holdings meeting the criteria laid down in Article 4 (1) which involve changes in the holdings of voting rights in companies incorporated under their law the shares of which are officially listed on a stock exchange or exchanges situated or operating within one or more Member States.

2. Where the acquisition or disposal of a major holding such as referred to in paragraph 1 is effected by means of certificates representing shares, this Directive shall apply to the bearers of those certificates, and not to the issuer.

3. This Directive shall not apply to the acquisition or disposal of major holdings in collective investment undertakings.

4. Paragraph 5 (c) of Schedule C of the Annex to Council Directive 79/279/EEC of 5 March 1979 coordinating the conditions for the admission of securities to official stock exchange listing ⁽⁴⁾, as last amended by Directive 82/148/EEC ⁽⁵⁾, is hereby replaced by the following:

'(c) The company must inform the public of any changes in the structure (shareholders and breakdowns of holdings) of the major holdings in its capital as compared with information previously published on that subject as soon as such changes come to its notice.

In particular, a company which is not subject to Council Directive 88/627/EEC of 12 December 1988 on the information to be published when a major holding in a listed company is acquired or disposed of ⁽⁶⁾ must inform the public within nine calendar days whenever it comes to its notice that a person or entity has acquired or disposed of a number of shares such that his or its holding exceeds or falls below one of the thresholds laid down in Article 4 of that Directive.

⁽¹⁾ OJ No C 351, 31. 12. 1985, p. 35, and OJ No C 255, 25. 9. 1987, p. 6.

⁽²⁾ OJ No C 125, 11. 5. 1987, p. 144, and OJ No C 309, 5. 12. 1988.

⁽³⁾ OJ No C 263, 20. 10. 1986, p. 1.

⁽⁶⁾ OJ No L 348, 17. 12. 1988, p. 62.'

⁽⁴⁾ OJ No L 66, 16. 3. 1979, p. 21.

⁽⁵⁾ OJ No L 62, 5. 3. 1982, p. 22.

Article 2

For the purposes of Directive, 'acquiring a holding' shall mean not only purchasing a holding, but also acquisition by any other means whatsoever, including acquisition in one of the situations referred to in Article 7.

Article 3

Member States may subject the natural persons, legal entities and companies referred to in Article 1 (1) to requirements stricter than those provided for in this Directive or to additional requirements, provided that such requirements apply generally to all those acquiring or disposing of holdings and all companies or to all those falling within a particular category acquiring or disposing of holdings or of companies.

Article 4

1. Where a natural person or legal entity referred to in Article 1 (1) acquires or disposes of a holding in a company referred to in Article 1 (1) and where, following that acquisition or disposal, the proportion of voting rights held by that person or legal entity reaches, exceeds or falls below one of the thresholds of 10 %, 20 %, $\frac{1}{3}$, 50 % and $\frac{2}{3}$, he shall notify the company and at the same time the competent authority or authorities referred to in Article 13 within seven calendar days of the proportion of voting rights he holds following that acquisition or disposal. Member States need not apply:

- the thresholds of 20 % and $\frac{1}{3}$ where they apply a single threshold of 25 %,
- the threshold of $\frac{2}{3}$ where they apply the threshold of 75 %.

The period of seven calendar days shall start from the time when the owner of the major holding learns of the acquisition or disposal, or from the time when, in view of the circumstances, he should have learnt of it.

Member States may further provide that a company must also be informed in respect of the proportion of capital held by a natural person or legal entity.

2. Member States shall, if necessary, establish in their national law, and determine in accordance with it, the manner in which the voting rights to be taken into account for the purposes of applying paragraph 1 are to be brought to the notice of the natural persons and legal entities referred to in Article 1 (1).

Article 5

Member States shall provide that at the first annual general meeting of a company referred to in Article 1 (1) to take place more than three months after this Directive has been transposed into national law, any natural person

or legal entity as referred to in Article 1 (1) must notify the company concerned and at the same time the competent authority or authorities where he holds 10 % or more of its voting rights, specifying the proportion of voting rights actually held unless that person or entity has already made a declaration in accordance with Article 4.

Within one month of that general meeting, the public shall be informed of all holdings of 10 % or more in accordance with Article 10.

Article 6

If the person or entity acquiring or disposing of a major holding as defined in Article 4 is a member of a group of undertakings required under Directive 83/349/EEC⁽¹⁾ to draw up consolidated accounts, that person or entity shall be exempt from the obligation to make the declaration provided for in Article 4 (1) and in Article 5 if it is made by the parent undertaking or, where the parent undertaking is itself a subsidiary undertaking, by its own parent undertaking.

Article 7

For the purposes of determining whether a natural person or legal entity as referred to in Article 1 (1) is required to make a declaration as provided for in Article 4 (1) and in Article 5, the following shall be regarded as voting rights held by that person or entity:

- voting rights held by other persons or entities in their own names but on behalf of that person or entity,
- voting rights held by an undertaking controlled by that person or entity;
- voting rights held by a third party with whom that person or entity has concluded a written agreement which obliges them to adopt, by concerted exercise of the voting rights they hold, a lasting common policy towards the management of the company in question.
- voting rights held by a third party under a written agreement concluded with that person or entity or with an undertaking controlled by that person or entity providing for the temporary transfer for consideration of the voting rights in question,
- voting rights attaching to shares owned by that person or entity which are lodged as security, except where the person or entity holding the security controls the voting rights and declares his intention of exercising them, in which case they shall be regarded as the latter's voting rights,
- voting rights attaching to shares of which that person or entity has the life interest,

⁽¹⁾ OJ No L 193, 18. 7. 1983, p. 1.

- voting rights which that person or entity or one of the other persons or entities mentioned in the above indents is entitled to acquire, on his own initiative alone, under a formal agreement; in such cases, the notification prescribed in Article 4 (1) shall be effected on the date of the agreement,
- voting rights attaching to shares deposited with that person or entity which that person or entity can exercise at its discretion in the absence of specific instructions from the holders.

By way of derogation from Article 4 (1), where a person or entity may exercise voting rights referred to in the last indent of the preceding subparagraph in a company and where the totality of these voting rights together with the other voting rights held by that person or entity in that company reaches or exceeds one of the thresholds provided for in Article 4 (1), Member States may lay down that the said person or entity is only obliged to inform the company concerned 21 calendar days before the general meeting of that company.

Article 8

1. For the purposes of this Directive, 'controlled undertaking' shall mean any undertaking in which a natural person or legal entity:

- (a) has a majority of the shareholders' or members' voting rights; or
- (b) has the right to appoint or remove a majority of the members of the administrative, management or supervisory body and is at the same time a shareholder in, or member of, the undertaking in question; or
- (c) is a shareholder or member and alone controls a majority of the shareholders' or members' voting rights pursuant to an agreement entered into with other shareholders or members of the undertaking.

2. For the purposes of paragraph 1, a parent undertaking's rights as regards voting, appointment and removal shall include the rights of any other controlled undertaking and those of any person or entity acting in his own name but on behalf of the parent undertaking or of any other controlled undertaking.

Article 9

1. The competent authorities may exempt from the declaration provided for in Article 4 (1) the acquisition or disposal of a major holding, as defined in Article 4, by a professional dealer in securities, in so far as that acquisition or disposal is effected in his capacity as a professional dealer in securities and in so far as the acquisition is not used by the dealer to intervene in the management of the company concerned.

2. The competent authorities shall require the professional dealers in securities referred to in paragraph 1 to be members of a stock exchange situated or operating within a Member State or to be approved or supervised by a competent authority such as referred to in Article 12.

Article 10

1. A company which has received a declaration referred to in the first subparagraph of Article 4 (1) must in turn disclose it to the public in each of the Member States in which its shares are officially listed on a stock exchange as soon as possible but not more than nine calendar days after the receipt of that declaration.

A Member State may provide for the disclosure to the public, referred to in the first subparagraph, to be made not by the company concerned but by the competent authority, possibly in cooperation with that company.

2. The disclosure referred to in paragraph 1 must be made by publication in one or more newspapers distributed throughout or widely in the Member State or States concerned or be made available to the public either in writing in places indicated by announcements to be published in one or more newspapers distributed throughout or widely in the Member State or States concerned or by other equivalent means approved by the competent authorities.

The said disclosure must be made by publication in the official language or languages, or in one of the official languages or in another language, provided that in the Member State in question the official language or languages or such other language is or are customary in the sphere of finance and accepted by the competent authorities.

Article 11

The competent authorities may, exceptionally, exempt the companies referred to in Article 1 (1) from the obligation to notify the public set out in Article 10 where those authorities consider that the disclosure of such information would be contrary to the public interest or seriously detrimental to the companies concerned, provides that, in the latter case, such omission would not be likely to mislead the public with regard to the facts and circumstances knowledge of which is essential for the assessment of the transferable securities in question.

Article 12

1. Member States shall designate the competent authority or authorities for the purposes of this Directive and shall inform the Commission accordingly, specifying, where appropriate, and division of duties between those authorities.

2. Member States shall ensure that the competent authorities have such powers as may be necessary for the performance of their duties.

3. The competent authorities in the Member States shall cooperate wherever necessary for the purpose of performing their duties and shall exchange any information useful for that purpose.

Article 13

For the purpose of this Directive, the competent authorities shall be those of the Member State the law of which governs the companies referred to in Article 1 (1).

Article 14

1. Member States shall provide that every person who carries on or has carried on an activity in the employment of a competent authority shall be bound by professional secrecy. This means that no confidential information received in the course of their duties may be divulged to any person or authority except by virtue of provisions laid down by law.

2. Paragraph 1 shall not, however, preclude the competent authorities of the various Member States from exchanging information as provided for in this Directive. Information thus exchanged shall be covered by the obligation of professional secrecy to which persons employed or previously employed by the competent authorities receiving the information are subject.

3. A competent authority which receives confidential information pursuant to paragraph 2 may use it solely for the performance of its duties.

Article 15

Member States shall provide for appropriate sanctions in cases where the natural persons or legal entities and the companies referred to in Article 1 (1) do not comply with the provisions of this Directive.

Article 16

1. The Contact Committee set up by Article 20 of Directive 79/279/EEC shall also have as its function :

- (a) to permit regular consultations on any practical problems which arise from the application of this Directive and on which exchanges of view are deemed useful ;
- (b) to facilitate consultations between the Member States on the stricter or additional requirements which they may lay down in accordance with Article 3, so that the requirements imposed in all the Member States may be brought into line, in accordance with Article 54 (3) (g) of the Treaty ;
- (c) to advise the Commission, if necessary, on any additions or amendments to be made to this Directive.

Article 17

1. Member States shall take the measures necessary for them to comply with this Directive before 1 January 1991. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

Article 18

This Directive is addressed to the Member States.

Done at Brussels, 12 December 1988.

For the Council

The President

P. ROUMELIOTIS

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3844/88 of 9 December 1988 amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef

(Official Journal of the European Communities No L 340 of 10 December 1988)

On page 15, Annex I reads as follows :

ANNEX I

Member States or regions within a Member State and groups of qualities

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	CR
Germany	AU, AR, CR
Spain	— — —
France	AU
Ireland	—
Italy	—
Luxembourg	AR, AO
Netherlands	—
Great Britain	CU
Northern Ireland	CU, CR'