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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 4130/88
of 16 December 1988**

**amending Regulation (EEC) No 815/84 on exceptional financial support in
favour of Greece in the social field**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

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

Whereas, given that the rate of implementation of the programmes referred to in Article 1 of Council Regulation (EEC) No 815/84 ⁽⁴⁾ is slower than was originally estimated, the period of validity of that Regulation should be extended without affecting the overall amount of financial assistance;

Whereas, in order to ensure that the objectives of Community assistance are achieved through the most efficient possible implementation of the programmes, and in order to make optimal use of national and Community resources, stringent assessment, monitoring and supervision methods should be applied, and technical assistance offered to the Hellenic Republic in the areas concerned;

Whereas under certain conditions it is appropriate to permit the financing of expenditure relating to the acquisition of sites or buildings for projects forming part of the programme referred to in Article 1 (b) of Regulation (EEC) No 815/84,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 815/84 is hereby amended as follows:

1. In Article 1, '31 December 1988' is replaced by '31 December 1991'.

2. In Article 12, '31 December 1992' is replaced by '31 December 1995'.

3. The following Article is inserted:

Article 5a

1. Notwithstanding Article 5 (1), financial support may also, exceptionally, be granted, for projects included in the programme referred to in Article 1 (b) in cases where suitable public land or buildings are not available, for expenditure to cover the acquisition of sites for construction or of existing buildings for the purposes of extension and/or renovation, excluding land or buildings in public ownership.

2. The Community intervention rate shall be that specified in Article 5 (2).

4. The following Article is inserted:

Article 11a

1. Before 1 February 1989 the Hellenic Republic shall set up a committee to monitor the programmes referred to in Article 1, the composition of which shall be agreed with the Commission, which shall be represented on it.

The terms of reference of the committee shall be to monitor and assess the implementation of the programmes.

The committee shall adopt its own rules of procedure.

It may be assisted in its task by experts designated jointly by the Hellenic Republic and the Commission.

The committee shall submit a progress report on the implementation of the programmes to the Commission at least three times a year.

2. Before 1 April 1989 the Hellenic Republic, with the agreement of the Commission, shall set up a monitoring system based on a harmonized procedure for the compilation and dissemination of information relating to the implementation of the programmes.

⁽¹⁾ OJ No C 209, 9. 8. 1988, p. 6.

⁽²⁾ OJ No C 326, 12. 12. 1988.

⁽³⁾ Opinion delivered on 23 November 1988 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 88, 31. 3. 1984, p. 1.

3. Notwithstanding Article 5 (1), expenditure to cover the cost of technical assistance, assessment and monitoring of projects receiving Community support may also be granted financial assistance.

The nature and practical details of these operations shall be defined jointly by the Hellenic Republic and the Commission.

Notwithstanding Article 5 (2), Community financing of such operations may amount to 100 % of eligible

expenditure and the total amount shall not exceed 2 % of the amount referred to in Article 4 (1).

The procedure set out in Article 11 and the date referred to in Article 6 (1) shall not apply to these operations, which shall nonetheless be communicated for information to the committee referred to in Article 10.'

Article 2

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

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

Done at Brussels, 16 December 1988.

For the Council

The President

G. GENNIMATAS

COUNCIL REGULATION (EEC) No 4131/88**of 19 December 1988****amending Regulation (EEC) No 3667/83 relating to the continuing of the import
of New Zealand butter into the United Kingdom on special terms**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the 1972 Act of Accession, and in particular Article 5 (2) of Protocol 18 thereto,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3667/83 ⁽¹⁾, as last amended by Regulation (EEC) No 2335/86 ⁽²⁾, gave the United Kingdom temporary authorization to import a quantity of New Zealand butter on special terms during the period from 1 January 1984 to 31 December 1988;

Whereas the Council has not been able to agree in good time on new import arrangements for a longer term; whereas, in order to prevent an interruption of the imports, a further temporary authorization should be granted for the period 1 January to 31 March 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3667/83 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

'1. These arrangements shall apply during the period 1 January 1984 to 31 March 1989.

The quantities which may be imported shall be as follows:

- 83 000 tonnes in 1984,
- 81 000 tonnes in 1985,
- 79 000 tonnes in 1986,
- 76 500 tonnes in 1987,
- 74 500 tonnes in 1988,
- 18 625 tonnes for the period 1 January 1989 to 31 March 1989.'

2. Article 2 (3) is replaced by the following:

'3. Before 1 April 1989 the Council, acting unanimously on a proposal from the Commission, shall take a decision on the maintenance of exceptional arrangements.'

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, 19 December 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 366, 28. 12. 1983, p. 16.

⁽²⁾ OJ No L 203, 26. 7. 1986, p. 7.

COUNCIL REGULATION (EEC) No 4132/88
of 20 December 1988

amending Regulations (EEC) No 805/68, (EEC) No 1346/86, (EEC) No 1347/86, (EEC) No 1357/80, (EEC) No 1199/82 and (EEC) No 3697/88 as regards the expiry dates for the arrangements for the buying-in and the granting of certain premiums in the beef and veal sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽²⁾, as last amended by Regulation (EEC) No 2248/88 ⁽³⁾, provides for the application until 31 December 1988 of temporary arrangements on buying-in and the granting, until that date, of a special premium for producers of beef and veal;

Whereas Council Regulation (EEC) No 1346/86 of 6 May 1986 on the granting of a calf birth premium in Greece, Ireland, Italy and Northern Ireland and on the granting of an additional national premium in Italy ⁽⁴⁾, as last amended by Regulation (EEC) No 467/87 ⁽⁵⁾, is applicable until 31 December 1988;

Whereas Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽⁶⁾, as last amended by Regulation (EEC) No 467/87, authorizes the United Kingdom to grant a premium to producers until 31 December 1988;

Whereas Council Regulation (EEC) No 1357/80 of 5 June 1980 introducing a system of premiums for maintaining suckler cows ⁽⁷⁾, as last amended by Regulation (EEC) No 467/87, fixes the premium for maintaining suckler cows until 31 December 1988;

Whereas Council Regulation (EEC) No 1199/82 of 18 May 1982 on the granting of an additional premium for maintaining suckler cows in Ireland and Northern Ireland ⁽⁸⁾, as last amended by Regulation (EEC) No 467/87, provides for the granting of an additional

premium for suckler cows in Greece, Ireland and Northern Ireland until 31 December 1988;

Whereas Council Regulation (EEC) No 3697/88 of 24 November 1988 applying the full amount of premium for maintaining suckler cows in Spain ⁽⁹⁾ fixes the premium for maintaining suckler cows applicable in Spain until 31 December 1988;

Whereas, pending the new arrangements for buying-in and the new system of premiums to be applied in the beef and veal sector, the current arrangements introduced by the abovementioned Regulations should be extended until 5 March 1989 to avoid any disturbance on the market in beef and veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Articles 4a (1) and 6a (1) of Regulation (EEC) No 805/68, 'to 31 December 1988' is hereby replaced by 'to 5 March 1989'.
2. In Articles 1 (1) and 2 of Regulation (EEC) No 1346/86, 'to 31 December 1988' is hereby replaced by 'to 5 March 1989'.
3. In Article 1 (1) of Regulation (EEC) No 1347/86, 'to 31 December 1988' is hereby replaced by 'to 5 March 1989'.
4. In Article 3 (1) of Regulation (EEC) No 1357/80, 'to 31 December 1988' is hereby replaced by 'to 5 March 1989'.
5. In the second subparagraph of Article 1 of Regulation (EEC) No 1199/82, 'to 31 December 1988' is hereby replaced by 'to 5 March 1989'.
6. In Article 1 of Regulation (EEC) No 3697/88, 'to 31 December 1988' is hereby replaced by 'to 5 March 1989'.

Article 2

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ Opinion delivered on 16 December 1988 (not yet published in the Official Journal).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 24.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 39.

⁽⁵⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽⁶⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽⁷⁾ OJ No L 140, 5. 6. 1980, p. 1.

⁽⁸⁾ OJ No L 140, 20. 5. 1982, p. 30.

⁽⁹⁾ OJ No L 325, 29. 11. 1988, p. 1.

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

Done at Brussels, 20 December 1988.

For the Council

The President

Y. POTTAKIS

COMMISSION REGULATION (EEC) No 4133/88

of 29 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 28 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 30 December 1988.

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

Done at Brussels, 29 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 29 December 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	0,34	123,21
0712 90 19	0,34	123,21
1001 10 10	31,98	183,74 ⁽¹⁾ ⁽²⁾
1001 10 90	31,98	183,74 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	125,39
1001 90 99	0,00	125,39
1002 00 00	35,82	112,86 ⁽³⁾
1003 00 10	29,59	121,34
1003 00 90	29,59	121,34
1004 00 10	85,40	71,52
1004 00 90	85,40	71,52
1005 10 90	0,34	123,21 ⁽³⁾ ⁽²⁾
1005 90 00	0,34	123,21 ⁽³⁾ ⁽²⁾
1007 00 90	23,54	132,07 ⁽⁴⁾
1008 10 00	29,59	39,71
1008 20 00	29,59	115,17 ⁽⁵⁾
1008 30 00	29,59	0,00 ⁽⁷⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	29,59	0,00
1101 00 00	0,41	189,39
1102 10 00	63,20	171,85
1103 11 10	62,89	298,11
1103 11 90	0,72	203,64

⁽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 4134/88

of 29 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 28 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 30 December 1988.

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

Done at Brussels, 29 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 29 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	5,60	5,60	5,60
1001 90 99	0	5,60	5,60	5,60
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	7,84	7,84	7,84

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	9,97	9,97	9,97	9,97
1107 10 19	0	7,45	7,45	7,45	7,45
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 4135/88

of 29 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 26 and 27 December 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 79, 21. 3. 1987, p. 11.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 79, 21. 3. 1987, p. 13.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

HAS ADOPTED THIS REGULATION:

Article 2

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

Article 1

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

Article 3

This Regulation shall enter into force on 30 December 1988.

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

Done at Brussels, 29 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Minimum import levies on olive oil

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

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

- (a) Lebanon: 0,60 ECU/100 kg;
- (b) Turkey: 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Algeria, Tunisia and Morocco: 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

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

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

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

**COMMISSION REGULATION (EEC) No 4136/88
of 29 December 1988**

adjusting the agricultural conversion rates for the pigmeat sector in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽²⁾, as last amended by Regulation (EEC) No 1889/87⁽³⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the peseta during the reference period 21 to 27 December 1988 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁴⁾, as last amended by Regulation (EEC) No 4024/88⁽⁵⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁶⁾, as last amended by Regulation (EEC) No 3521/88⁽⁷⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Spain, effective from 2 January 1989; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to avoid the creation of these new monetary compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex V to amended Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	1 ECU = ... Ptas	Applicable until	1 ECU = ... Ptas	Applicable from
Pigmeat	153,561	1 January 1989	152,665	2 January 1989 [*]

Article 2

This Regulation shall enter into force on 2 January 1989.

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 355, 23. 12. 1988, p. 14.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁷⁾ OJ No L 307, 12. 11. 1988, p. 28.

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

Done at Brussels, 29 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 4137/88

of 29 December 1988

fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 14 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products ⁽³⁾, as last amended by Regulation (EEC) No 3609/88 ⁽⁴⁾;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1988/89 milk year by Council Regulation (EEC) No 2235/88 ⁽⁵⁾;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or

coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁶⁾, as last amended by Regulation (EEC) No 3852/88 ⁽⁷⁾;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Regulation (EEC) No 1073/68 ⁽⁸⁾, as amended by Regulation (EEC) No 222/88 ⁽⁹⁾, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 315, 22. 11. 1988, p. 1.

⁽⁵⁾ OJ No L 197, 26. 7. 1988, p. 37.

⁽⁶⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁷⁾ OJ No L 343, 13. 12. 1988, p. 10.

⁽⁸⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽⁹⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas Regulation (EEC) No 788/86⁽¹⁾, as last amended by Regulation (EEC) No 2431/88⁽²⁾, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland.

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas

they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Regulation (EEC) No 2730/75 of the Council of 29 October 1975 on glucose and lactose⁽³⁾ stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.
2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽²⁾ OJ No L 210, 3. 8. 1988, p. 6.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 29 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 29 December 1988 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		15,97
0401 10 90		14,76
0401 20 11		22,44
0401 20 19		21,23
0401 20 91		28,25
0401 20 99		27,04
0401 30 11		73,77
0401 30 19		72,56
0401 30 31		143,12
0401 30 39		141,91
0401 30 91		241,43
0401 30 99		240,22
0402 10 11		107,28
0402 10 19		100,03
0402 10 91	(¹)	1,0003/kg + 29,21
0402 10 99	(¹)	1,0003/kg + 21,96
0402 21 11		150,94
0402 21 17		143,69
0402 21 19		143,69
0402 21 91		192,24
0402 21 99		184,99
0402 29 11	(¹) (²)	1,4369/kg + 29,21
0402 29 15	(¹)	1,4369/kg + 29,21
0402 29 19	(¹)	1,4369/kg + 21,96
0402 29 91	(¹)	1,8499/kg + 29,21
0402 29 99	(¹)	1,8499/kg + 21,96
0402 91 11		31,42
0402 91 19		31,42
0402 91 31		39,27
0402 91 39		39,27
0402 91 51		143,12
0402 91 59		141,91
0402 91 91		241,43
0402 91 99		240,22
0402 99 11		53,76
0402 99 19		53,76
0402 99 31	(¹)	1,3949/kg + 25,59
0402 99 39	(¹)	1,3949/kg + 24,38
0402 99 91	(¹)	2,3780/kg + 25,59
0402 99 99	(¹)	2,3780/kg + 24,38

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

CN code	Note	Import levy
0403 10 11		24,85
0403 10 13		30,66
0403 10 19		76,18
0403 10 31	(¹)	0,1881/kg + 28,00
0403 10 33	(¹)	0,2462/kg + 28,00
0403 10 39	(¹)	0,7014/kg + 28,00
0403 90 11		107,28
0403 90 13		150,94
0403 90 19		192,24
0403 90 31	(¹)	1,0003/kg + 29,21
0403 90 33	(¹)	1,4369/kg + 29,21
0403 90 39	(¹)	1,8499/kg + 29,21
0403 90 51		24,85
0403 90 53		30,66
0403 90 59		76,18
0403 90 61	(¹)	0,1881/kg + 28,00
0403 90 63	(¹)	0,2462/kg + 28,00
0403 90 69	(¹)	0,7014/kg + 28,00
0404 10 11		18,07
0404 10 19	(¹)	0,1807/kg + 21,96
0404 10 91	(²)	0,1807/kg
0404 10 99	(²)	0,1807/kg + 21,96
0404 90 11		107,28
0404 90 13		150,94
0404 90 19		192,24
0404 90 31		107,28
0404 90 33		150,94
0404 90 39		192,24
0404 90 51	(¹)	1,0003/kg + 29,21
0404 90 53	(¹)	1,4369/kg + 29,21
0404 90 59	(¹)	1,8499/kg + 29,21
0404 90 91	(¹)	1,0003/kg + 29,21
0404 90 93	(¹)	1,4369/kg + 29,21
0404 90 99	(¹)	1,8499/kg + 29,21
0405 00 10		248,90
0405 00 90		303,66
0406 10 10		259,17
0406 10 90		311,09
0406 20 10	(³)	386,75
0406 20 90		386,75
0406 30 10	(³)	200,45
0406 30 31	(³)	196,03
0406 30 39	(³)	200,45
0406 30 90	(³)	297,17
0406 40 00	(³)	157,44
0406 90 11	(³)	246,07

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

CN code	Note	Import levy
0406 90 13	(³)	236,37
0406 90 15	(³)	236,37
0406 90 17	(³)	236,37
0406 90 19	(³)	386,75
0406 90 21	(³)	246,07
0406 90 23	(³)	214,37
0406 90 25	(³)	214,37
0406 90 27	(³)	214,37
0406 90 29	(³)	214,37
0406 90 31	(³)	214,37
0406 90 33		214,37
0406 90 35	(³)	214,37
0406 90 37	(³)	214,37
0406 90 39	(³)	214,37
0406 90 50	(³)	214,37
0406 90 61		386,75
0406 90 63		386,75
0406 90 69		386,75
0406 90 71		259,17
0406 90 73		214,37
0406 90 75		214,37
0406 90 77		214,37
0406 90 79		214,37
0406 90 81		214,37
0406 90 83		214,37
0406 90 85		214,37
0406 90 89	(³)	214,37
0406 90 91		259,17
0406 90 93		259,17
0406 90 97		311,09
0406 90 99		311,09
1702 10 10		36,85
1702 10 90		36,85
2106 90 51		36,85
2309 10 15		77,44
2309 10 19		100,45
2309 10 39		94,59
2309 10 59		79,13
2309 10 70		100,45
2309 90 35		77,44
2309 90 39		100,45
2309 90 49		94,59
2309 90 59		79,13
2309 90 70		100,45

-
- (1) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
 - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this subheading is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (3) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
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COMMISSION REGULATION (EEC) No 4138/88
of 29 December 1988
fixing the export refunds on olive oil

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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

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

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

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, 29 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 29 December 1988 fixing the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund ⁽¹⁾
1509 10 90 100	56,00
1509 10 90 900	100,00
1509 90 00 100	62,41
1509 90 00 900	105,00
1510 00 90 100	15,50
1510 00 90 900	52,00

⁽¹⁾ For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

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

COMMISSION REGULATION (EEC) No 4139/88

of 29 December 1988

fixing the production refund for white sugar used in the chemical industry

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 9 (6) thereof,

Whereas under Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Regulation (EEC) No 2306/88⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 1053/88⁽⁶⁾, specifies the method to be used for establishing the production refund; whereas Article 1 of

Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at 33,895 ECU for three months from 1 January to 31 March 1989. For flavoured sugars or sugars containing added colouring agents or containing other substances obtained from white sugar or raw sugar the production refund shall be established by multiplying this amount by the sucrose content of the sugar in question determined in accordance with the polarimetric method as a percentage of the dry matter weight.

Article 2

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

It shall apply with effect from 1 January 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

⁽⁶⁾ OJ No L 103, 22. 4. 1988, p. 25.

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

Done at Brussels, 29 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 4140/88

of 29 December 1988

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

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⁾,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods⁽³⁾, as amended by Regulation (EEC) No 3788/85⁽⁴⁾, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for

oils falling within subheading 1509 90 00 of the combined nomenclature; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of January and February 1989, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- 109,00 ECU per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Spain and Portugal,
- 50,44 ECU per 100 kilograms for olive oil other than that referred to in the preceding indent, utilized in the Member States other than Spain and Portugal,
- 45,32 ECU per 100 kilograms for olive oil utilized in Spain,
- 96,05 ECU per 100 kilograms for olive oil utilized in Portugal.

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, 29 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 78, 30. 3. 1979, p. 2.

⁽⁴⁾ OJ No L 367, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 4141/88**of 29 December 1988****fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries**

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, in accordance with Article 303 of the Act of Accession of Spain and Portugal, a reduced levy is applied during the period of seven years following accession on imports into Portugal of certain quantities of raw sugar originating in certain third countries;

Whereas Commission Regulation (EEC) No 599/86⁽³⁾, as last amended by Regulation (EEC) No 3735/88⁽⁴⁾, fixes

the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the Commission, be fixed as shown in Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (CN codes 1701 11 10 and 1701 12 10) is fixed for this quality type at 23,61 ECU/100 kilograms.

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, 29 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 58, 1. 3. 1986, p. 18.

⁽⁴⁾ OJ No L 328, 1. 12. 1988, p. 11.

COMMISSION REGULATION (EEC) No 4142/88

of 23 December 1988

altering certain dates in Regulations (EEC) No 1694/86 and (EEC) No 859/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 468/87 of 10 February 1987 laying down general rules applying to the special premium for beef producers⁽¹⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1346/86 of 6 May 1986 on the granting of a calf birth premium in Greece, Ireland, Italy and Northern Ireland and on the granting of an additional national premium in Italy⁽²⁾, as last amended by Regulation (EEC) No 4132/88⁽³⁾, and in particular Article 3 thereof,Whereas Article 1 (3) of Commission Regulation (EEC) No 859/87 of 25 March 1987 laying down detailed rules applying to the special premium for beef producers⁽⁴⁾, as last amended by Regulation (EEC) No 2430/87⁽⁵⁾, states that the authorization provided for in Article 3 (2) of Regulation (EEC) No 468/87 is valid up to 31 December 1988;Whereas by virtue of Article 1 (1) of Commission Regulation (EEC) No 1694/86 of 30 May 1986 laying down detailed implementing rules for the granting of a calf birth premium⁽⁶⁾, as last amended by Regulation (EEC) No 1094/87⁽⁷⁾, that premium is available in respect of any calf born during the period 6 April 1987 to 31 December 1988;

Whereas pending new premium arrangements for the beef and veal sector the Council has, by Regulation (EEC)

No 4132/88, extended the period of availability of the special premium and of the calf birth premium to 5 March 1989; whereas Regulations (EEC) No 859/87 and (EEC) No 1694/86 should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The date of 31 December 1988 given in the third indent in Article 1 (3) of Regulation (EEC) No 859/87 is replaced by 5 March 1989.
2. The date of 31 December 1988 given in the first indent in Article 1 (1) of Regulation (EEC) No 1694/86 is replaced by 5 March 1989.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1989.

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

Done at Brussels, 23 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

(1) OJ No L 48, 17. 2. 1987, p. 4.
(2) OJ No L 119, 8. 5. 1986, p. 39.
(3) See page 4 of this Official Journal.
(4) OJ No L 82, 26. 3. 1987, p. 25.
(5) OJ No L 224, 12. 8. 1987, p. 10.
(6) OJ No L 146, 31. 5. 1986, p. 54.
(7) OJ No L 106, 22. 4. 1987, p. 17.

COMMISSION REGULATION (EEC) No 4143/88

of 23 December 1988

derogating from Regulation (EEC) No 2377/80 in respect of issue of import licences under certain special arrangements in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 15 (2) thereof,

Whereas certain special import arrangements for products in the beef and veal sector, referred to in Articles 9 to 11 of Commission Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EEC) No 3182/88 ⁽⁴⁾ have not yet been established for 1989; whereas, consequently, it is necessary to derogate from Regulation (EEC) No 2377/80 with regard to the periods for lodging applications and for the granting of licences within the framework of these special systems;

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

Article 1

Article 15 of Regulation (EEC) No 2377/80 notwithstanding.

- no application for a licence may be lodged in respect of the arrangements referred to in Articles 9 to 11 of Regulation (EEC) No 2377/80,
- the information provided for in Article 15 (4) (a) and (b) of the said Regulation shall not be communicated,

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, 23 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 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

COMMISSION REGULATION (EEC) No 4144/88
of 23 December 1988
on the supply of a consignment of cereals as food aid

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

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

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

Whereas following the taking of a decision on the allocation of food aid the Commission has allocated to Egypt 25 000 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 23 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No** (1): 1112/88
2. **Programme**: 1988
3. **Recipient**: Arab Republic of Egypt
4. **Representative of the recipient** (2): Ambassade de la République Arabe d'Égypte, Section commerciale, 522 ave. Louise, 1050 Bruxelles, tel. 02 647 32 27, telex 64809 COMRAU B
5. **Place or country of destination**: Egypt
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216 of 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity**: 25 000 tonnes
9. **Number of lots**: one
10. **Packaging**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment fob stowed (4)
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1. 2. 1989 to 28. 2. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 17. 1. 1989, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 31. 1. 1989, at 12 noon
 - (b) period for making the goods available at the port of shipment: 15. 2. 1989 to 15. 3. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (5):

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Bruxelles,
telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** (6):

Refund applicable on 15. 1. 1989

Notes :

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to be contacted by the successful tenderer :
Mme F. Henrich, 6, rue Ibn Zanki, Zamalek, Cairo, telex 92028 EUROP UN CAIRO.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 level, and must be endorsed by the Egyptian Embassy in the country of origin.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05.
- (5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.
-

COMMISSION REGULATION (EEC) No 4145/88
of 23 December 1988
on the supply of a consignment of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas following the taking of a decision on the allocation of food aid the Commission has allocated to Tunisia 300 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 23 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No** ⁽¹⁾: 1075/88
2. **Programme**: 1988
3. **Recipient**: LRCS, Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Genève 19 (telex 22555 LRCS CH, tel. 34 55 80)
4. **Representative of the recipient** ⁽²⁾: Croissant-Rouge Tunisien, 19, rue d'Angleterre, Tunis 1000, telex 14524 HILAL TN, tel. 24 06 30/24 55 72
5. **Place or country of destination**: Tunisia
6. **Product to be mobilized**: durum wheat
7. **Characteristics and quality of the goods** ⁽³⁾:

The durum wheat must be of fair and sound merchantable quality, be free from odour, and correspond at least to the conditions laid down in Commission Regulation (EEC) No 1569/77 (OJ No L 174, 14. 7. 1977, p. 15), as last amended by Regulation (EEC) No 2936/87 (OJ No L 278, 1. 10. 1987, p. 51)

Specific characteristics: 14 % of matter which is not basic cereal of unimpaired quality, including at most 7 % impurities consisting of grains of which no more than 5 % are of other cereals

The varieties referred to in Article 4 (6) of Commission Regulation (EEC) No 1570/77 (OJ No L 174, 14. 7. 1977, p. 18), as last amended by Regulation (EEC) No 2258/87 (OJ No L 208, 30. 7. 1987, p. 10), are excluded
8. **Total quantity**: 300 tonnes
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾:

See list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (c))

— on the sacks shall be printed a red crescent 15 cm high with the points facing to the left followed by (in letters at least 5 cm high):

'ACTION No 1075/88 / BLÉ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / TUNIS'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Tunis
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 5. 2. 1989 to 20. 2. 1989
18. **Deadline for the supply**: 31. 3. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 17. 1. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 31. 1. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15. 2. 1989 to 5. 3. 1989
 - (c) deadline for the supply: 15. 4. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Bruxelles,
telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾:

Refund applicable on 10. 11. 1988 fixed by Regulation (EEC) No 3372/88 in OJ No L 296, 29. 10. 1988, page 63

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 level.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
 - certificate of origin.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
-

COMMISSION REGULATION (EEC) No 4146/88

of 23 December 1988

on the supply of refined rape seed oil to the United Nations High Commissioner
for Refugees (UNHCR) as food aid

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

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

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

Whereas, by its Decision of 5 September 1986 on the
supply of food aid to UNHCR, the Commission allocated
to that organization 250 tonnes of refined rape seed oil;

Whereas it is necessary to provide for the carrying-out of
this measure in accordance with the rules laid down by
Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in
the Community of products to be supplied as Community
food aid ⁽⁴⁾; whereas it is necessary to specify the time
limits and conditions of supply and the procedure to be
followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of
a contract for the supply of refined rape seed oil to
UNHCR in accordance with the provisions of Regulation
(EEC) No 2200/87 and with the conditions laid down in
the Annexes hereto.

Article 2

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

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

Done at Brussels, 23 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation No (1):** 1070/88
2. **Programme:** 1986
3. **Recipient:** UNHCR, Palais des Nations, CH-1211 Genève 10
4. **Representative of the recipient (2):** The UNHCR Regional Liaison Representative for Africa, Ground floor, EEC Building, Bole Road, Higher 18, Kebele 26, House 519, 001-Addis Ababa
5. **Place or country of destination:** Ethiopia
6. **Product to be mobilized:** refined rape seed oil
7. **Characteristics and quality of the goods (3):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity:** 150 tonnes net
9. **Number of lots:** one
10. **Packaging and marking:** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - metal cans of five litres or five kilograms,
 - the cans must be packed in cartons, with four cans per carton,
 - the cans must carry the following wording:
'ACTION No 1070/88 / VEG. OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNHCR / ASSISTANCE PROGRAMME FOR REFUGEES IN ETHIOPIA / FOR FREE DISTRIBUTION / ASSAB'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Assab
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 28. 2. 1989 to 28. 3. 1989
18. **Deadline for the supply:** 9. 5. 1989
19. **Procedure for determining the costs of supply (4):** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 17. 1. 1989 not later than 12 noon. Tenders shall be valid until 12 midnight on 18. 1. 1989
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 31. 1. 1989 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 1. 2. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 14. 3. 1989 to 14. 4. 1989
 - (c) deadline for the supply: 23. 5. 1989
22. **Amount of the tendering security:** ECU 15/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders (5):**

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Bruxelles,
telex: 22037 AGREC B
25. **Refund payable on request by the successful tenderer:** —

ANNEX II

1. **Operation No** (1): 1071/88
2. **Programme**: 1986
3. **Recipient**: UNHCR, Palais des Nations, CH-1211 Genève 10
4. **Representative of the recipient** (2): the UNHCR chargé de mission in Malawi, Plot 7, Area 40, Lilongwe, Malawi
5. **Place or country of destination**: Malawi
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216 of 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 100 tonnes net
9. **Number of lots**: one
10. **Packaging and marking**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - metal cans of five litres or five kilograms,
 - the cans must be packed in cartons, with four cans per carton,
 - the cans must carry the following wording:
'ACTION No 1071/88 / VEG. OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNHCR ASSISTANCE PROGRAMME FOR REFUGEES IN MALAWI / FOR FREE DISTRIBUTION / BLANTYRE'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: Blantyre
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 28. 2. 1989 to 28. 3. 1989
18. **Deadline for the supply**: 9. 5. 1989
19. **Procedure for determining the costs of supply** (4): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 17. 1. 1989 not later than 12 noon. Tenders shall be valid until 12 midnight on 18. 1. 1989
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 31. 1. 1989 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 1. 2. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 14. 3. 1989 to 14. 4. 1989
 - (c) deadline for the supply: 23. 5. 1989
22. **Amount of the tendering security**: ECU 15/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (5):

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Bruxelles,
Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer**: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer:
see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
-

COMMISSION REGULATION (EEC) No 4147/88

of 21 December 1988

amending Regulation (EEC) No 1767/82 as regards the fixing of quantities of cheeses imported from Norway

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1109/88⁽²⁾, and in particular Article 14 (7) thereof,

Whereas, under the new Agreement in the form of an Exchange of Letters concluded between the Community and Norway on 21 December 1988⁽³⁾, annual tariff quotas were fixed for the Community and Norway for 1989, 1990 and 1991; whereas the entry opposite Norway in Annex I to Commission Regulation (EEC) No 1767/82 of 1 July 1982 laying down detailed rules for applying specific import levies on certain milk products⁽⁴⁾, as last amended by Regulation (EEC) No 3852/88⁽⁵⁾, should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Point (s) in Annex I to Regulation (EEC) No 1767/82 is hereby replaced by the following:

CN code	Description of goods	Country of origin	Import levy in ECU per 100 kg net weight unless specified otherwise
(s) ex 0406 90 39 ex 0406 90 89	— Jarlsberg, with a minimum fat content of 45 % by weight in the dry matter and a dry matter content of at least 56 %, matured for at least three months: — Whole cheeses with rind, from 8 to 12 kg — In rectangular blocks with a net weight of not more than 7 kg⁽⁶⁾ — Pieces packed in vacuum or in inert gas, with a net weight of not less than 150 g and not more than 1 kg⁽⁶⁾ — Ridder, with a minimum fat content of 60 % by weight, in the dry matter, matured for at least four weeks: — Whole cheeses with rind, from 1 to 2 kg — Pieces packed in vacuum or in inert gas, with rind on at least one side, with a net weight of at least 150 g⁽⁶⁾ Originating from Norway, subject to an annual tariff quota of: — 2 020 tonnes for 1989, — 2 020 tonnes for 1990, — 2 020 tonnes for 1991.	Norway	55,00

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.⁽³⁾ See page 53 of this Official Journal.⁽⁴⁾ OJ No L 196, 5. 7. 1982, p. 1.⁽⁵⁾ OJ No L 343, 13. 12. 1988, p. 10.

Article 2

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

It shall apply from 1 January 1989.

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

Done at Brussels, 21 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 4148/88

of 23 December 1988

laying down detailed rules for the application of the import arrangements provided for by Council Regulations (EEC) No 4075/88 and (EEC) No 4077/88 in the beef and veal sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4075/88 of 19 December 1988 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 ⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 4077/88 of 19 December 1988 opening a Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90 ⁽²⁾, and in particular Article 2 thereof,

Whereas Regulations (EEC) No 4075/88 and (EEC) No 4077/88 opened quotas for high-quality beef and veal and for buffalo meat; whereas the rules for the application of these arrangements must be established;

Whereas the exporting non-member countries have undertaken to issue certificates of authenticity guaranteeing the origin of these products; whereas the form and layout of these certificates and the procedures for using them must be specified; whereas the certificate of authenticity must be issued by an appropriate authority in a non-member country, the standing of which is such as to ensure that the special arrangements are properly applied;

Whereas, pursuant to Article 2 of Commission Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EEC) No 3182/88 ⁽⁴⁾, a licence is required for all imports into the Community of beef and veal products; whereas some of the non-member countries exporting meat under this Regulation have undertaken to restrict their exports of such products; whereas the licence must be endorsed as required by the provisions in Article 12 of Regulation (EEC) No 2377/80;

Whereas in order to ensure that the importing of these meats is managed efficiently it is appropriate to provide for the non-transferability of certificates;

Whereas provision must be made for the Member States to transmit relevant information in connection with these special imports;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quota for fresh, chilled or frozen beef and veal provided for in Article 1 (1) of Regulation (EEC) No 4075/88 shall be allocated as follows:

(a) 17 000 tonnes of chilled, boned or boneless meat, falling within CN codes 0201 30 and 0206 10 95, and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals aged between 22 and 24 months, having two permanent incisors and presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef", cuts of which may bear the letters "sc" (special cuts)';

(b) 5 000 tonnes product weight of meat, falling within CN codes 0201 20 90, 0201 30, 0202 20 90, 0202 30, 0206 10 95 and 0206 29 91, and answering the following definition:

'Selected cuts of fresh, chilled or frozen beef derived from bovine animals which do not have more than four permanent incisor teeth, the carcasses of which have a dressed weight of not more than 327 kilograms (720 pounds), a compact appearance with a good eye of meat of light and uniform colour, and adequate but not excessive fat cover. The meat shall be certified "high-quality beef EEC";

(c) 2 300 tonnes of boned or boneless meat, falling within CN codes 0201 30, 0202 30 90, 0206 10 95 and 0206 29 91, and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef". These cuts may bear the letters "sc" (special cuts)';

⁽¹⁾ OJ No L 359, 28. 12. 1988, p. 4.

⁽²⁾ OJ No L 359, 28. 12. 1988, p. 7.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

- (d) 10 000 tonnes product weight of meat, falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91, and answering the following definition :

'Carcases of any cuts from cattle not over 30 months of age which have been fed for 100 days or more on a nutritionally balanced, high-energy-feed concentration ration containing no less than 70 % grain and at least 20 pounds total feed per day. Beef graded USDA "choice" or "prime" automatically meets the definition above. Meat graded A2, A3 and A4 under the standards of the Canadian Ministry of Agriculture automatically meets the definition above'.

2. The tariff quota for frozen buffalo meat provided for in Article 1 (1) of Regulation (EEC) No 4077/88 shall be administered in accordance with the provisions of this Regulation.

Article 2

1. The total suspension of the import levy for the meat referred to in Article 1 shall be subject to the presentation, at the time it is put into free circulation, of a certificate of authenticity and, in respect of the meat referred to in Article 1 (1) (d), to the presentation of the import licence referred to in Article 12 of Regulation (EEC) No 2377/80.

The import certificates requested for the meats under Article 1 (1) (d) shall not be transferable.

2. The certificate of authenticity shall be made out in one original and not less than one copy on a form corresponding to the model in Annex I.

The form shall measure approximately 210 × 297 mm.

The paper shall weigh not less than 40 g/m² and shall be white.

3. The forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language or one of the official languages of the exporting country.

The appropriate definition under Article 1 (1) relative to the meat originating from the exporting country shall be shown on the back of the form.

4. The particulars on the original and the copies shall be either typewritten or handwritten. In the latter case they must be printed in block capitals.

5. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

Article 3

1. The certificate of authenticity shall be valid for three months from the date it was issued.

The original certificate of authenticity and one copy shall be presented to the customs authority when the product covered by the certificate is put into free circulation.

However, the certificate may not be presented after 31 December of its year of issue.

2. The copy of the certificate of authenticity referred to in paragraph 1 shall be sent by the customs authorities of the Member State in which the product is placed in free circulation to the designated authorities of that Member State responsible for the communication under Article 6 (1).

Article 4

1. A certificate of authenticity shall be valid only if it is duly completed and endorsed, in accordance with the instruction in Annexes I and II, by one of the issuing authorities listed in Annex II.

2. The certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the person or persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authorities listed in Annex II shall :
- (a) be recognized as competent by the exporting country ;
 - (b) undertake to check the particulars set out in the certificates of authenticity ;
 - (c) undertake to communicate to the Commission and to the Member States, on request, any useful information enabling the particulars set out in the certificates of authenticity to be evaluated.

2. The list shall be amended if the requirement in paragraph 1 (a) is no longer met or if an issuing authority fails to fulfil one of the obligations incumbent on it.

Article 6

1. The Member States shall communicate to the Commission, in respect of each period of 10 days, not later than 15 days after that period, the quantities of products referred to in Article 1 that have been put into free circulation, broken down by their country of origin and combined nomenclature code.

2. Under this Regulation the period of 10 days means :—

- from the first to 10th of the month inclusive,
- from the 11th to 20th of the month inclusive,
- from the 21st to the last day of the month inclusive.

Article 7

The lodging of licence applications and the issuing of import licences for the meat referred to in Article 1 (1) (d) shall be effected in accordance with the provisions of Articles 12 and 15 of Regulation (EEC) No 2377/80.

Article 8

In all Community instruments in which reference is made to Commission Regulation (EEC) No 263/81 ⁽¹⁾, or to Articles of that Regulation, such references shall be treated as references to this Regulation or to the corresponding Articles hereof.

Article 9

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, 23 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 27, 31. 1. 1981, p. 52.

ANNEX 1

1 Exporter	2 Certificate No	ORIGINAL	
4 Consignee	3 Issuing authority		
	5 CERTIFICATE OF AUTHENTICITY BEEF AND VEAL		
6 Means of transport			
7 Marks, numbers, number and kind of packages ; description of goods		8 Gross weight (kg)	9 Net weight (kg)
10 Net weight (in words)			
11 CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the beef described in this certificate complies with the specification shown overleaf : (a) for high-quality beef (''); (b) for buffalo meat ('').			
Place		Date	
Signature and stamp (or printed seal)			

(*) Delete as appropriate

DEFINITIONS

High-quality beef originating in
(appropriate definition)

Buffalo meat originating in Australia

*ANNEX II***LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY**

- JUNTA NACIONAL DE CARNES
for meat originating in Argentina, answering the definition in Article 1 (1) (a).
 - AUSTRALIAN MEAT AND LIVESTOCK CORPORATION
for meat originating in Australia:
 - (a) answering the definition in Article 1 (1) (b);
 - (b) referred to in Article 1 (2).
 - INSTITUTO NACIONAL DE CARNES (INAC)
for meat originating in Uruguay, answering the definition in Article 1 (1) (c).
 - FOOD SAFETY AND INSPECTION SERVICE (FSIS) OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
for meat originating in the United States of America, answering the definition in Article 1 (1) (d).
 - FOOD PRODUCTION AND INSPECTION BRANCH-AGRICULTURE CANADA, DIRECTION GÉNÉRALE PRODUCTION ET INSPECTION DES ALIMENTS-AGRICULTURE CANADA
for meat originating in Canada, answering the definition in Article 1 (1) (d).
-

COMMISSION REGULATION (EEC) No 4149/88**of 27 December 1988****suspending the standing invitation to tender provided for in Regulation (EEC)
No 3905/86**

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

Having regard to Council Regulation (EEC) 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 7 (3) thereof,

Whereas, pursuant to Commission Regulation (EEC) No
3905/86 of 22 December 1986 on the sale by tender, for
export, of beef held by certain intervention agencies to
Peru ⁽³⁾, as last amended by Regulation (EEC) No
742/88 ⁽⁴⁾, intervention agencies have issued a standing
invitation to tender in respect of certain quantities of beef
which they hold;

Whereas it is advisable to suspend the said invitation to
tender;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Beef and Veal.

HAS ADOPTED THIS REGULATION:

Article 1

The standing invitation to tender provided for in
Regulation (EEC) No 3905/86 is hereby suspended.

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, 27 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 364, 23. 12. 1986, p. 17.

⁽⁴⁾ OJ No L 76, 22. 3. 1988, p. 16.

COMMISSION REGULATION (EEC) No 4150/88

of 29 December 1988

fixing the rates of the refunds applicable to certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 2221/88 ⁽²⁾, and in particular the first sentence of the
fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽³⁾, as last amended by Regulation (EEC)
No 2229/88 ⁽⁴⁾, and in particular the first sentence of the
fourth subparagraph of Article 17 (2) thereof,Whereas Article 16 (1) of Regulation (EEC) No 2727/75
and Article 17 (1) of Regulation (EEC) No 1418/76
provides that the difference between quotations of prices
on the world market for the products listed in Article 1 of
each of those Regulations and the prices within the
Community may be covered by an export refund;Whereas Council Regulation (EEC) No 3035/80 of 11
November 1980 laying down general rules for granting
export refunds on certain agricultural products exported
in the form of goods not covered by Annex II to the
Treaty, and the criteria for fixing the amount of such
refunds ⁽⁵⁾, as last amended by Regulation (EEC) No
3209/88 ⁽⁶⁾, specifies the products for which a rate of
refund should be fixed, to be applied where these
products are exported in the form of goods listed in
Annex B to Regulation (EEC) No 2727/75 or in Annex B
to Regulation (EEC) No 1418/76 as appropriate;Whereas, in accordance with the first subparagraph of
Article 4 (1) of Regulation (EEC) No 3035/80, the rate of
the refund per 100 kilograms for each of the basic
products in question must be fixed for each month;Whereas, in accordance with paragraph 2 of that Article,
that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in
obtaining supplies of the basic products in question
on the Community market and the prices ruling on
the world markets;
- (b) the level of the refunds on exports of processed agri-
cultural products covered by Annex II to the Treaty
which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the
industries which use Community products and those
which use third-country products under inward
processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80
provides that, when the rate of the refunds is being fixed,
account should be taken, where appropriate, of produc-
tion refunds, aids or other measures having equivalent
effect applicable in all Member States in accordance with
the Regulation on the common organization of the
market in the product in question to the basic products
listed in Annex A to that Regulation or to assimilated
products; whereas such production refunds are granted
under the conditions laid down in Council Regulation
(EEC) No 2742/75 of 29 October 1975 on production
refunds in the cereals and rice sectors ⁽⁷⁾, as last amended
by Regulation (EEC) No 1009/86 ⁽⁸⁾, and Council Regula-
tion (EEC) No 1009/86 of 25 March 1986 establishing
general rules applying to production refunds in the
cereals and rice sector;Whereas account should be taken, for the purposes of
Article 4 (3) of Regulation (EEC) No 3035/80, of the
production refund provided for in Regulation (EEC) No
2742/75 applicable during the month in which exporta-
tion occurs; whereas, moreover, in the absence of
evidence that no production refund was granted under
Regulation (EEC) No 1009/86 the export refund should
be further reduced by the amount of the production
refund applicable on the day of acceptance of the export
declaration; whereas this system is the only one which
discards the risk of fraud;Whereas Council Regulation (EEC) No 565/80 of 4
March 1980 on the advance payment of export refunds in
respect of agricultural products ⁽⁹⁾, as amended by Regula-⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.⁽⁶⁾ OJ No L 286, 20. 10. 1988, p. 6.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 57.⁽⁸⁾ OJ No L 94, 9. 4. 1986, p. 6.⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.

tion (EEC) No 2026/83⁽¹⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽²⁾ lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽³⁾, it is necessary to differentiate the refund on goods falling within subheadings 1902 11 00 and 1902 19 of the combined nomenclature according to their destination;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the accept-

ance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1009/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1009/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

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, 29 December 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽³⁾ OJ No L 275, 29. 9. 1987, p. 36.

ANNEX

to the Commission Regulation of 29 December 1988 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	Rate of refund (ECU/100 kg)
1001 10 90	Durum wheat : — On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America — In all other cases	13,843 13,983
1001 90 99	Common wheat, and meslin (mixed wheat and rye) : — For the manufacture of starch — Other than for the manufacture of starch : — On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America — In all other cases	7,134 7,756 7,834
1002 00 00	Rye	6,165
1003 00 90	Barley	6,986
1004 00 90	Oats	3,606
1005 90 00	Maize, other than hybrid maize for sowing : — For the manufacture of starch — Other than for the manufacture of starch	8,160 8,660
1006 20	Round grain husked rice	38,206
	Medium grain husked rice	37,945
	Long grain husked rice	37,945
1006 30	Round grain wholly milled rice	49,298
	Medium grain wholly milled rice	54,993
	Long grain wholly milled rice	54,993
1006 40 00	Broken rice : — For the manufacture of starch — Other than for the manufacture of starch	11,358 11,958
1007 00 90	Sorghum	6,404
1101 00 00	Wheat or meslin flour : — On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America — In all other cases	9,241 9,334
1102 10 00	Rye flour	16,041
1103 11 10	Durum wheat groats and meal : — On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America — In all other cases	21,457 21,674
1103 11 90	Common wheat groats and meal : — On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America — In all other cases	9,241 9,334

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 December 1988

on the conclusion of an Agreement in the form of an Exchange of Letters
between the European Economic Community and the Kingdom of Norway
concerning reciprocal trade in cheese

(88/650/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 Agreement between the European Economic Community and the Kingdom of Norway concerning reciprocal trade in cheese⁽¹⁾, signed on 31 January 1986, the tariff quotas to be opened by the Community and Norway respectively were laid down for only 1986 to 1988; whereas the Agreement should therefore be renewed and the quotas for subsequent years should be laid down;

Whereas the Commission has conducted the relevant negotiations with the Kingdom of Norway and whereas these negotiations have culminated in an agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

Kingdom of Norway concerning reciprocal trade in cheese 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, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 22, 29. 1. 1986, p. 25.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the Kingdom of Norway concerning the reciprocal trade in cheese

1. Letter from the Community

Brussels,

Sir,

I have the honour to refer to the consultations held between the European Economic Community and the Kingdom of Norway under paragraph 6 of the Agreement concerning reciprocal trade in cheese, signed on 31 January 1986. In view of the common interest of the Community and Norway in offering consumers, in addition to home-produced cheese, other types of imported cheese, I propose that with effect from 1 January 1989 the arrangement contained in the said Agreement be replaced by the following provisions:

1. For the annual quantities of cheese listed below, the import duties may not exceed the following levels:

- (a) on importation into the Community (excluding Spain and Portugal)

Cheese falling within CN code 0406, originating in and coming from Norway and accompanied by an approved certificate⁽¹⁾:

	Annual quantity (in tonnes) for the years 1989, 1990 and 1991	Import duty (in ECU/100 kg)
— Jarlsberg, of a minimum fat content of 45 %, by weight, in the dry matter and of a dry matter content, by weight, of not less than 56 %, matured for at least three months: — Whole cheeses with rind⁽¹⁾ weighing from 8 kg to 12 kg — Rectangular blocks of a net weight not exceeding 7 kg⁽²⁾ — Pieces packed in vacuum or in inert gas, of a net weight of not less than 150 g but not exceeding 1 kg⁽²⁾ — Ridder, of a minimum fat content of 60 %, by weight, in the dry matter and matured for at least four weeks: — Whole cheeses with rind⁽¹⁾ weighing from 1 kg to 2 kg — Pieces packed in vacuum or in inert gas, with rind on at least one side⁽¹⁾, of a net weight of not less than 150 g⁽²⁾	2 020	55

⁽¹⁾ The expression 'whole cheeses with rind' means cheeses of the conventional flat cylindrical shape. For the purposes of these provisions, the rind is defined as follows: the rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour.

⁽²⁾ The wording on the packing must be such as to enable this cheese to be identified by the consumer.

- (b) on importation into Norway

	Annual quantity (in tonnes) for the years 1989, 1990 and 1991	Import duty (in Nkr/kg)
— Cheese of all types and varieties, originating in and coming from the Community	2 160	1,20

⁽¹⁾ The certificate will be issued by 'Norske Meierier' (Norwegian Dairies).

2. Norway will take the necessary steps in order to :
 - limit the issue of the certificates referred to in 1 (a) to the quantities agreed in this Agreement,
 - ensure that the autonomous system of import licence allocation will be managed taking into account market requirements and in such a way that imports may take place regularly and that the quantities agreed for import into Norway from the Community can effectively be imported.
3. The Community and Norway will take steps to ensure that the benefits which they grant each other will not be jeopardized by other import measures.
4. The Community and Norway undertake, each on its own behalf, to ensure that the prices charged by their exporters are not such as to create difficulties on the importing country's market.

They agree, in this connection, to set up a system of information and mutual cooperation as described in the Annex to this Agreement.

If difficulties arise concerning the prices charged, consultations will be held at the request of either party, as promptly as possible, with a view to the adoption of appropriate corrective measures.
5. Consultations will be held at the request of either party on any question relating to the operation of this Agreement. The two parties may, by common accord, alter it by reference in particular to the trend of market prices, production, marketing or consumption of home-produced and imported cheeses.
6. During the first half of 1990, consultations will be held to review the operation of the Agreement and, if necessary, to adjust the quantities.
7. During the first half of 1991, consultations will be held to determine the quantities and import duties applicable for the subsequent years.
8. This Agreement may be terminated by a year's notice in writing.

If this provision is applied, each party shall retain the rights it had before the conclusion of the Agreement.

I should be obliged if you would confirm that your Government is in agreement with the above.

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

*On behalf of the
Council of the European Communities*

2. Letter from Norway

Brussels,

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 held between the European Economic Community and the Kingdom of Norway under paragraph 6 of the Agreement concerning reciprocal trade in cheese, signed on 31 January 1986. In view of the common interest of the Community and Norway in offering consumers, in addition to home-produced cheese, other types of imported cheese, I propose that with effect from 1 January 1989 the arrangement contained in the said Agreement be replaced by the following provisions :

1. For the annual quantities of cheese listed below, the import duties may not exceed the following levels :

- (a) on importation into the Community (excluding Spain and Portugal)

Cheese falling within CN code 0406, originating in and coming from Norway and accompanied by an approved certificate ⁽¹⁾ :

	Annual quantity (in tonnes) for the years 1989, 1990 and 1991	Import duty (in ECU/100 kg)
— Jarlsberg, of a minimum fat content of 45 %, by weight, in the dry matter and of a dry matter content, by weight, of not less than 56 %, matured for at least three months : — Whole cheeses with rind ⁽¹⁾ weighing from 8 kg to 12 kg — Rectangular blocks of a net weight not exceeding 7 kg ⁽²⁾ — Pieces packed in vacuum or in inert gas, of a net weight of not less than 150 g but not exceeding 1 kg ⁽²⁾ — Ridder, of a minimum fat content of 60 %, by weight, in the dry matter and matured for at least four weeks : — Whole cheeses with rind ⁽¹⁾ weighing from 1 kg to 2 kg — Pieces packed in vacuum or in inert gas, with rind on at least one side ⁽¹⁾, of a net weight of not less than 150 g ⁽²⁾	2 020	55

⁽¹⁾ The expression "whole cheeses with rind" means cheeses of the conventional flat cylindrical shape. For the purposes of these provisions, the rind is defined as follows : the rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour.

⁽²⁾ The wording on the packing must be such as to enable this cheese to be identified by the consumer.

- (b) on importation into Norway

	Annual quantity (in tonnes) for the years 1989, 1990 and 1991	Import duty (in Nkr/kg)
— Cheese of all types and varieties, originating in and coming from the Community	2 160	1,20

⁽¹⁾ The certificate will be issued by "Norske Meierier" (Norwegian Dairies).

2. Norway will take the necessary steps in order to :
- limit the issue of the certificates referred to in 1 (a) to the quantities agreed in this Agreement,
 - ensure that the autonomous system of import licence allocation will be managed taking into account market requirements and in such a way that imports may take place regularly and that the quantities agreed for import into Norway from the Community can effectively be imported.

3. The Community and Norway will take steps to ensure that the benefits which they grant each other will not be jeopardized by other import measures.

4. The Community and Norway undertake, each on its own behalf, to ensure that the prices charged by their exporters are not such as to create difficulties on the importing country's market.

They agree, in this connection, to set up a system of information and mutual cooperation as described in the Annex to this Agreement.

If difficulties arise concerning the prices charged, consultations will be held at the request of either party, as promptly as possible, with a view to the adoption of appropriate corrective measures.

5. Consultations will be held at the request of either party on any question relating to the operation of this Agreement. The two parties may, by common accord, alter it by reference in particular to the trend of market prices, production, marketing or consumption of home-produced and imported cheeses.

6. During the first half of 1990, consultations will be held to review the operation of the Agreement and, if necessary, to adjust the quantities.

7. During the first half of 1991, consultations will be held to determine the quantities and import duties applicable for the subsequent years.

8. This Agreement may be terminated by a year's notice in writing.

If this provision is applied, each party shall retain the rights it had before the conclusion of the Agreement.

I should be obliged if you would confirm that your Government is in agreement with the above.

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 Government of the Kingdom of Norway

*ANNEX***Mutual information procedures**

In order to ensure that the prices charged by exporters are not such as to cause problems on the market of the importing country, the following information procedures shall be established :

1. Norway shall provide the Commission of the European Communities with the following information :

- two weeks before the start of each quarter of the calendar year, a forecast of Norwegian exports to the Community for the following quarter (quantities envisaged, Norwegian free-at-frontier prices envisaged, foreseeable end markets),
- three weeks after the close of each quarter of the calendar year, actual Norwegian exports to the Community in the preceding quarter, giving quantities exported, Norwegian free-at-frontier prices actually applied and importing Community countries.

2. The Commission of the European Communities shall provide, every quarter, price quotations and any other relevant information concerning the market in home-produced and imported cheeses.

EXCHANGE OF LETTERS

concerning the non-application of monetary compensatory amounts to imports into the Community of cheese from Norway

1. Letter from the Community

Brussels,

Sir,

I have the honour to refer to the Agreement in the form of an Exchange of Letters concluded this day between the European Economic Community and the Kingdom of Norway concerning reciprocal trade in cheese.

Further to the said Agreement, I can confirm that the Community will not apply any monetary compensatory amounts to cheese imports covered by the Agreement.

I should be obliged if you would acknowledge receipt of this letter.

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

*On behalf of the
Council of the European Communities*

2. Letter from Norway

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of this day, which reads as follows :

'I have the honour to refer to the Agreement in the form of an Exchange of Letters concluded this day between the European Economic Community and the Kingdom of Norway concerning reciprocal trade in cheese.

Further to the said Agreement, I can confirm that the Community will not apply any monetary compensatory amounts to cheese imports covered by the Agreement.

I should be obliged if you would acknowledge receipt of this letter.'

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

*For the
Government of the Kingdom of Norway*

COMMISSION

COMMISSION DECISION

of 23 December 1988

terminating the anti-dumping proceeding concerning imports of certain cellular mobile radio telephones originating in Canada, Hong Kong and Japan

(88/651/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 9 thereof,

After consultations within the Advisory Committee as provided for by that Regulation,

Whereas :

A. PROCEDURE

- (1) In June 1987 the Commission received a complaint lodged by the sole producer of complete TACS mobile telephones in the Community. The complaint contained evidence of dumping of the product concerned originating in Japan and Canada and of material injury resulting therefrom, which was considered sufficient to warrant the opening of an investigation.

The Commission accordingly announced, by notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of certain cellular mobile radio telephones falling within CN code ex 8525 20 90 originating in Japan and Canada, and commenced an investigation.

- (2) In December 1987 the Commission received a complementary complaint from the same Community producer requesting an extension of the proceeding to include imports of the product concerned originating in Hong Kong. The complementary complaint contained evidence that the

transceivers for cellular mobile radio telephones sold in the Community were produced in Hong Kong.

The Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*⁽³⁾ the extension of the anti-dumping proceeding to include imports of certain cellular mobile telephones originating in Hong Kong.

- (3) The Commission officially notified the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (4) Most of the producers/exporters and importers known to be concerned made known their views in writing. Some of them requested and were granted hearings.
- (5) The Commission sought and verified all the information it considered necessary for a determination of injury. On-the-spot investigations were carried out at the premises of the following companies :
- (a) *Community producer* :
Motorola Limited UK, Basingstoke and Stotfold
- (b) *Importers/distributors* :
Mitsubishi Electric UK Ltd, Rickmansworth
Panasonic Industrial UK Ltd, Slough
NEC Business Systems (Europe) Ltd, London
Novatel Communications Limited, Melksham
Carphone Group, Frome
Racal Vodac Ltd, Newbury

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 185, 15. 7. 1987, p. 2.

⁽³⁾ OJ No C 71, 17. 3. 1988, p. 12.

- (6) The investigation period set pursuant to Article 7 (1) (c) of Regulation (EEC) No 2423/88 covered the period 1 January to 30 June 1987.

B. INJURY

- (7) In order to determine whether or not the allegedly dumped imports caused material injury to the Community industry, the Commission took into consideration the following facts:

(a) Volume, market share and price of imports

(i) Volume

- (8) Imports into the Community of cellular mobile radio telephones originating in Canada, Hong Kong and Japan increased from 37 376 units in 1985 to 46 069 in 1986. During the first half of 1987, 36 337 units were imported. Extrapolated over the whole of 1987 the latter development would have represented a substantial increase. However, this trend should be assessed in the light of the development of the consumption of the product concerned during this period.

(ii) Consumption and market shares

- (9) It was found that the consumption of the product concerned, the sales of which — for technical reasons — are limited to the United Kingdom and Irish markets, increased from approximately 112 000 units at the end of 1986 to approximately 175 000 units in June 1987, i.e. an increase of 56 %.

As far as the market share is concerned, it was found that during the same period the share held by the exporters concerned in this proceeding increased by 0,5 %.

(iii) Prices

- (10) The evidence available to the Commission shows that during the reference period the prices of the imports were not lower than those charged by the Community producer.

(b) Effect on Community industry

- (11) The Commission also examined whether the increase in allegedly dumped imports had a significant effect on the Community industry:

(i) Community production

- (12) With regard to the production of the Community producer concerned, it was found that there was a sharp increase between 1985 (when Community

production started) and 1986, and again during the first half of 1987.

(ii) Sales

- (13) It was also found that sales of the product manufactured in the Community increased significantly between 1985 and 1986 and further increased during the first six months of 1987.

(iii) Consumption and market share

- (14) The development of the production and sales of the Community producer concerned must be assessed in the light of the development of the consumption and market share of the Community industry as described above. The market share held by the Community producer increased by 4 %. From a comparison of this increase in market shares of the Community industry and that of the allegedly dumped imports, it results that, in the period between December 1986 and June 1987, the share held by the Community industry increased more than that held by the imports concerned in this investigation.

(iv) Capacity and capacity utilization

- (15) With regard to the production capacity and capacity utilization of the Community producers it was found that, whereas the former increased by 52 % between 1986 and the investigation period, the latter more than doubled during the same period.

(v) Prices

- (16) As far as the sales prices of the Community producer are concerned, it was found that they declined significantly during the major part of 1986 but more or less stabilized towards the end of 1986 and continued doing so during the first half of 1987.

(vi) Profits

- (17) With regard to profitability it was found that after substantial losses in 1986, the Community producer's situation improved significantly during the investigation period. Although sales through a major sales channel continued to be made at a loss, a considerable overall profit was realised on sales of cellular mobile radio telephones.

(c) Conclusion

- (18) The above data indicates that, despite the significant growth in imports into the Community, the European producer was able to increase both production and market share as well as, given the abovementioned price stabilization, improve the company's financial results.

- (19) In the light of these findings it is considered that the Community producer concerned did not suffer material injury during the investigation period.

In these circumstances, protective measures are unnecessary and the proceeding should be terminated,

C. DUMPING

- (20) In view of the above findings with respect to injury the Commission considered it unnecessary — notwithstanding the importance of the dumping margins alleged — to further investigate the question of dumping with regard to the imports concerned.

HAS DECIDED AS FOLLOWS :

Sole Article

The anti-dumping proceeding concerning imports of certain cellular mobile radio telephones originating in Canada, Hong Kong and Japan is hereby terminated.

D. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

Done at Brussels, 23 December 1988.

- (21) After having been informed by the Commission of the above findings, the complainant decided to withdraw the complaint due to the change in circumstances since the end of 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission
