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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4151/88

of 21 December 1988

laying down the provisions applicable to goods brought into the customs territory of the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission [1],

In cooperation with the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas Directive 68/312/EEC of 30 July 1968 on harmonization of the provisions laid down by law, regulation or administrative action relating to:

1. customs treatment of goods entering the customs territory of the Community,
2. temporary storage of such goods [4],

as last amended by the Act of Accession of Spain and Portugal, laid down certain principles to be complied with in this field;

Whereas the rules to which goods brought into the customs territory of the Community are subject until they are assigned a customs-approved treatment or use are fundamental to the proper operation of the customs union; whereas it is therefore important to ensure that they are applied, to the greatest possible extent, uniformly throughout the Community; whereas, to that end, the present provisions of Directive 68/312/EEC should be replaced by a regulation incorporating all the necessary clarifications and amendments; whereas this will afford individuals a greater degree of legal certainty;

Whereas goods brought into the customs territory of the Community must be made subject to appropriate customs supervision so as to ensure that the customs rules, and any other rules applicable to them, are complied with;

Whereas, to that end, the obligations incumbent on persons who bring goods into the customs territory of the Community and on persons who subsequently assume responsibility for those goods in order to move or store them until they are assigned a customs-approved treatment or use, should be defined; whereas the substance of those obligations must be specified in detail in respect of each of the stages reached by goods from their physical entry into the customs territory of the Community until they are assigned a customs-approved treatment or use;

Whereas each of those obligations must take account of the need for the customs authorities to exercise effective supervision of goods; whereas the substance of those obligations whould therefore be varied according to the manner in which goods enter the customs territory of the Community; whereas that must apply in particular as regards determining the periods within which goods brought into the customs territory of the Community may remain in that territory until they are assigned a customs-approved treatment or use;

Whereas measures for the supervision of goods brought into the customs territory must take account of the special legal status of free zones and of the particular features of frontier-zone passenger traffic and of consignments sent by letter or parcel post;

Whereas, in order to ensure the best possible conditions for the supervision of goods awaiting assignment to a particular customs-approved treatment or use, their storage in temporary storage facilities approved by the customs authorities, and placed under the responsibility of the operators of such facilities, should be authorized;

Whereas the rules laid down by this Regulation are not, in principle, applicable to goods which are brought into the customs territory of the Community under the transit procedure; whereas, on the other hand, the provisions of this Regulation other than those concerning presentation must be applied to those goods once they have been presented to customs in accordance with the rules governing transit;

[1] OJ No C 356, 31. 12. 1985, p. 31.
[2] OJ No C 88, 14. 4. 1986, p. 108 and OJ No C 326, 12. 12. 1988.
[3] OJ No C 263, 20. 10. 1986, p. 9.
[4] OJ No L 194, 6. 8. 1968, p. 13.

Whereas, where Community goods traded between Member States are subject, pursuant to Community rules, to measures requiring their presentation to customs, the provisions laid down with regard to goods brought into the customs territory of the European Community should, for the sake of simplification, apply *mutatis mutandis*;

Whereas it is important to ensure uniform application of this Regulation and make provision for that purpose for a Community procedure which will allow the measures for its implementation to be adopted within appropriate periods; whereas recourse should be had to the Committee on General Customs Rules set up by Article 24 of Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation [1], as last amended by Directive 81/853/EEC [2], in order to establish close and effective cooperation between the Member States and the Commission in this field,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the provisions applicable to goods brought into the customs territory of the Community until they are assigned a customs-approved treatment or use.

Without prejudice to Articles 2, 3 (5) and 22, this Regulation shall not apply to goods which are placed under the transit procedure upon their entry into the customs territory of the Community.

2. For the purposes of this Regulation:

(a) *'customs authority'* means any authority competent to apply customs rules, even if that authority is not part of the customs administration;

(b) *'customs supervision'* means action taken in general by the customs authority with a view to ensuring compliance with customs rules and, where appropriate, with other rules applicable to goods brought into the customs territory of the Community;

(c) *'control by the customs authority'* means the performance of sundry specific acts such as examining goods, verifying the existence and authenticity of documents, examining the accounts of undertakings and other records, inspecting means of transport, checking persons, conducting official inquiries, and other similar acts;

(d) *'import duties'* means customs duties and charges having equivalent effect, agricultural levies and other import charges laid down under the common agricultural policy or under the specific arrangements applicable to certain goods resulting from the processing of agricultural products;

(e) *'Community goods'* means goods:

— entirely obtained in the customs territory of the Community without the addition of goods from third countries or territories which are not part of the customs territory of the Community,

— from countries or territories not forming part of the customs territory of the Community which have been released for free circulation in a Member State,

— obtained in the customs territory of the Community either from goods referred to exclusively in the second indent or from goods referred to in the first and second indents;

(f) *'non-Community goods'* means goods other than those referred to in (e).

Without prejudice to international agreements concluded in the field of transit, goods which, while fulfilling the conditions laid down in (e), are reintroduced into the customs territory of the Community after export therefrom are also considered as non-Community goods;

(g) *'person'* means:

— a natural person,

— a legal person, or

— when this possibility is provided for in the rules in force, an association of persons recognized as having legal capacity but lacking the legal status of legal persons.

TITLE I

Entry of goods into the customs territory of the Community

Article 2

Goods brought into the customs territory of the Community shall, from the time of their entry, be subject to customs supervision. They may also be subject to control by the customs authority, in accordance with the provisions in force.

Article 3

1. Goods brought into the customs territory of the Community shall be conveyed by the person bringing them into the Community without delay, by the route specified by the customs authority and in accordance with its instructions, if any:

[1] OJ No L 205, 13. 8. 1979, p. 19.
[2] OJ No L 319, 7. 11. 1981, p. 1.

(a) either to the customs office specified by the customs authority or to any other place specified or approved by that authority;

(b) or to a free zone, if the goods are to be brought into that free zone directly:

— either by sea or air,

— or by land, without passing through another part of Community territory, where the free zone adjoins the land frontier between a Member State and a third country.

The provisions of (a) above shall also apply to goods leaving a free zone situated in the customs territory of the Community, unless the goods leave the zone by sea or air without being placed under a transit procedure or another customs procedure.

2. Any person who assumes responsibility for the carriage of goods after they have been brought into the customs territory of the Community, *inter alia* as a result of transhipment, shall become responsible for compliance with the obligation laid down in paragraph 1.

3. Goods brought into the customs territory of the Community shall be deemed to include goods which, although still outside that territory, may be subjected to control by the customs authority of a Member State by virtue of provisions in force, notably as a result of an agreement concluded between that Member State and a third country.

4. Paragraph 1 (a) shall not preclude implementation of any autonomous provisions or provisions reached by agreement in force in the Member States with respect to tourist traffic, frontier traffic or postal traffic, on condition that customs supervision and customs control possibilities are not thereby jeopardized.

5. Paragraph 1 (a) shall also apply to goods which are already under a transit procedure on their entry into the customs territory of the Community.

6. Paragraph 1 shall not apply to goods on board ships or aircraft crossing the territorial waters or airspace of the Member States without having as their destination a port or airport situated in these Member States.

Article 4

1. Where, by reason of unforeseeable circumstances or *force majeure,* the obligation laid down in Article 3 (1) cannot be complied with, the person bound by that obligation or any other person acting in his place shall inform the customs authority of the situation without delay. Where the unforeseeable circumstances or *force majeure* do not result in total loss of the goods, the customs authority shall also be informed of their precise location.

2. Where, by reason of unforeseeable circumstances or *force majeure,* a ship or aircraft covered by Article 3 (6) is forced to put into port or land temporarily in the customs territory of the Community and the obligation laid down in Article 3 (1) cannot be complied with, the person bringing the ship or aircraft into the customs territory of the Community or any other person acting in his place shall inform the customs authority of the situation without delay.

3. The customs authority shall determine the measures to be taken in order to permit customs supervision of the goods referred to in paragraph 1 as well as those on board a vessel or aircraft in accordance with paragraph 2 and to ensure, where appropriate, that they are subsequently conveyed to a customs office or other place designated or approved by the authority.

TITLE II

Presentation to customs of goods brought into the customs territory of the Community

Article 5

Goods which, pursuant to Article 3 (1) (a), arrive at the customs office or other place designated or approved by the customs authority shall be presented to customs by the person who brought the goods into the customs territory of the Community or, if appropriate, by the person who assumes responsibility for carriage of the goods following such entry.

Presentation of goods to customs shall consist in informing the customs authority, in the requisite manner, that the goods have arrived.

Article 6

Article 5 shall not preclude the implementation of specific rules relating to goods:

(a) carried by travellers;

(b) released for free circulation or placed under another customs procedure but not presented to customs;

(c) passing through the territory of a Member State under a national transit procedure.

Article 7

Goods may, once they have been presented to customs, and with the permission of the customs authority, be examined or samples thereof may be taken, in order that they may be assigned a customs-approved treatment or use. such permission shall be granted, on request, to the person authorized to assign the goods such treatment or use or to his representative.

TITLE III

Summary declaration and unloading of goods presented to customs

Article 8

Subject to Article 10, goods presented to customs within the meaning of Article 5 shall be covered by a summary declaration.

The summary declaration shall be lodged once the goods have been presented to customs. The customs authority may, however, allow a period for lodging the declaration which shall not extend beyond the first working day following the day on which the goods are presented to customs.

Article 9

1. The summary declaration shall be made on a form corresponding to the model prescribed by the customs authority. However, the customs authority may permit the use, as a summary declaration, of any commercial or official document which contains the particulars necessary for identification of the goods.

2. The summary declaration shall be lodged by:

(a) the person who conveyed the goods into the customs territory of the Community or by any person who assumes responsibility for carriage of the goods following such entry, or

(b) the person in whose name the persons referred to in subparagraph (a) acted, or

(c) the representative of any of the persons referred to in (a) and (b).

3. The summary declaration shall be signed by the person lodging it. The customs authority shall stamp and retain it for the purpose of verifying that the goods to which it relates are assigned a customs-approved treatment or use within the periods laid down in Article 15.

4. The summary declaration may be drawn up in computerized form. In that case, the rules laid down in paragraph 3 shall be adapted accordingly.

Article 10

Without prejudice to the provisions applicable to goods imported by travellers and consignments by letter and parcel post, the customs authority may waive the lodging of a summary declaration, on condition that this does not jeopardize customs supervision of the goods, where, prior to the expiry of the period referred to in Article 8, the said goods are:

(a) entered for release for free circulation or for another customs procedure; or

(b) re-dispatched out of the customs territory of the Community, where appropriate after transhipment, or placed in a free zone; or

(c) destroyed with the permission of the customs authority.

Article 11

1. Goods may be unloaded or transhipped from the means of transport carrying them in places designated or approved by the customs authority solely with the permission of that authority.

However, such permission shall not be required in the event of imminent danger necessitating the immediate unloading of all or part of the goods. In that case, the customs authority shall be informed accordingly forthwith.

2. For the purpose of inspecting goods and the means of transport carrying them, the customs authority may at any time require goods to be unloaded.

Article 12

1. Goods covered by a summary declaration which have not been unloaded from the means of transport carrying them shall be represented intact by the person referred to in Article 9 (2) whenever the customs authority so requires.

2. Any person who, in order to move or store them, holds goods after they have been unloaded, shall become responsible for compliance with the obligation to represent goods intact at the request of the customs authority.

Article 13

Goods shall not be removed from their original position without the permission of the customs authority.

TITLE IV

Customs-approved treatment or use of goods presented to customs

Article 14

1. Goods presented to customs shall be assigned a customs-approved treatment or use which may be:

(a) their release for free circulation or placement under another customs procedure,

(b) their entry into a free zone or their re-dispatch out of the customs territory of the Community,

(c) their destruction with the permission of the customs authority under the conditions laid down by that authority, or,

(d) their abandonment to the Exchequer, where provision is made therefore under national law.

The abandoning or destruction of goods must not entail any expense to the Exchequer.

2. Any waste or scrap resulting from destruction, as referred to in paragraph 1 (c), shall be assigned any other customs-approved treatment or use referred to in paragraph 1.

Article 15

1. Where goods are covered by a summary declaration, they must have been entered for release for free circulation or for another customs procedure or be covered by an application for assignment of another customs-approved treatment or use referred to in Article 14 within the periods determined by the customs authority. The said periods shall not exceed:

(a) forty-five days from the date on which the summary declaration is lodged in the case of goods carried by sea,

(b) twenty days from the date on which the summary declaration is lodged in the case of goods carried otherwise than by sea.

2. Where circumstances so warrant, the customs authority may authorize an extension of the periods referred to in paragraph 1. Such extension shall not however exceed genuine needs which are justified by the circumstances.

TITLE V

Temporary storage of goods

Article 16

Until such time as they are assigned a customs-approved treatment or use referred to in Article 14, goods presented to customs shall, following such presentation, have the status of goods in temporary storage. Such goods shall hereinafter be described as 'goods in temporary storage'.

Article 17

1. Goods in temporary storage shall be stored only in places approved by the customs authority under the conditions laid down by that authority.

2. The customs authority may require the person holding the goods to provide a security with a view to ensuring payment of any customs debt which may arise under Article 2 (1) (c) and (d) of Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt [1].

Article 18

Without prejudice to Article 7, goods in temporary storage shall be subject only to such forms of handling as are designed to ensure their preservation in an unaltered state without modifying their appearance or technical characteristics.

Article 19

1. The customs authority shall without delay take all measures necessary, including the sale of the goods, to regularize the situation of goods in respect of which the formalities necessary for them to be assigned a customs-approved treatment or use referred to in Article 14 are not initiated within the periods determined in accordance with Article 15.

2. The customs authority may, at the risk and expense of the person holding them, have the goods in question transferred to a special place, which is under its supervision, until their situation is regularized.

TITLE VI

Temporary storage facilities

Article 20

1. Where the places referred to in Article 17 (1) have been approved on a permanent basis for the storage of goods in temporary storage, such places shall be described as 'temporary storage facilities'.

2. In order to ensure implementation of the customs rules, the customs authority may, where it does not itself manage the temporary storage facility, require that:

(a) temporary storage facilities be double-locked, one key being held by the said customs authority;

(b) the person operating the temporary storage facility keep stock accounts which enable the movements of goods to be traced.

Article 21

Goods shall be placed in a temporary storage facility on the basis of the summary declaration. However, the customs authority may require the lodging of a specific declaration made on a form corresponding to a model which it prescribes.

TITLE VII

Provisions applicable to non-Community goods which have moved under a transit procedure

Article 22

1. Once non-Community goods which have moved under a transit procedure reach their destination in the customs territory of the Community and have been presented to customs in accordance with the rules governing transit, Articles 8 to 21 shall apply.

2. Where goods are moved under Community transit or common transit procedure, the copy of the transit document retained by the office of destination shall constitute the summary declaration.

TITLE VIII

Provisions applicable to Community goods

Article 23

Where Community goods brought into the territory of a Member State are subject to measures requiring their presentation to customs pursuant to Community rules, this Regulation shall apply *mutatis mutandis.*

[1] OJ No L 201, 22. 7. 1987, p. 15.

TITLE IX

Final provisions

Article 24

Where the circumstances so require, the customs authority may have goods presented to customs destroyed. The customs authority shall inform the holder of the goods accordingly. Costs incurred as a result of the destruction of the goods shall be borne by the holder.

Article 25

The provisions necessary for implementing this Regulation shall be adopted in accordance with the procedure laid down in Article 26 (2) and (3) of Directive 79/695/EEC.

Article 26

1. Directive 68/312/EEC is hereby repealed.

References to that Directive shall be construed as references to this Regulation.

2. Article 5 (3) of Council Regulation (EEC) No 2151/84 of 23 July 1984 on the customs territory of the Community [1], as last amended by Regulation (EEC) No 319/85 [2], is hereby repealed.

Article 27

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

It shall be applicable from the date of implementation of Council Regulation (EEC) No 2503/88 of 25 July 1988 on customs warehouses [3] and Council Regulation (EEC) No 2504/88 of 25 July 1988 on free zones and free warehouses [4].

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

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

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[1] OJ No L 197, 27. 7. 1984, p. 1.
[2] OJ No L 34, 7. 2. 1985, p. 32.
[3] OJ No L 225, 15. 8. 1988, p. 1.
[4] OJ No L 225, 15. 8. 1988, p. 8.

COUNCIL REGULATION (EEC) No 4152/88

of 21 December 1988

extending Regulations (EEC) No 1893/79 and (EEC) No 2592/79 concerning registration for crude oil imports in the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas the Council, by means of Regulation (EEC) No 1893/79 (1), as last amended by Regulation (EEC) No 3333/85 (2), which expires on 31 December 1988, introduced registration for crude oil imports in the Community;

Whereas the Council, by means of Regulation (EEC) No 2592/79 (3), as last amended by Regulation (EEC) No 3333/85, which expires on 31 December 1988, laid down the rules for carrying out registration of crude oil and/or petroleum product imports in the Community provided for in Regulation (EEC) No 1893/79;

Whereas the Member States and the Commission must be kept regularly informed of crude oil supply costs;

whereas, accordingly, the system for providing information on crude oil imports should be retained,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 of Regulation (EEC) No 1893/79 and Article 8 of Regulation (EEC) No 2592/79, '31 December 1988' is replaced by '31 December 1991'.

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 Council

The President

V. PAPANDREOU

(1) OJ No L 220, 30. 8. 1979, p. 1.
(2) OJ No L 318, 29. 11. 1985, p. 2.
(3) OJ No L 297, 24. 11. 1979, p. 1.

COUNCIL REGULATION (EEC) No 4153/88

of 19 December 1988

opening and providing for the administration of Community tariff quotas for Chinese cabbage, iceberg lettuce, sweet peppers and peeled tomatoes originating in Israel (1988)

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 Articles 1 and 2 of the Fourth Additional Protocol to the Agreement between the European Economic Community and the State of Israel [1] provide for the opening of Community tariff quotas for imports into the Community of:

— 450 tonnes of Chinese cabbage falling within CN code ex 0704 90 90,

— 250 tonnes of iceberg lettuce falling within CN code ex 0705 11 10,

— 7 400 tonnes of sweet peppers falling within CN code 0709 60 10,

— 2 800 tonnes of peeled tomatoes falling within CN code No 2002 10 00,

originating in Israel;

Whereas, within the limits of those tariff quotas, customs duties are to be dismantled over the same periods and at the same rates as provided for in Articles 75, 243 and 268 of the Act of Accession; whereas the quota duties for 1988 are equal to 72,7 % of the duties applicable to Chinese cabbage and sweet peppers, to 70 % of the duties applicable to iceberg lettuce and 62,5 % of the duties applicable to peeled tomatoes; whereas, however, Council Regulation (EEC) No 4162/87 of 21 December 1987 laying down the arrangements applicable to Spain's and Portugal's trade with Israel and amending Regulations (EEC) No 449/86 and (EEC) No 2573/87 [2] provides that those Member States are to postpone application of the preferential arrangements for products in the fruit and vegetable sector covered by Regulation (EEC) No 1035/72 [3] until 31 December 1989 and 31 December 1990 respectively; whereas the provisions of this Regulation concerning the tariff quotas for Chinese cabbage, iceberg lettuce and sweet peppers therefore apply only to the Community as constituted on 31 December 1985; whereas the Community tariff quotas in question should therefore be opened for the period from 1 to 31 December 1988 for quantities which, pursuant to the *pro rata temporis* clause included in the said Protocol, amount for that period to the quantities set out in Article 1;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and according to the procedure laid down in Article 2 (1); whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is indispensable that Member States return to this quota the entirety of the drawings made which have not been used, in order to avoid one part of the Community tariff quota remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic union, any operation concerning the administration of the quota share levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1988 the duty applicable to imports into the Community as constituted on 31 December 1985 of the following products shall be suspended at the levels indicated and within the limits of a Community tariff quota as shown below:

[1] OJ No L 327, 30. 11. 1988, p. 36.
[2] OJ No L 396, 31. 12. 1987, p. 1.
[3] OJ No L 118, 20. 5. 1972, p. 1.

Order No	CN-code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)	Applicable in :
09.1311	ex 0704 90 90	Chinese cabbage	225	10,9	the Community as constituted on 31 December 1985
09.1313	ex 0705 11 90	Iceberg lettuce *(lactuca sativa L.,* var. *capitata)*	125	9,1 Min 1,1 ECU/100 kg/br	the Community as constituted on 31 December 1985
09.1303	ex 0709 60 10	Sweet peppers	616	4,5	the Community as constituted on 31 December 1985
09.1307	ex 2002 10 00	Peeled tomatoes	233	11,2	the Community as at present constituted

Within the limit of the tariff quota on peeled tomatoes, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Regulation (EEC) No 4162/87.

Article 2

1. If an importer gives notification of imminent imports of the products in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

2. Without prejudice to Article 3, shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Once at least 80 % of the tariff quota as defined in Article 1 has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the tariff quota must be made according to the following provisions :

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable imports to be charged without interruption against their accumulated shares of the Community quotas.

2. Each Member State shall ensure that importers of the product concerned have free access to the quotas for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the products concerned against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 5

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against the quota.

Article 6

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 7

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

It shall apply as from 1 December 1988.

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

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4154/88

of 19 December 1988

amending Council Regulations (EEC) No 4182/87, (EEC) no 4183/87 and (EEC) No 1842/88 opening, allocating and providing for the administration of Community tariff quotas for apricot pulp, prepared or preserved sardines and certain wines having a registered designation of origin originating in Morocco

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 under Regulations (EEC) No 4182/87 [1], (EEC) No 4183/87 [2] and (EEC) No 1842/88 [3] the Council opened Community tariff quotas at zero or reduced duty for the following products originating in Morocco:

— apricot pulp falling within CN code ex 2008 50 91 for the period from 1 January to 31 December 1988,

— prepared or preserved sardines falling within CN codes ex 1604 13 10 and ex 1604 20 50 for the period 1 January to 31 December 1988,

— certain wines having a registered designation of origin falling within CN codes ex 2204 21 25, ex 2204 21 29, ex 2204 21 35 and ex 2204 21 39 for the period 1 July 1988 to 30 June 1989.

Whereas the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco came into force on 1 October 1988 [4]; whereas Council Regulation (EEC) No 3189/88 of 14 October 1988 establishing the arrangements to be applied by Spain and Portugal in trade with Morocco [5] is applicable from 1 November 1988;

Whereas the Regulations referred to above should therefore be amended to take account of both the reduction in the duty applicable to apricot pulp under the quota and the enlargement of the scope of these Regulations to include Spain and Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EEC) No 4182/87 is hereby amended as follows:

1. In Article 1 the phrase 'as constituted on 31 December 1985' is deleted.

2. The duty of 11,9 % referred to in the fifth column of the table in Article 1 is reduced to 10,6 %.

3. A second paragraph is added to Article 1 as follows:

'The Kingdom of Spain and the Portuguese Republic shall be covered by the tariff quota in question as soon as Regulation (EEC) No 3189/88 comes into force. The customs duties applied by these Member States within the limits of the said tariff quota shall be calculated in accordance with the Regulation referred to above.'

Article 2

Council Regulation (EEC) No 4183/87 is hereby amended as follows:

1. In Article 1 the phrase 'as constituted on 31 December 1985' is deleted.

2. A second paragraph is added to Article 1 as follows:

'2. The Kingdom of Spain and the Portuguese Republic shall be covered by the tariff quota in question as soon as Regulation (EEC) No 3189/88 comes into force. The customs duties applied by these Member States within the limits of the said tariff quota shall be calculated in accordance with the Regulation referred to above.'

3. In Article 2 (4), 'in Denmark' is replaced by 'in the other Member States.'

Article 3

Council Regulation (EEC) No 1842/88 is hereby amended as follows:

1. In Article 1 (1), 'as formed on 31 December 1985' is replaced by 'excluding Portugal.'

2. A second subparagraph is added as follows:

'The Kingdom of Spain shall be covered by the tariff quota in question as soon as Regulation (EEC) No 3189/88 comes into force. The customs duties applied by Spain within the limits of the said tariff quota shall be calculated in accordance with the Regulation referred to above.'

[1] OJ No L 399, 31. 12. 1987, p. 26.
[2] OJ No L 399, 31. 12. 1987, p. 29.
[3] OJ No L 163, 30. 6. 1988, p. 3.
[4] OJ No L 224, 13. 8. 1988, p. 18.
[5] OJ No L 287, 20. 10. 1988, p. 1.

3. A fourth paragraph added to Article 2 as follows:

'4. If an importer gives notification of imminent imports of the products concerned into the other Member States and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.'

Article 4

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

The provisions of Article 1 (2) shall be applicable from 1 October 1988.

The provisions of Articles 1 (1) and (3), 2 and 3 shall be applicable from 1 November 1988.

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

Th. PANGALOS

COUNCIL REGULATION (EEC) No 4155/88

of 29 December 1988

extending the period of application of Regulation (EEC) No 3310/75 on agriculture in the Grand Duchy of Luxembourg

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Protocol on the Grand Duchy of Luxembourg annexed thereto,

Having regard to Council Regulation (EEC) No 3310/75 of 16 December 1975 on agriculture in the Grand Duchy of Luxembourg [1], as last amended by Regulation (EEC) No 3914/87 [2], and in particular Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, under the second subparagraph of Article 1 (1) of the Protocol on the Grand Duchy of Luxembourg, Belgium, Luxembourg and the Netherlands are to apply the system provided for in the third paragraph of Article 6 of the Convention on the Economic Union of Belgium and Luxembourg of 25 July 1921 ; whereas the period of application of that system was last extended by Regulation (EEC) No 3914/87 ; whereas the Council has to decide to what extent those provisions should be maintained, amended or discontinued ;

Whereas pending a Council decision on the matter in the near future the said system should be extended for a transition period,

HAS ADOPTED THIS REGULATION :

Article 1

In the first subparagraph of Article 2 of Regulation (EEC) No 3310/75, '31 December 1988' is hereby replaced by '31 January 1989'.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 29 December 1988.

For the Council

The President

Y. POTTAKIS

[1] OJ No L 328, 20. 12. 1975, p. 12.
[2] OJ No L 369, 29. 12. 1987, p. 3.

COMMISSION REGULATION (EEC) No 4156/88

of 30 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 29 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 31 December 1988.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[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 30 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	121,78
0712 90 19	0,34	121,78
1001 10 10	31,98	183,74 (1) (5)
1001 10 90	31,98	183,74 (1) (5)
1001 90 91	0,00	125,39
1001 90 99	0,00	125,39
1002 00 00	35,82	112,86 (6)
1003 00 10	29,59	121,34
1003 00 90	29,59	121,34
1004 00 10	85,40	75,73
1004 00 90	85,40	75,73
1005 10 90	0,34	121,78 (2) (3)
1005 90 00	0,34	121,78 (2) (3)
1007 00 90	23,54	132,07 (4)
1008 10 00	29,59	39,71
1008 20 00	29,59	115,17 (4)
1008 30 00	29,59	0,00 (5)
1008 90 10	(7)	(7)
1008 90 90	29,59	0,00
1101 00 00	0,41	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 4157/88

of 30 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 29 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 31 December 1988.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[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 30 December 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	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	1,73	1,73	1,73
1001 90 99	0	1,73	1,73	1,73
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
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	2,43	2,43	2,43

B. Malt

(ECU/tonne)

CN code	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	3,08	3,08	3,08	3,08
1107 10 19	0	2,30	2,30	2,30	2,30
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 4158/88
of 30 December 1988
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice [1], as last amended by Regulation (EEC) No 2229/88 [2], and in particular Article 11 (2) thereof,

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2699/88 [4], as last amended by Regulation (EEC) No 4051/88 [5];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2699/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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(1) OJ No L 166, 25. 6. 1976, p. 1.
(2) OJ No L 197, 26. 7. 1988, p. 30.
(3) OJ No L 80, 24. 3. 1987, p. 20.
(4) OJ No L 307, 12. 11. 1988, p. 17.
(5) OJ No L 356, 24. 12. 1988, p. 11.

ANNEX

to the Commission Regulation of 30 December 1988 fixing the import levies on rice and broken rice

(ECU / tonne)

CN code	Portugal	Third countries (except ACP or OCT) (3)	ACP or OCT (1) (2) (3)	Arrangement in Regulation (EEC) No 3877/86
1006 10 21	—	301,36	147,08	—
1006 10 92	—	301,36	147,08	—
1006 10 23	—	302,60	147,70	226,95
1006 10 94	—	302,60	147,70	226,95
1006 10 25	—	302,60	147,70	226,95
1006 10 96	—	302,60	147,70	226,95
1006 10 27	—	302,60	147,70	226,95
1006 10 98	—	302,60	147,70	226,95
1006 20 11	—	376,70	184,75	—
1006 20 92	—	376,70	184,75	—
1006 20 13	—	378,25	185,52	283,69
1006 20 94	—	378,25	185,52	283,69
1006 20 15	—	378,25	185,52	283,69
1006 20 96	—	378,25	185,52	283,69
1006 20 17	—	378,25	185,52	283,69
1006 20 98	—	378,25	185,52	283,69
1006 30 21	13,05	501,71	238,93	—
1006 30 42	13,05	501,71	238,93	—
1006 30 23	12,97	588,42	282,32	441,32
1006 30 44	12,97	588,42	282,32	441,32
1006 30 25	12,97	588,42	282,32	441,32
1006 30 46	12,97	588,42	282,32	441,32
1006 30 27	12,97	588,42	282,32	441,32
1006 30 48	12,97	588,42	282,32	441,32
1006 30 61	13,90	534,33	254,81	—
1006 30 92	13,90	534,33	254,81	—
1006 30 63	13,90	630,79	303,04	473,09
1006 30 94	13,90	630,79	303,04	473,09
1006 30 65	13,90	630,79	303,04	473,09
1006 30 96	13,90	630,79	303,04	473,09
1006 30 67	13,90	630,79	303,04	473,09
1006 30 98	13,90	630,79	303,04	473,09
1006 40 00	0	114,56	54,28	—

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

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

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

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

COMMISSION REGULATION (EEC) No 4159/88

of 30 December 1988

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice [1], as last amended by Regulation (EEC) No 2229/88 [2], and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2700/88 [3], as last amended by Regulation (EEC) No 4052/88 [4];

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 166, 25. 6. 1976, p. 1.
[2] OJ No L 197, 26. 7. 1988, p. 30.
[3] OJ No L 241, 1. 9. 1988, p. 30.
[4] OJ No L 356, 24. 12. 1988, p. 13.

ANNEX

to the Commission Regulation of 30 December 1988 fixing the premiums to be added to the import levies on rice and broken rice

(ECU / tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
1006 10 21	0	0	0	—
1006 10 92	0	0	0	—
1006 10 23	0	0	0	—
1006 10 94	0	0	0	—
1006 10 25	0	0	0	—
1006 10 96	0	0	0	—
1006 10 27	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 92	0	0	0	—
1006 20 13	0	0	0	—
1006 20 94	0	0	0	—
1006 20 15	0	0	0	—
1006 20 96	0	0	0	—
1006 20 17	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 42	0	0	0	—
1006 30 23	0	0	0	—
1006 30 44	0	0	0	—
1006 30 25	0	0	0	—
1006 30 46	0	0	0	—
1006 30 27	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 92	0	0	0	—
1006 30 63	0	0	0	—
1006 30 94	0	0	0	—
1006 30 65	0	0	0	—
1006 30 96	0	0	0	—
1006 30 67	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 4160/88

of 30 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal [1], as last amended by Regulation (EEC) No 4132/88 [2], and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 [3], as last amended by Regulation (EEC) No 4054/88 [4], introduced the buying-in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No 2226/78 [5], as last amended by Regulation (EEC) No 3492/88 [6], the buying-in prices should be replaced, on the basis of the data and prices available to the Commission, by the list of Member States or regions thereof and the quality groups eligible for intervention annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 148, 28. 6. 1968, p. 24.
[2] OJ No L 362, 30. 12. 1988, p. 4.
[3] OJ No L 168, 27. 6. 1987, p. 22.
[4] OJ No L 356, 24. 12. 1988, p. 17.
[5] OJ No L 261, 26. 9. 1978, p. 5.
[6] OJ No L 306, 11. 11. 1988, p. 20.

ANNEX

'ANNEX I

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

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

COMMISSION REGULATION (EEC) No 4161/88

of 30 December 1988

fixing the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar [3], as last amended by Regulation (EEC) No 1428/78 [4], provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least 0,73 ECU from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least 0,73 ECU from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75 [5], as last amended by Regulation (EEC) No 2221/88 [6], for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to one hundred times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

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 Council Regulation (EEC) No 1676/85 [7], as last amended by Regulation (EEC) No 1636/87 [8],

[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 201, 27. 7. 1988, p. 65.
[3] OJ No L 151, 30. 6. 1968, p. 42.
[4] OJ No L 171, 28. 6. 1978, p. 34.
[5] OJ No L 281, 1. 11. 1975, p. 1.
[6] OJ No L 197, 26. 7. 1988, p. 16.
[7] OJ No L 164, 24. 6. 1985, p. 1.
[8] OJ No L 153, 13. 6. 1987, p. 1.

— 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 the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 30 December 1988 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4392	—
1702 20 90	0,4392	—
1702 30 10	—	53,59
1702 40 10	—	53,59
1702 60 10	—	53,59
1702 60 90	0,4392	—
1702 90 30	—	53,59
1702 90 60	0,4392	—
1702 90 71	0,4392	—
1702 90 90	0,4392	—
2106 90 30	—	53,59
2106 90 59	0,4392	—

COMMISSION REGULATION (EEC) No 4162/88

of 30 December 1988

altering the export refunds on white sugar and raw sugar exported in the natural state

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 the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3987/88 [3];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3987/88 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3987/88, are hereby altered to the amounts shown 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 201, 27. 7. 1988, p. 65.
[3] OJ No L 354, 22. 12. 1988, p. 12.

ANNEX

to the Commission Regulation of 30 December 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,95 (1)	
1701 11 90 910	31,59 (1)	
1701 11 90 950	(2)	
1701 12 90 100	33,95 (1)	
1701 12 90 910	31,59 (1)	
1701 12 90 950	(2)	
1701 91 00 000		0,3691
1701 99 10 100	36,91	
1701 99 10 910	36,81	
1701 99 10 950	36,81	
1701 99 90 100		0,3691

(1) Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

(2) Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 4163/88

of 30 December 1988

fixing the export refunds on syrups and certain other sugar products exported in the natural state

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 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar [3], as last amended by Regulation (EEC) No 1489/76 [4], provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar [5], as last amended by Regulation (EEC) No 1714/88 [6];

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry [7], to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75 [8], as amended by Regulation (EEC) No 1714/88;

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

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 210, 27. 7. 1988, p. 65.
(3) OJ No L 143, 25. 6. 1968, p. 6.
(4) OJ No L 167, 26. 6. 1976, p. 13.
(5) OJ No L 50, 4. 3. 1970, p. 1.
(6) OJ No L 152, 18. 6. 1988, p. 23.
(7) OJ No L 170, 27. 6. 1978, p. 9.
(8) OJ No L 162, 1. 7. 1977, p. 9.

— 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 [1], as last amended by Regulation (EEC) No 1636/87 [2];

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

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exportes 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 164, 24. 6. 1985, p. 1.
[2] OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 30 December 1988 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question (1)	Amount of refund per 100 kg of dry matter (2)
1702 40 10 100		36,91
1702 60 10 000		36,91
1702 60 90 000	0,3691	
1702 90 30 000		36,91
1702 90 60 000	0,3691	
1702 90 71 000	0,3691	
1702 90 90 900	0,3691	
2106 90 30 000		36,91
2106 90 59 000	0,3691	

(1) The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

(2) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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 4164/88

of 30 December 1988

fixing for January 1989 the levy applicable in Spain to products subject to the price control system

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 1183/86 of 21 April 1986 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain [1], as last amended by Regulation (EEC) No 3729/88 [2], and in particular Article 14 thereof,

Whereas Article 14 of Regulation (EEC) No 1183/86 provides that, for the period from 1 March 1986 to 31 December 1990, a levy is to be applied to imports into Spain of products subject to the price control system and to soya oil produced from imported beans and released for consumption ; whereas that levy is to be fixed on the basis of the difference between, on the one hand, an ex factory price for crude soya oil of Pta 106 per kilogram and, on the other hand, the price of that oil on the world market, plus the duty charged in Spain on imports from third countries ;

Whereas the Spanish system of compensation for vegetable oil prices applied prior to accession was supervised by a State organization ; whereas therefore, the system providing for the said levy will make any further intervention by the State superfluous and thus preclude certain potential obstacles to trade, particularly in soya oil ;

Whereas that levy should be as fixed hereinafter,

HAS ADOPTED THIS REGULATION :

Article 1

The levy referred to in Article 14 of Regulation (EEC) No 1183/86 shall be ECU 310,19 per tonne of oil for January 1989.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 107, 24. 4. 1986, p. 17.
[2] OJ No L 326, 30. 11. 1988, p. 21.

COMMISSION REGULATION (EEC) No 4165/88
of 30 December 1988
fixing the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds [3], as last amended by the Act of Accession of Greece [4], and in particular the first sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture [5], as last amended by Regulation (EEC) No 4136/88 [6],

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed [7], as last amended by Regulation (EEC) No 2216/88 [8], and in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats [9], as last amended by Regulation (EEC) No 2662/87 [10], and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1988/89 marketing year were fixed by Council Regulations (EEC) No 2213/88 [11] and (EEC) No 2214/88 [12];

Whereas, in order to determine the amount of the aid, account should be taken among the calculation factors of the latest Commission proposals to the Council on prices and related measures;

Whereas Article 28 of Regulation No 136/66/EEC provides that a refund may be granted on exports to third countries of oil seeds harvested within the Community; whereas the amount of this refund may not exceed the difference between prices within the Community and prices on the world market where the former are higher than the latter; whereas Article 21 of Regulation No 136/66/EEC provides that, at present, Article 28 of that Regulation applies only to colza, rape and sunflower seeds;

Whereas the refund for colza and rape seeds produced in Spain or Portugal is adjusted in accordance with Council Regulation (EEC) No 478/86 [13];

Whereas Article 3 of Regulation No 142/67/EEC provides that when the refund is being calculated account must be taken of prices ruling on the various Community markets which are representative from the point of view of processing and exportation; the most favourable quotations recorded on the various markets of importing third countries and costs incurred in placing the goods on the world market; whereas, when the amount of the refund is being fixed, account must also be taken of the level of market prices within the Community for the oil seeds referred to in Article 21 of Regulation No 136/66/EEC and the future trend of these prices; whereas, furthermore, account should be taken of the economic aspect of the proposed exports and the situation in the Community regarding the supply of and demand for these seeds;

Whereas the abatement of the subsidy for colza and tape seed which arises from the system of maximum guaranteed quantities for the 1988/89 marketing year has been fixed by Commission Regulation (EEC) No 2761/88 [14];

Whereas Article 1 of Commission Regulation (EEC) No 651/71 of 29 March 1971 on certain detailed rules for the application of export refunds on oil seeds [15] as last amended by Regulation (EEC) No 1815/84 [16] provides that the amount of the refund must be calculated on the

[1] OJ No 172, 30. 9. 1966, p. 3025/66.
[2] OJ No L 197, 26. 7. 1988, p. 1.
[3] OJ No 125, 26. 6. 1967, p. 2461/67.
[4] OJ No L 291, 19. 11. 1979, p. 17.
[5] OJ No L 164, 24. 6. 1985, p. 11.
[6] OJ No L 362, 30. 12. 1988, p. 13.
[7] OJ No L 167, 25. 7. 1972, p. 9.
[8] OJ No L 197, 26. 7. 1988, p. 10.
[9] OJ No L 213, 11. 8. 1975, p. 1.
[10] OJ No L 252, 3. 9. 1987, p. 6.
[11] OJ No L 197, 26. 7. 1988, p. 6.
[12] OJ No L 197, 26. 7. 1988, p. 8.
[13] OJ No L 53, 1. 3. 1986, p. 55.
[14] OJ No L 247, 6. 9. 1988, p. 7.
[15] OJ No L 75, 30. 3. 1971, p. 16.
[16] OJ No L 170, 29. 6. 1984, p. 46.

basis of the weight of exported seeds ; whereas this weight must be adjusted to take account of any differences between the percentages of moisture and impurities found to exist and those used to define the standard quality for which the target price is fixed ; whereas, when this adjustment is being made, the weight of the exported seeds must be increased by the amount of the difference between the actual moisture and impurities content and that used to define the standard quality if the former is lower than the latter ; whereas, if the opposite applies, the weight of the exported seeds must be reduced by the same amount ;

Whereas the standard quality referred to above was defined in Article 2 of Council Regulation (EEC) No 1102/84 [1] ;

Whereas Article 2 of Regulation No 142/67/EEC provides that the refund may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary ;

Whereas Article 4 of Regulation (EEC) No 651/71 provides for the publication of the amount of the final refund obtained from the conversion into each of the national currencies of the amount of the refund in ECU plus or minus the differential amount ; whereas Article 1 of Commission Regulation (EEC) No 1813/84 [2], as last amended by Regulation (EEC) No 2138/87 [3], defined the elements which determine the differential amounts ; whereas these elements are equal to the incidence on the target price reduced by 7,5 % or the refund of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72 ; whereas, according to these provisions, this percentage represents :

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between :

— the conversion rate used under the common agricultural policy, and

— the conversion rate resulting from the central rate,

(b) for the other Member States, the difference between :

— the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the central rate of each of the currencies of the Member States referred to in (a), and

— the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined ;

Whereas pursuant to Article 2 (2) of Regulation (EEC) No 1569/72 forward differential amounts are to be determined where the forward exchange rate for one or more currencies differs from the spot rate by at least a given percentage ; whereas this percentage has been fixed at 0,5 by Regulation (EEC) No 1813/84 ;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts ; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used ;

Whereas it follows from applying these provisions to the current situation of the oil-seeds market and to the rates or prices of these products that, pursuant to Article 4 of Regulation (EEC) No 651/71, the amount of the refund in ECU and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed in accordance with the Annex to this Regulation ; whereas it is not necessary to fix a refund for sunflower seed ;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants ; whereas in the interests of sound market management a reduction should be made ;

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

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 shall be as set out in the Annex hereto.

2. There shall be no refund on sunflower seed.

3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

Article 2

This Regulation shall enter into force on 1 January 1989.

[1] OJ No L 113, 28. 4. 1984, p. 8.
[2] OJ No L 170, 29. 6. 1984, p. 41.
[3] OJ No L 200, 21. 7. 1987, p. 9.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 30 November 1988 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross refunds (ECU):						
— Spain	15,280	15,598	—	—	—	—
— Portugal	19,440	19,758	—	—	—	—
— other Member States	16,000	16,318	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	38,25	39,00	—	—	—	—
— Netherlands (Fl)	42,57	43,41	—	—	—	—
— BLEU (Bfrs/Lfrs)	767,39	787,95	—	—	—	—
— France (FF)	115,08	117,49	—	—	—	—
— Denmark (Dkr)	137,33	142,21	—	—	—	—
— Ireland (£ Irl)	12,797	13,065	—	—	—	—
— United Kingdom (£)	9,595	9,810	—	—	—	—
— Italy (Lit)	24 361	24 881	—	—	—	—
— Greece (Dr)	1 348,28	1 380,95	—	—	—	—
— Spain (Pta)	2 464,36	2 513,40	—	—	—	—
— Portugal (Esc)	3 552,06	3 611,13	—	—	—	—

COMMISSION REGULATION (EEC) No 4166/88
of 30 December 1988
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture [3], as last amended by Regulation (EEC) No 4136/88 [4],

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3806/88 [7], as last amended by Regulation (EEC) No 4090/88 [8];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3806/88 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 197, 26. 7. 1988, p. 1.
(3) OJ No L 164, 24. 6. 1985, p. 11.
(4) OJ No L 362, 30. 12. 1988, p. 13.
(5) OJ No L 167, 25. 7. 1972, p. 9.
(6) OJ No L 197, 26. 7. 1988, p. 10.
(7) OJ No L 335, 7. 12. 1988, p. 18.
(8) OJ No L 359, 28. 12. 1988, p. 57.
(9) OJ No L 266, 28. 9. 1983, p. 1.
(10) OJ No L 53, 1. 3. 1986, p. 47.
(11) OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	17,868	17,957	18,122	18,287	18,528	18,375
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	42,62	42,83	43,22	43,65	44,22	44,14
— Netherlands (Fl)	47,49	47,73	48,17	48,61	49,25	49,10
— BLEU (Bfrs/Lfrs)	862,79	867,09	875,06	883,02	894,66	887,27
— France (FF)	129,77	130,39	131,60	132,82	134,63	133,43
— Denmark (Dkr)	156,08	156,85	158,30	159,75	161,87	160,51
— Ireland (£ Irl)	14,431	14,500	14,636	14,771	14,973	14,839
— United Kingdom (£)	10,956	11,006	11,110	11,199	11,359	11,153
— Italy (Lit)	27 564	27 694	27 839	27 972	28 362	27 718
— Greece (Dr)	1 711,76	1 702,58	1 691,16	1 680,19	1 713,53	1 587,69
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	2 743,50	2 758,17	2 774,44	2 787,42	2 824,77	2 760,15
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	3 911,87	3 927,39	3 937,32	3 943,93	3 988,89	3 892,30

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	20,368	20,457	20,622	20,787	21,028	20,875
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	48,52	48,73	49,13	49,55	50,12	50,04
— Netherlands (Fl)	54,11	54,35	54,79	55,23	55,86	55,72
— BLEU (Bfrs/Lfrs)	983,51	987,81	995,77	1 003,74	1 015,38	1 007,99
— France (FF)	148,73	149,35	150,56	151,78	153,59	152,39
— Denmark (Dkr)	178,19	178,96	180,40	181,85	183,98	182,61
— Ireland (£ Irl)	16,541	16,610	16,745	16,880	17,082	16,949
— United Kingdom (£)	12,644	12,693	12,798	12,886	13,046	12,841
— Italy (Lit)	31 651	31 781	31 926	32 060	32 449	31 805
— Greece (Dr)	2 083,76	2 074,58	2 063,16	2 052,18	2 085,52	1 959,69
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	3 129,04	3 143,70	3 159,97	3 172,95	3 210,30	3 145,68
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 381,88	4 397,41	4 407,34	4 413,94	4 458,91	4 362,32

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	23,367	23,912	24,290	24,668	24,403
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	55,59	56,87	57,77	58,69	58,08
— Netherlands (Fl)	62,05	63,49	64,49	65,49	64,79
— BLEU (Bfrs/Lfrs)	1 128,32	1 154,64	1 172,89	1 191,14	1 178,35
— France (FF)	171,61	175,79	178,67	181,54	179,37
— Denmark (Dkr)	204,75	209,58	212,93	216,27	213,88
— Ireland (£ Irl)	19,087	19,552	19,872	20,192	19,950
— United Kingdom (£)	14,694	15,072	15,329	15,570	15,359
— Italy (Lit)	36 594	37 500	38 011	38 512	38 025
— Greece (Dr)	2 552,23	2 629,12	2 657,90	2 687,53	2 618,94
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 619,98	3 703,12	3 751,99	3 797,89	0,00
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 644,24	6 749,98	6 803,62	6 854,41	6 799,19
— in another Member State (Esc)	6 475,39	6 578,44	6 630,71	6 680,21	6 626,40
3. Compensatory aids:					
— in Spain (Pta)	3 570,81	3 655,89	3 704,76	3 750,66	– 47,23
4. Special aid:					
— in Portugal (Esc)	6 475,39	6 578,44	6 630,71	6 680,21	6 626,40

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

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

(value of 1 ECU)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
DM	2,077610	2,073210	2,069460	2,065840	2,065840	2,054980
Fl	2,344960	2,340530	2,337070	2,333720	2,333720	2,322940
Bfrs/Lfrs	43,570100	43,560600	43,550900	43,545400	43,545400	43,510800
FF	7,096860	7,102890	7,108650	7,114540	7,114540	7,130900
Dkr	8,035370	8,037020	8,039490	8,041140	8,041140	8,050440
£Irl	0,777488	0,777312	0,777725	0,778007	0,778007	0,779430
£	0,649749	0,651319	0,652542	0,653719	0,653719	0,657822
Lit	1 529,20	1 536,14	1 541,77	1 547,13	1 547,13	1 563,18
Dr	172,45100	174,02800	175,63300	177,19500	177,19500	182,20900
Esc	171,85100	172,72300	173,59300	174,59300	174,59300	177,38400
Pta	133,81300	134,35500	134,87000	135,38300	135,38300	137,00800

COMMISSION REGULATION (EEC) No 4167/88
of 30 December 1988
fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans [1], as last amended by Regulation (EEC) No 2217/88 [2], and in particular Article 2 (7) thereof,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 3744/88 [3], as amended by Regulation (EEC) No 4003/88 [4];

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3744/88 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 2 of Regulation (EEC) No 1491/85 is hereby fixed in the Annex.

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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 151, 10. 6. 1985, p. 15.
[2] OJ No L 197, 26. 7. 1988, p. 11.
[3] OJ No L 328, 1. 12. 1988, p. 31.
[4] OJ No L 354, 22. 12. 1988, p. 38.

ANNEX

Aid for soya beans

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	25,854	25,854
— Portugal	15,544	0,000	25,854
— another Member State	15,544	25,854	25,854

COMMISSION REGULATION (EEC) No 4168/88

of 30 December 1988

fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 3026/88 [4], as last amended by Regulation (EEC) No 4033/88 [5];

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 53,964 ECU per 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 377, 31. 12. 1987, p. 48.
[2] OJ No L 211, 31. 7. 1981, p. 2.
[3] OJ No L 199, 26. 7. 1988, p. 8.
[4] OJ No L 271, 1. 10. 1988, p. 69.
[5] OJ No L 355, 23. 12. 1988, p. 37.

COMMISSION REGULATION (EEC) No 4169/88

of 30 December 1988

fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 155 thereof,

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

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder [1], as last amended by Regulation (EEC) No 3996/87 [2], and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 2257/88 of 19 July 1988 fixing for the 1988/89 marketing year the guide price for dried fodder [3];

Whereas, in the absence of the guide price for dried fodder and of the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1989/90 marketing year, the rate of the aid in case of advance fixing for the months concerned has been obtainable only provisionally and should be confirmed or replaced once the guide price and the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1989/90 marketing year are known;

Whereas, in order to determine the amount of the aid, account should be taken among the calculation factors of the latest Commission proposals to the Council on prices and related measures;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder [4], as last amended by Regulation (EEC) No 2256/88 [5], the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder [6], as last amended by Regulation (EEC) No 1963/88 [7];

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of Regulation (EEC) No 1117/78; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

Whereas it has not yet been possible to fix the fixed amount referred to in the second subparagraph of Article 3 (3) of Regulation (EEC) No 1528/78 as regards barley for the 1988/89 marketing year;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a conversion rate based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regula-

[1] OJ No L 142, 30. 5. 1978, p. 1.
[2] OJ No L 377, 31. 12. 1987, p. 35.
[3] OJ No L 199, 26. 7. 1988, p. 4.
[4] OJ No L 171, 28. 6. 1978, p. 1.
[5] OJ No L 199, 26. 7. 1988, p. 3.
[6] OJ No L 179, 1. 7. 1978, p. 10.
[7] OJ No L 173, 5. 7. 1988, p. 9.

tion (EEC) No 1676/85 [1], as last amended by Regulation (EEC) No 1636/87 [2],

— for other currencies a conversion 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 on the aforesaid corrective factor;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, pursuant to Article 120 (1) of the 1985 Act of Accession, the Spanish price must be aligned with the common price in accordance with the method laid down in Article 70 of that Act;

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the additional aid applicable in these two Member States is to be adjusted by an amount equal to the amount of customs duties on imports of these products from third countries; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

2. The rate of the aid in case of advance fixing for the 1989/90 marketing year shall, however, be confirmed or replaced with effect from 1 January 1989 to take into account the guide price which is fixed for dried fodder and the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1989/90 marketing year.

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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 164, 24. 6. 1985, p. 1.
[2] OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 30 December 1988 fixing the rate of the aid for dried fodder

Aid applicable from 1 January 1989 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat-drying Protein concentrates			Fodder otherwise dried		
	Spain	Portugal	Other Member States	Spain	Portugal	Other Member States
Aid	52,113	68,126	69,763	9,113	25,126	26,763

Aid in case of advance fixing for the month of:

(ECU/tonne)

February 1989	51,647	67,653	69,297	8,647	24,653	26,297
March 1989	51,647	67,653	69,297	8,647	24,653	26,297
April 1989	51,182	67,181	68,832	8,182	24,181	25,832
May 1989 (1)	57,763	69,384	71,003	14,763	26,384	28,003
June 1989 (1)	57,763	69,384	71,003	14,763	26,384	28,003
July 1989 (1)	56,565	68,168	69,805	13,565	25,168	26,805
August 1989 (1)	56,565	68,168	69,805	13,565	25,168	26,805
September 1989 (1)	56,565	68,168	69,805	13,565	25,168	26,805
October 1989 (1)	57,633	69,252	70,873	14,633	26,252	27,873

(1) Subject to the fixing for the 1989/90 marketing year of the guide price for dried fodder and of the percentages mentioned in Article 5 of Regulation (EEC) No 1117/78 and related measures.

COMMISSION REGULATION (EEC) No 4170/88
of 30 December 1988
fixing the amount of aid for peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins [3], as last amended by Regulation (EEC) No 3870/88 [4], and in particular Article 26a (7) thereof,

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

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

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1988/89 marketing year was fixed by Regulation (EEC) No 2255/88 [7]; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82 the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning on the third month of the marketing year; whereas the amount of the monthly increases in the thoeshold price was fixed by Regulation (EEC) No 2258/88 [8];

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

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

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

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

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

(1) OJ No L 162, 12. 6. 1982, p. 28.
(2) OJ No L 110, 29. 4. 1988, p. 16.
(3) OJ No L 342, 19. 12. 1985, p. 1.
(4) OJ No L 345, 14. 12. 1988, p. 21.
(5) OJ No L 219, 28. 7. 1982, p. 1.
(6) OJ No L 110, 29. 4. 1988, p. 18.
(7) OJ No L 199, 26. 7. 1988, p. 1.
(8) OJ No L 199, 26. 7. 1988, p. 5.
(9) OJ No L 219, 28. 7. 1982, p. 36.
(10) OJ No L 117, 5. 5. 1987, p. 9.
(11) OJ No L 133, 21. 5. 1986, p. 21.
(12) OJ No L 164, 24. 6. 1985, p. 1.
(13) OJ No L 153, 13. 6. 1987, p. 1.

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

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

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecu that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

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

Whereas, since there are no valid activating threshold or guide prices for the 1989/90 marketing year for peas, field beans and sweet lupins or intervention price for barley, the amount of the subsidy in the case of advance fixing for this marketing year for peas, field beans and sweet lupins has only been calculated provisionally on the basis of the prices valid for the 1988/89 marketing year; whereas that amount must be applied provisionally only and will have to be confirmed or replaced when the prices and related measures for the 1989/90 marketing year are known,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 1 January 1989 to take into account, where appropriate, the effects of the application of the activating price for these products for the 1989/90 marketing year and, particularly those concerning maximum guaranteed quantities.

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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 185, 4. 7. 1987, p. 21.
[2] OJ No L 184, 3. 7. 1987, p. 5.
[3] OJ No L 241, 1. 9. 1988, p. 116.

ANNEX I

Gross aid

Products intended for human consumption :

(in ECU per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7 (1)
Peas used :							
— in Spain	6,403	6,583	6,763	6,943	6,943	6,943	5,503
— in Portugal	6,445	6,625	6,805	6,985	6,985	6,985	5,545
— in antother Member State	6,760	6,940	7,120	7,300	7,300	7,300	5,860
Field beans used :							
— in Spain	6,760	6,940	7,120	7,300	7,300	7,300	5,860
— in Portugal	6,445	6,625	6,805	6,985	6,985	6,985	5,545
— in another Member State	6,760	6,940	7,120	7,300	7,300	7,300	5,860

Products used in animal feed :

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7 (1)
A. Peas used :							
— in Spain	8,159	8,166	8,346	8,526	9,518	9,518	8,078
— in Portugal	7,825	7,826	8,006	8,186	9,211	9,211	7,771
— in another Member State	8,275	8,284	8,464	8,644	9,625	9,625	8,185
B. Field beans used :							
— in Spain	9,288	9,416	9,596	9,891	10,561	10,561	9,121
— in Portugal	8,991	9,117	9,297	9,596	10,287	10,287	8,847
— in another Member State	9,391	9,520	9,700	9,994	10,656	10,656	9,216
C. Sweet lupins harvested in Spain and used :							
— in Spain	8,109	7,879	7,879	7,879	9,201	9,201	9,201
— in Portugal	7,663	7,425	7,425	7,425	8,792	8,792	8,792
— in another Member State	8,263	8,035	8,035	8,035	9,343	9,343	9,343
D. Sweet lupins harvested in another Member State and used :							
— in Spain	9,259	9,029	9,029	9,029	10,351	10,351	10,351
— in Portugal	8,813	8,575	8,575	8,575	9,942	9,942	9,942
— in another Member State	9,413	9,185	9,185	9,185	10,493	10,493	10,493

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	326,42	335,11	343,80	352,49	352,49	352,49	282,96
— Denmark (Dkr)	59,77	61,36	62,95	64,54	64,54	64,54	51,81
— Federal Republic of Germany (DM)	15,96	16,39	16,81	17,24	17,24	17,24	13,84
— Greece (Dr)	297,18	324,36	351,54	378,72	378,72	378,72	161,28
— Spain (Pta)	1 042,48	1 070,24	1 098,00	1 125,75	1 125,75	1 125,75	903,69
— France (FF)	51,23	52,59	53,96	55,32	55,32	55,32	44,40
— Ireland (£ Irl)	5,685	5,837	5,989	6,141	6,141	6,141	4,926
— Italy (Lit)	11 168	11 465	11 762	12 060	12 060	12 060	9 681
— Netherlands (Fl)	17,89	18,37	18,85	19,32	19,32	19,32	15,51
— Portugal (Esc)	1 270,93	1 304,77	1 338,61	1 372,45	1 372,45	1 372,45	1 101,72
— United Kingdom (£)	4,220	4,415	4,536	4,658	4,658	4,658	3,685

Amounts to be deducted in the case of :

— Peas used in Spain (Pta) : 55,05,

— Peas, and field beans used in Portugal (Esc) : 59,22.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	399,57	400,01	408,70	417,39	464,76	464,76	395,23
— Denmark (Dkr)	73,16	73,24	74,84	76,43	85,10	85,10	72,37
— Federal Republic of Germany (DM)	19,54	19,56	19,98	20,41	22,73	22,73	19,33
— Greece (Dr)	578,14	573,61	600,79	627,97	809,90	809,90	592,46
— Spain (Pta)	1 276,11	1 277,50	1 305,26	1 333,02	1 484,30	1 484,30	1 262,23
— France (FF)	62,72	62,79	64,15	65,52	72,96	72,96	62,04
— Ireland (£ Irl)	6,965	6,973	7,125	7,277	8,105	8,105	6,890
— Italy (Lit)	13 670	13 685	13 983	14 280	15 901	15 901	13 522
— Netherlands (Fl)	21,90	21,93	22,40	22,88	25,48	25,48	21,67
— Portugal (Esc)	1 555,76	1 557,45	1 591,29	1 625,13	1 809,57	1 809,57	1 538,84
— United Kingdom (£)	5,270	5,341	5,462	5,584	6,260	6,260	5,287
Amounts to be deducted in the case of use :							
— Spain (Pta)	17,89	18,20	18,20	18,20	16,50	16,50	16,50
— Portugal (Esc)	84,60	86,11	86,11	86,11	77,83	77,83	77,83

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (FB/Flux)	0,00	0,00	0,00	89,48	0,00	0,13	0,52	0,00	0,00	0,00	11,60
— Denmark (Dkr)	0,00	0,00	0,00	16,38	0,00	0,02	0,10	0,00	0,00	0,00	2,12
— Federal Republic of Germany (DM)	0,00	0,00	0,00	4,38	0,00	0,01	0,03	0,00	0,00	0,00	0,57
— Greece (Dr)	0,00	0,00	0,00	343,67	0,00	0,50	2,00	0,00	0,00	0,00	44,55
— Spain (Pta)	0,00	0,00	0,00	285,78	0,00	0,42	1,66	0,00	0,00	0,00	37,04
— France (FF)	0,00	0,00	0,00	14,06	0,00	0,02	0,08	0,00	0,00	0,00	1,82
— Ireland (£ Irl)	0,000	0,000	0,000	1,566	0,000	0,002	0,009	0,000	0,000	0,000	0,203
— Italy (Lit)	0	0	0	3061	0	4	18	0	0	0	397
— Netherlands (Fl)	0,00	0,00	0,00	4,91	0,00	0,01	0,03	0,00	0,00	0,00	0,64
— Portugal (Esc)	0,00	0,00	0,00	348,40	0,00	0,51	2,02	0,00	0,00	0,00	45,16
— United Kingdom (£)	0,000	0,000	0,000	1,284	0,000	0,002	0,007	0,000	0,000	0,000	0,166

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	453,46	459,69	468,38	482,58	514,55	514,55	445,01
— Denmark (Dkr)	83,03	84,17	85,76	88,36	94,22	94,22	81,48
— Federal Republic of Germany (DM)	22,17	22,48	22,90	23,60	25,16	25,16	21,76
— Greece (Dr)	785,11	802,83	830,01	878,33	1 001,10	1 001,10	783,66
— Spain (Pta)	1 448,21	1 468,11	1 495,87	1 541,20	1 643,29	1 643,29	1 421,23
— France (FF)	71,19	72,16	73,53	75,76	80,78	80,78	69,86
— Ireland (£ Irl)	7,908	8,017	8,169	8,417	8,976	8,976	7,761
— Italy (Lit)	15 514	15 727	16 024	16 510	17 604	17 604	15 225
— Netherlands (Fl)	24,86	25,20	25,68	26,45	28,21	28,21	24,40
— Portugal (Esc)	1 765,57	1 789,83	1 823,67	1 878,94	2 003,40	2 003,40	1 732,67
— United Kingdom (£)	6,043	6,192	6,314	6,514	6,970	6,970	5,997
Amounts to be deducted in the case of use :							
— Spain (Pta)	15,88	16,04	16,04	15,88	14,65	14,65	14,65
— Portugal (Esc)	75,20	75,77	75,77	74,83	69,37	69,37	69,37

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	89,48	0,00	0,13	0,52	0,00	0,00	0,00	11,60
— Denmark (Dkr)	0,00	0,00	0,00	16,38	0,00	0,02	0,10	0,00	0,00	0,00	2,12
— Federal Republic of Germany (DM)	0,00	0,00	0,00	4,38	0,00	0,01	0,03	0,00	0,00	0,00	0,57
— Greece (Dr)	0,00	0,00	0,00	343,67	0,00	0,50	2,00	0,00	0,00	0,00	44,55
— Spain (Pta)	0,00	0,00	0,00	285,78	0,00	0,42	1,66	0,00	0,00	0,00	37,04
— France (FF)	0,00	0,00	0,00	14,06	0,00	0,02	0,08	0,00	0,00	0,00	1,82
— Ireland (£ Irl)	0,000	0,000	0,000	1,566	0,000	0,002	0,009	0,000	0,000	0,000	0,203
— Italy (Lit)	0	0	0	3 061	0	4	18	0	0	0	397
— Netherlands (Fl)	0,00	0,00	0,00	4,91	0,00	0,01	0,03	0,00	0,00	0,00	0,64
— Portugal (Esc)	0,00	0,00	0,00	348,40	0,00	0,51	2,02	0,00	0,00	0,00	45,16
— United Kingdom (£)	0,000	0,000	0,000	1,284	0,000	0,002	0,007	0,000	0,000	0,000	0,166

ANNEX VII

Partial aid

Sweet lupins intended for used in animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	454,52	443,52	443,52	443,52	506,67	506,67	506,67
— Denmark (Dkr)	83,23	81,21	81,21	81,21	92,78	92,78	92,78
— Federal Republic of Germany (DM)	22,23	21,69	21,69	21,69	24,78	24,78	24,78
— Greece (Dr)	722,00	679,72	679,72	679,72	922,29	922,29	922,29
— Spain (Pta)	1 451,61	1 416,45	1 416,45	1 416,45	1 618,16	1 618,16	1 618,16
— France (FF)	71,35	69,62	69,62	69,62	79,54	79,54	79,54
— Ireland (£ Irl)	7,925	7,732	7,732	7,732	8,837	8,837	8,837
— Italy (Lit)	15 550	15 174	15 174	15 174	17 334	17 334	17 334
— Netherlands (Fl)	24,92	24,31	24,31	24,31	27,78	27,78	27,78
— Portugal (Esc)	1 769,71	1 726,84	1 726,84	1 726,84	1 972,76	1 972,76	1 972,76
— United Kingdom (£)	6,026	5,938	5,938	5,938	6,840	6,840	6,840
Amounts to be deducted in the case of use in :							
— Spain (Pta)	23,75	24,06	24,06	24,06	21,90	21,90	21,90
— Portugal (Esc)	112,80	114,68	114,68	114,68	103,59	103,59	103,59

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products:	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in:											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	65,08	0,00	0,10	0,38	0,00	0,00	0,00	8,44
— Denmark (Dkr)	0,00	0,00	0,00	11,92	0,00	0,02	0,07	0,00	0,00	0,00	1,54
— Federal Republic of Germany (DM)	0,00	0,00	0,00	3,18	0,00	0,00	0,02	0,00	0,00	0,00	0,41
— Greece (Dr)	0,00	0,00	0,00	249,94	0,00	0,37	1,45	0,00	0,00	0,00	32,40
— Spain (Pta)	0,00	0,00	0,00	207,84	0,00	0,30	1,21	0,00	0,00	0,00	26,94
— France (FF)	0,00	0,00	0,00	10,22	0,00	0,01	0,06	0,00	0,00	0,00	1,33
— Ireland (£ Irl)	0,000	0,000	0,000	1,139	0,000	0,002	0,007	0,000	0,000	0,000	0,148
— Italy (Lit)	0	0	0	2 226	0	3	13	0	0	0	289
— Netherlands (Fl)	0,00	0,00	0,00	3,57	0,00	0,01	0,02	0,00	0,00	0,00	0,46
— Portugal (Esc)	0,00	0,00	0,00	253,38	0,00	0,37	1,47	0,00	0,00	0,00	32,84
— United Kingdom (£)	0,000	0,000	0,000	0,934	0,000	0,001	0,005	0,000	0,000	0,000	0,121

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, 1 ECU =	42,4582	7,85212	2,05853	169,610	131,552	6,90403	0,768411	1 505,20	2,31943	169,216	0,638867

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and related measures and the abatement for that marketing year.

COMMISSION REGULATION (EEC) No 4171/88

of 30 December 1988

fixing the rates of the refunds applicable to certain products from the sugar sector 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 1785/81 of 30 June 1981 on the common organization of the market in sugar [1], as last amended by Regulation (EEC) No 2306/88 [2] and in particular Article 19 (4) (a) and (7) thereof;

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provide that for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for 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 [3], as last amended by Regulation (EEC) No 3209/88 [4], 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 I of Regulation (EEC) No 1785/81;

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; and 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 on the Community market and the prices ruling on the world market;

(b) the level of the refunds on exports of processed agricultural 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;

[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 201, 27. 7. 1988, p. 65.
[3] OJ No L 323, 29. 11. 1980, p. 27.
[4] OJ No L 286, 20. 10. 1988, p. 6.

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of 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 Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry [5], as last amended by Regulation (EEC) 2306/88 [6], provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within subheadings ex 1702 60 90 and ex 1702 90 90 of the combined nomenclature having a certain purity, and unprocessed isoglucose falling within subheadings 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product 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 [7], as amended by Regulation (EEC) No 2026/83 [8], and Commission Regulation (EEC) No 798/80 of 31 March 1980 laying down general rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products [9], as last amended by Regulation (EEC) No 471/87 [10], lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

[5] OJ No L 94, 9. 4. 1986, p. 9.
[6] OJ No L 201, 27. 7. 1988, p. 65.
[7] OJ No L 62, 7. 3. 1980, p. 5.
[8] OJ No L 199, 22. 7. 1983, p. 12.
[9] OJ No L 87, 1. 4. 1980, p. 42.
[10] OJ No L 48, 17. 2. 1987, p. 10.

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

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 in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

(2) For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical 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 1010/86, 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 export of the goods, when the rate is not fixed in advance; or

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

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 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 3 (2) of Regulation (EEC) No 798/80, 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, 30 December 1988.

For the Commission

COCKFIELD

Vice-President

ANNEX

to the Commission Regulation of 30 December 1988 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:	White sugar:	36,91
	Raw sugar:	33,95
	Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$36{,}91 \times \frac{S\,(^1)}{100}$
	Molasses:	—
	Isoglucose (2):	36,91 (3)

(1) 'S' represents in 100 kilograms of syrup

— the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,

— the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(2) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(3) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 4172/88

of 30 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 29 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 1 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[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 30 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	1,79	123,28
0712 90 19	1,79	123,28
1001 10 10	45,70	186,15 (1) (5)
1001 10 90	45,70	186,15 (1) (5)
1001 90 91	0,00	127,24
1001 90 99	0,00	127,24
1002 00 00	36,62	114,65 (6)
1003 00 10	30,37	123,11
1003 00 90	30,37	123,11
1004 00 10	86,38	77,23
1004 00 90	86,38	77,23
1005 10 90	1,79	123,28 (2) (3)
1005 90 00	1,79	123,28 (2) (3)
1007 00 90	25,04	133,81 (4)
1008 10 00	30,37	41,66
1008 20 00	30,37	116,57 (4)
1008 30 00	30,37	0,00 (5)
1008 90 10	(7)	(7)
1008 90 90	30,37	0,00
1101 00 00	8,64	192,15
1102 10 00	65,29	174,53
1103 11 10	84,22	301,91
1103 11 90	8,25	206,44

(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 4173/88

of 30 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 29 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 1 January 1989.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[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 30 December 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
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	1,73	1,73	1,73
1001 90 99	0	1,73	1,73	1,73
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
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	2,43	2,43	2,43

B. Malt

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	3,08	3,08	3,08	3,08
1107 10 19	0	2,30	2,30	2,30	2,30
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 4174/88

of 30 December 1988

altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals [1], as last amended by Regulation (EEC) No 2221/88 [2], and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 4042/88 [4], as amended by Regulation (EEC) No 4068/88 [5];

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 4042/88 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 197, 26. 7. 1988, p. 16.
[3] OJ No L 281, 1. 11. 1975, p. 78.
[4] OJ No L 355, 23. 12. 1988, p. 56.
[5] OJ No L 356, 24. 12. 1988, p. 64.

ANNEX

to the Commission Regulation of 30 December 1988 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	—	—	—
1001 10 90 000	01	0	0	0	0	− 40,00	− 40,00	− 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	03	0	+ 3,00	+ 3,00	+ 3,00	− 30,00	− 30,00	− 30,00
	02	0	0	0	0	− 30,00	− 30,00	− 30,00
1002 00 00 000	01	0	0	0	0	− 30,00	− 30,00	− 30,00
1003 00 10 000	01	0	0	0	0	—	—	—
1003 00 90 000	03	0	+ 3,00	+ 3,00	+ 3,00	− 30,00	− 30,00	− 30,00
	02	0	0	0	0	− 30,00	− 30,00	− 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	0	0	− 30,00	− 30,00	− 30,00	− 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	− 30,00	− 30,00	− 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	0	0	—	—
1101 00 00 120	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	—	—
1102 10 00 200	01	0	0	0	0	0	—	—
1102 10 00 300	01	0	0	0	0	0	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	0	− 50,00	− 50,00
1103 11 10 200	01	0	0	0	0	0	− 50,00	− 50,00
1103 11 10 500	01	0	0	0	0	0	− 50,00	− 50,00
1103 11 10 900	01	0	0	0	0	0	− 50,00	− 50,00
1103 11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:
01 all third countries,
02 other third countries,
03 Algeria, Tunisia, Egypt and the Canary Islands.

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

COMMISSION REGULATION (EEC) No 4175/88

of 28 December 1988

amending Regulation (EEC) No 3137/82 laying down detailed rules for the granting of financial compensation in respect of certain fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products [1], as last amended by Regulation (EEC) No 3468/88 [2], and in particular Article 13 (7) thereof,

Whereas, in order to permit producers' organizations, under certain conditions, to apply measures to stabilize the market in the area where the products are usually sold, the financial compensation is limited, pursuant to Article 3 (c) of Council Regulation (EEC) No 2202/82 [3], to products that, after having been put to sale according to regional and local uses and habits, have not found a buyer at the Community withdrawal price;

Whereas, since the entry into force of Commission Regulation (EEC) No 3137/82 of 19 November 1982 laying down detailed rules for the granting of financial compensation in respect of certain fishery products [4], as amended by Regulation (EEC) No 3165/84 [5], it has become apparent that the first sale price needs to be defined more closely;

Whereas experience has also shown that it should be made possible to apply in a more flexible manner the margin of tolerance permitted to the withdrawal price offered by producers' organizations;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3137/82 is hereby amended as follows:

1. The following Article 1a is inserted after Article 1:

   'Article 1a

   The Community withdrawal price to be respected by the producers' organizations shall be the sale price at the first transaction.

   The sale price at the first transaction may not include costs incurred after landing, with the exception of the costs, including transport costs, where the sale takes place at an auction or quayside sale, in accordance with Article 3 (c) of Regulation (EEC) No 2202/82.'

2. Article 2 (1) is replaced as follows:

   '1. Any producers' organization which applies the margin of tolerance provided for in Article 13 (1) of the basic Regulation shall communicate to the competent authorities of the Member State by which it is recognized, at least two working days before the margin is to apply, the level of the withdrawal price applicable to each product category in any part of its area of activity.

   This level shall apply for not less than five working days.

   Subject to compliance with the minimum period referred to above, should a producers' organization intend to alter the period of application of the margin of tolerance or the level of the withdrawal price, it shall inform the competent authorities of its decision at least two working days before the decision is to apply. Any alteration of the period of application or the level of the withdrawal price may not be for less than five working days.'

Article 2

This Regulation shall enter into force on 1 January 1989.

(1) OJ No L 379, 31. 12. 1981, p. 1.
(2) OJ No L 305, 10. 11. 1988, p. 1.
(3) OJ No L 235, 10. 8. 1982, p. 1.
(4) OJ No L 335, 29. 11. 1982, p. 1.
(5) OJ No L 297, 15. 11. 1984, p. 14.

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

Done at Brussels, 28 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 4176/88

of 28 December 1988

laying down detailed rules of application for the granting of flat-rate aid for certain fisheries products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products [1], as last amended by Regulation (EEC) No 3468/88 [2], and in particular Article 14b (8) thereof,

Whereas Article 14b of Regulation (EEC) No 3796/81 provides that Member States are to grant a flat-rate aid to producers' organizations which, subject to certain conditions, withdraw from the market products listed in Annex VI to that Regulation ; whereas this intervention is founded on the application of an autonomous withdrawal price which is determined by the producers' organizations and which must be notified to the Member States by the beginning of each fishing year ;

Whereas the conditions to which the producers' organizations should be subject within this scheme should be determined ;

Whereas the flat-rate aid may only be paid at the end of the fishing year ; whereas it should nevertheless be provided that advance payments may be made against securities ;

Whereas the Member States should be authorized to fix the standard value used in calculating the flat-rate aid broken down according to the destination of the products withdrawn as provided for in Commission Regulation (EEC) No 1501/93 of 9 June 1983 on the disposal of certain fishery products which have been the subject of measures to stabilize the market [3] ;

Whereas in order to help guarantee product quality and the disposal of these products on the market, the minimum conditions to apply to processing, storage and the re-release onto the market of the processed products should be determined ;

Whereas in order to allow regular monitoring, the producers' organizations must keep stock records ; whereas these records must include the information needed to make monitoring possible ;

Whereas the time limits within which Member States must communicate information to the Commission should be determined ;

Whereas, in the framework of the existing scheme, it is opportune to apply *mutatis mutandis*, certain provisions of Council Regulation (EEC) No 2202/82 of 28 July 1982 laying down general rules for the granting of financial compensation in respect of certain fishery products [4], of Commission Regulation (EEC) No 3137/82 of 19 November 1982 laying down detailed rules for the granting of financial compensation in respect of certain fishery products [5], as last amended by Regulation (EEC) No 4175/88 [6], and of Commission Regulation (EEC) No 3321/82 of 9 December 1982 laying down detailed rules for the granting of the carry-over premium for certain fishery products [7], as last amended by Regulation (EEC) No 3940/87 [8] ;

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

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down detailed rules of application for the granting of the flat-rate aid provided for in Article 14b of Regulation (EEC) No 3796/81, hereinafter referred to as the 'basic Regulation'.

A. General conditions

Article 2

In order to benefit from the flat-rate aid the producers' organizations must communicate to the competent authorities of the Member States before the beginning of each fishing year the list of the fishery products concerned, broken down by product category, and the autonomous withdrawal price referred to in Article 14b (1) (a), of the basic regulation.

However, a producer organization may apply for one or several categories, an autonomous withdrawal price exceeding the maximum level foreseen in Article 14b (1) without losing the right to flat-rate aid for the categories for which the maximum level is respected.

Article 3

The conditions laid down in Articles 2 and 3 of Regulation (EEC) No 2202/82 shall apply *mutatis mutandis* to the granting of the flat-rate aid. Conditions

[1] OJ No L 379, 31. 12. 1981, p. 1.
[2] OJ No L 305, 10. 11. 1988, p. 1.
[3] OJ No L 152, 10. 6. 1983, p. 22.
[4] OJ No L 235, 10. 8. 1982, p. 1.
[5] OJ No L 335, 29. 11. 1982, p. 1.
[6] See page 61 of this Official Journal.
[7] OJ No L 351, 11. 12. 1982, p. 20.
[8] OJ No L 373, 31. 12. 1987, p. 6.

in Article 2 (3) of that Regulation shall apply *mutatis mutandis* if a producers' organization or one of its members puts the products up for sale in a zone other than its own and in which an autonomous withdrawal price different to its own is applied by an other producers' organization. The calculation of the amount of the flat-rate aid is based on the autonomous withdrawal price fixed by the first producers' organization.

Article 4

To apply the margin of tolerance laid down in Article 14b (1) (a) of the basis regulation, the detailed rules laid down in Articles 2 to 4 of Regulation (EEC) No 3137/82 shall apply.

Article 5

The autonomous withdrawal price to be respected by the producers organizations shall be the sale price at the first transaction.

The sale price at the first transaction may not include costs incurred after landing, with the exception of the costs, including transport costs, where the sale takes place at an auction or quayside sale, in accordance with Article 3 (c) of Regulation (EEC) No 2202/82.

B. Conditions for the granting of the flat-rate aid foreseen in Article 14b (2) (c), first indent, of the basic Regulation (hereinafter called 'flat-rate compensation')

Article 6

1. The flat-rate compensation shall be paid to a producers' organization at its own request after the end of each fishing year to the competent authorities in the Member State. The request includes at least the elements set out in the Annex.

The request must be introduced at the latest four months after expiry of the fishing year concerned.

2. However, each month advance payments shall be granted at the request of the producers' organization in question for the quantities withdrawn, on condition that the applicant furnishes a security of at least 105 % of the payment.

3. The level of the advance payment or payments shall be determined on the basis of the provisional balance between the quantities withdrawn and the quantities put up for sale during the period concerned.

The calculation of the amount is adjusted two months after the month concerned on the basis of the transactions carried out in conformity with the model set out in the Annex.

Article 7

The Member States shall set out the standard value deduction to be used in calculating the flat-rate compensation foreseen in Article 14b (5) of the basic Regulation and the advances relating thereto, broken down according to the outlets referred to in Article 1 (b), (c), and (d) of Regulation (EEC) No 1501/83. The levels shall be set at the beginning of the fishing year and shall be identical for all the producers' organizations recognized by the Member State concerned, using as a basis the average receipts from disposal via the outlets referred to above for the appropriate Member States over the six months preceding the setting of the flat rate. The level shall, however, be altered if substantial and long-lasting variations in receipts are observed on the market of the Member State concerned.

Article 8

Articles 9 and 13 of Regulation (EEC) No 3137/82 shall apply *mutatis mutandis.*

C. Conditions for the granting of the flat-rate aid foreseen in Article 14b (2) (c), second indent, of the basic Regulation (hereinafter called 'flat-rate premium')

Article 9

1. Only those quantities which, after withdrawal from the market, have been stored in conditions which cause no deterioriation in their quality and which by the following day at the latest are processed in one of the ways listed in the second indent of Article 14b (2) (c) shall qualify for the flat-rate premium.

2. Without prejudice to any more stringent provisions or rules in force in the Member States, freezing must take place in suitable installations permitting a temperature of — 18 °C at the centre of the product to be reached in a maximum of five hours.

Article 10

Only those products complying with the following minimum storage and re-release conditions after final processing shall qualify for the flat-rate premium :

(a) — a storage period of no less than 15 days from the date of the end of processing,

— a storage temperature of no higher than — 21 °C ;

(b) for all products stored, the identification for monitoring purposes of the quantities processed must be carried out by storage and marking considered appropriate and accepted by the competent authorities of the Member States ;

(c) the re-release onto the market of all products shall take place in lots which are uniform from the point of view of species, processing, presentation and packaging, and which comply with the provisions on the marketing of products for human consumption in force in each of the Member States.

Article 11

The level of the flat-rate premium shall be set before the beginning of each fishing year in accordance with the procedure provided for in Article 33 of the basic Regulation.

The level shall be calculated taking into account the technical costs of processing, and storage observed in the Community during the preceding fishing year, disregarding the highest figures.

Article 12

1. The flat-rate premium shall be paid to the producers' organization concerned only after the competent authority of the Member State concerned has satisfied itself that the quantities for which the premium is being requested have been processed, stored and re-released onto the market in conformity with the conditions laid down in this Regulation.

2. The premium shall be paid after the end of each fishing year by the Member State which has recognized the producers' organization in question. The request for the payment has to be made in conformity with the provisions of Article 6 (1).

3. However, each month advance payments shall be granted at the request of the producers' organization concerned, on condition that the organization furnishes a security equal to at least 105 % of the level of the payment.

4. The amount of the advance or advances shall be determined on the basis of the provisional balance between the quantities for the flat-rate premium and those put up for sale during the period concerned. The calculation of the advances is adjusted two months after the month concerned on the basis of the transactions carried out and indicated in conformity with the model in the Annex and according to the type of transaction chosen.

Article 13

Articles 7, 8, and 11 to 14 of Regulation (EEC) No 3321/82 shall apply *mutatis mutandis.*

D. Final provisions

Article 14

1. The producers' organizations shall keep stock records indicating at least the elements in the model taken from the Annex.

2. Concerning the flat rate premium, the producers' organizations shall keep a register containing at least the following elements :

— the quantities withdrawn from the market each month, broken down by product category,

— the withdrawal date,

— where applicable :

  — records of the transfer of the products to a processor,

  — the reference to control copy T No 5 foreseen in Article 7 of Regulation (EEC) No 3321/82,

— the types of processing chosen,

— the date of freezing,

— the quantity of products processed, broken down by species,

— the names and addresses of the undertakings placed in charge of the processing

— the identification details of the lots which have undergone processing and their storage location,

— the beginning and end of the storage operation,

— for each lot sold, the quantity of processed product, the number and date of the invoice, and the date of sale.

3. Where a producers' organization delegates to an industrial undertaking the processing of the products concerned, using one or more of the operations listed in the second indent of Article 14b (2) (c) of the basic Regulation, the contract between the two parties shall stipulate that the undertaking concerned shall acquire the obligation to keep a register which complies with the conditions laid down in paragraph 2.

Article 15

The Member States shall communicate to the Commission :

— by 1 March 1989 at the latest :

  — the list of representative whole sale markets and ports referred to in Article 14b (6) of the basic Regulation,

  — the control measures carried out pursuant to Article 14b (6),

  — the names and addresses of each of the bodies appointed to ensure control ;

— within one month of the beginning of the fishing year at the latest :

  — the standard value deduction to be used, broken down according to the choices of outlets for disposal referred to in Article 7 ;

— within one month of the beginning of each semester at the latest :

  — a table giving details by product and product category of the average prices observed and the quantities marketed through the representative wholesale markets and ports ;

— within five months of the end of each fishing year :

  — the average product price (all categories) and total landings in the Member State concerned during the preceding fishing year.

Article 16

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, 28 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

ANNEX

STOCK RECORD: MONTHLY FIGURES FOR RELEASES ONTO THE MARKET, WITHDRAWALS FROM THE MARKET AND AMOUNTS CARRIED OVER EACH MONTH (1) FOR THE SPECIES

(kilograms)

Month	Amount put up for sale		Autonomous withdrawal prices down by category	Monthly withdrawals		Quantities attracting the flat rate premium	Total flat-rate aid withdrawals and carryover
				Portion for which flat-rate compensation is paid			
	During the month (1)	Cumulative total (2)		Amounts withdrawn by category (3)	Total — all categories (4)	(5)	(6) = (4) + (5)
January							
February							
Year							

(1) All figures rounded to the nearest multiple of 5.

Quantities exceeding 10 % of the annual quantities put for sale (Article 14b (3) of the basic Regulation) are excluded from the flat-rate aid.

COMMISSION REGULATION (EEC) No 4177/88

of 30 December 1988

amending Regulation (EEC) No 756/70 on grantng aid for skimmed milk processed into casein and caseinates

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 the Council 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 11 (3) thereof,

Whereas Article 2 (4) of Regulation (EEC) No 987/68 of the Council of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates [3], as last amended by Regulation (EEC) No 3554/88 [4], provides that aid may be restricted to casein or caseinates for specific uses if the market situation so dictates; whereas at present the use of casein or caseinates in the manufacture of certain milk products threatens to cause serious disturbance to the market and may also lead to duplicate aid payments; whereas Commission Regulation (EEC) No 756/70 [5], as last amended by Regulation (EEC) No 1544/88 [6], should be amended to establish the circumstances in which such aid may be granted and the conditions to apply thereto;

Whereas provision must be made for a security to be given at the time the aid is paid in order to ensure that the casein or caseinates will be exported or delivered for use within the Community, to the exclusion of use in the manufacture of certain end products; whereas the requirement as to the destination of the casein or caseinates may, under certain conditions and in cases where the final user does not manufacture milk products, be limited to the delivery stage;

Whereas, given the trend of casein prices on the international market, the level of the aid provided for in Article 2 (1) of Regulation (EEC) No 756/70 may be reduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 756/70 is hereby amended as follows:

1. The first paragraph of Article 1 is replaced as follows

   'Aid shall be granted to producers of casein and caseinates only if these products:

   — have been manufacted from skimmed milk or raw casein extracted from milk of Community origin, and

   — are used within the Community in accordance with the conditions laid down in Article 4 (4),

   — are exported in accordance with the conditions laid down in Article 4 (3).'

2. In Article 2 (1), '7.39 ECU' is replaced by 'ECU 6,65'.

3. In Article 3 (2), subparagraph (d) is replaced as follows:

   '(d) the date of manufacture of the casein or caseinates, and the quantity produced, identified by manufacturing batch number;'.

4. Article 4 is amended as follows:

   (a) Paragraph 1 is replaced as follows:

   '1. Aid shall be granted:

   (a) on the basis of a written application submitted to the competent body, and giving:

   (i) the name and address of the producer;

   (ii) the quantity of casein or caseinates he has manufactured and for which he is requesting aid;

   (iii) the manufacturing batch numbers of the products for which the aid is requested;

   (b) on condition that the quantity of casein or caseinates:

   — has been manufactured in accordance with Articles 1 and 2,

   — is subject to customs or equivalent administrative control and the provision of a security equal to the amount of aid plus 10 % to ensure compliance with the

[1] OJ No L 148, 28. 6. 1968, p. 13.
[2] OJ No L 110, 29. 4. 1988, p. 27.
[3] OJ No L 169, 18. 7. 1968, p. 6.
[4] OJ No L 311, 17. 11. 1988, p. 6.
[5] OJ No L 91, 25. 4. 1970, p. 28.
[6] OJ No L 139, 4. 6. 1988, p. 10.

primary requirement that the products be used in accordance with paragraph 4 or exported in accordance with paragraph 3.

The security shall be lodged in the Member State in whose territory the casein or caseinates :

— have been manufactured,

or

— have been used in accordance with paragraph 4.

The security referred to in the preceding subparagraph shall be lodged without prejudice to the requirement that the manufacturer or any subsequent holder of the goods can use all legal means to ensure proper execution of subsequent contracts.'

(b) The following paragraphs are added :

'3. Where the casein or caseinates are exported, the security referred to in paragraph 1 shall be released providing that customs formalities for release for consumption in the third country have been completed within 24 months of the date of manufacture. Proof of this shall be furnished in accordance with Article 18 of Commission Regulation (EEC) No 3665/87 (*).

However, at the request of the party concerned, 50 % of the security may be released providing that the products have left the customs territory of the Community within 12 months of the date of manufacture.

4. Where the products are used in the territory of the Community, the security shall be released providing that it has been ascertained that the casein or caseinates :

— have been delivered within 18 months of the date of manufacture to an establishment bound by the undertaking referred to in paragraph 5,

— have been used within 18 months of the date of manufacture in accordance with paragraph 6.

5. In the case referred to in the first indent of paragraph 4, the user shall make a declaration :

— confirming that he does not manufacture any of the products covered by Chapter 4 of the combined nomenclature,

— undertaking not to re-sell, either in the same state or as a mixture, the casein or caseinates for which aid pursuant to this Regulation has been paid.

For the purposes of this paragraph, "mixture" shall mean a product composed principally of casein or caseinates and other milk products suitable for use in the manufacture of products covered by Chapter 4 of the combined nomenclature and marketed in packages containing not less than 5 kg of product,

— undertaking to forego any entitlement under this paragraph and to inform the competent authorities thereof should any product covered by Chapter 4 of the combined nomenclature be produced,

— stating that he is aware of the penalties to which he will be open if any check by the authorities should reveal that the undertakings he has made have not been complied with.

Without prejudice to any penalties which are or may become applicable in the Member State concerned, the competent body shall be owed a sum equal to the security referred to in paragraph 1 for the quantities of casein or caseinates concerned.

6. In the case referred to in the second indent of paragraph 4, the security shall be released on the production of evidence that the casein or caseinates concerned have been incorporated into an end product not covered by Chapter 4 of the combined nomenclature.

However, if the end product is covered by CN code 0406 30, the security shall be released for quantities of casein or caseinates equivalent to 2 % of the weight of the end product.

Compliance with the prescribed use shall be ascertained by a specific on-the-spot check by the competent body of the Member State. The check shall include the inspection of manufacturing conditions and registers showing the quantities of casein and caseinates processed, identified by their manufacturing batch number, and the quantity, composition and casein or caseinate content of the end products.

(*) OJ No L 351, 14. 12. 1987, p. 1.'

5. The following Article 4a is inserted :

'Article 4a

Where the check on product use provided for in Article 4 (3) or (4) is carried out by the authorities of several Member States, the control copy T 5 form or forms used for the products, in accordance with the provisions of Commission Regulation (EEC) No 2823/87 (*), shall constitute the proof required.

In such cases, one of the following remarks must be inserted in section 104 of the control copy T 5 form :

— Producto destinado a la exportación fuera del territorio aduanero de la Comunidad o a la incorporación a un producto final conforme a lo dispuesto en los apartados 3 o 4 del artículo 4 del Reglamento (CEE) nº 756/70

— produkt beregnet til eksport uden for Fællesskabets toldområde eller til iblanding i en færdigvare i overensstemmelse med artikel 4, stk. 3 eller 4, i forordning (EØF) nr. 756/70

— Erzeugnis, das zur Ausfuhr aus dem Zollgebiet der Gemeinschaft oder zur Beimischung in ein Enderzeugnis gemäß Artikel 4 Absatz 3 oder 4 der Verordnung (EWG) Nr. 756/70 bestimmt ist

— Προϊόν που προορίζεται για εξαγωγή εκτός του τελωνειακού εδάφους της Κοινότητας ή για την ενσωμάτωση σε ένα τελικό προϊόν σύμφωνα με το άρθρο 4 παράγραφοι 3 ή 4 του κανονισμού (ΕΟΚ) αριθ. 756/70

— product to be exported from the customs territory of the Community or incorporated into an end product in accordance with Article 4 (3) or (4) of Regulation (EEC) No 756/70

— Produit destiné à l'exportation hors du territoire douanier de la Communauté ou à l'incorporation dans un produit final conformément à l'article 4 paragraphe 3 ou 4 du règlement (CEE) n° 756/70

— Produkt bestemd voor uitvoer buiten het douanegebied van de Gemeenschap of voor bijmenging in een eindprodukt overeenkomstig het bepaalde in artikel 4, lid 3 of lid 4, van Verordening (EEG) nr. 756/70

— prodotto destinato all'esportazione fuori dal territorio doganale della Comunità o all'incorporazione in un prodotto finale conformemente all'articolo 4, paragrafi 3 o 4 del regolamento (CEE) n. 756/70

— Produto destinado à exportação para fora do território aduaneiro da Comunidade ou à incorporação num produto final, em conformidade com os n.os 3 ou 4 do artigo 4.º do Regulamento (CEE) n.º 756/70.

Where the security is lodged in a Member State other than that in which the casein or caseinates were manufactured, the document establishing the Community origin of the products dispatched from the Member State of manufacture to the Member State in which the security is lodged must bear one of the following remarks in section 44. The same special marks must be mentioned in section 44 of the declaration of release for consumption :

— Producto destinado a la incorporación a un producto final conforme a lo dispuesto en el apartado 4 del artículo 4 del Reglamento (CEE) n° 756/70

— produkt beregnet til at blande i en færdigvare i overensstemmelse med artikel 4, stk. 4, i forordning (EØF) nr. 756/70

— Erzeugnis, das zur Beimischung in ein Enderzeugnis gemäß Artikel 4 Absatz 4 der Verordnung (EWG) Nr. 756/70 bestimmt ist

— Προϊόν που προορίζεται για την ενσωμάτωση στο τελικό προϊόν σύμφωνα με το άρθρο 4 παράγραφος 4 του κανονισμού (ΕΟΚ) αριθ. 756/70

— product to be incorporated into an end product in accordance with Article 4 (4) of Regulation (EEC) No 756/70

— Produit destiné à l'incorporation dans un produit final conformément à l'article 4 paragraphe 4 du règlement (CEE) n° 756/70

— prodotto destinato all'incorporazione in un prodotto finale conformemente all'articolo 4, paragrafo 4 del regolamento (CEE) n. 756/70

— Produkt bestemd voor bijmenging in een eindprodukt overeenkomstig artikel 4, lid 4, van Verordening (EEG) nr. 756/70

— Produto destinado à incorporação num produto final, em conformidade com o n.º 4 do artigo 4.º do Regulamento (CEE) n.º 756/70.

(*) OJ No L 270, 23. 9. 1987, p. 1.'

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 to casein and caseinates manufactured from 1 March 1989 onwards. However, Article 1 (2) shall apply to products manufactured from 1 January 1989 onwards.

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

Done at Brussels, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 4178/88

of 30 December 1988

modifying Regulation (EEC) No 4122/87 concerning the import quotas subject to quantitative restrictions (1988 fishing year)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 360/86 of 17 February 1986 laying down rules for the application by Spain and Portugal of quantitative restrictions on fishery products [1], as amended by Regulation (EEC) No 4064/86 [2], and in particular Article 2 thereof,

Whereas Article 2 (3) of Regulation (EEC) No 360/86 provides for the possibility of revising during the course of the year the quantity of the quotas, as well as their quarterly instalments, as laid down in Commission Regulation (EEC) No 4122/87 [3], as last amended by Regulation (EEC) No 3407/88 [4];

Whereas Portugal has made a request for an increase of 6 100 tonnes in the quota level for frozen hake of the genus *Merluccius* spp., for the 1988 fishing year; whereas it is therefore necessary to modify the quota levels in question as well as its quarterly instalments;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Part B of the Annex to Regulation (EEC) No 4122/87 the figures for frozen hake of the genus *Merluccius* spp., frozen falling within CN codes 0303 78 10 and 0304 90 47 are hereby replaced by the following:

'Annual quota of import	Quarterly instalments			
	1	2	3	4
17 100	4 000	4 000	1 500	7 600'

Article 2

This Regulation shall enter into force on the third 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

[1] OJ No L 43, 20. 2. 1986, p. 8.
[2] OJ No L 371, 31. 12. 1986, p. 9.
[3] OJ No L 386, 31. 12. 1987, p. 24.
[4] OJ No L 299, 1. 11. 1988, p. 61.

COMMISSION REGULATION (EEC) No 4179/88

of 30 December 1988

amending Regulation (EEC) No 4123/87 fixing, for the 1988 fishing year, the overall foreseeable level of imports for the products subject to the supplementary trade mechanism in the fisheries sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Article 361 thereof,

Whereas Commission Regulation (EEC) No 4123/87 [1], as amended by Regulation 3408/88 [2], has fixed for certain fishery products the overall foreseeable level of imports for the 1988 fishing year; whereas this foreseeable level includes, for each product in question, an annual quota for imports from third countries;

Whereas, as regards Portugal the quota for frozen hake of the genus *Merluccius* spp., initially laid down for the 1988 marketing year by Commission Regulation (EEC) No 4122/87 [3], has been increased by 6 100 tonnes by Regulation (EEC) No 4178/88 [4]; whereas it is consequently appropriate to adapt for that Member State the overall foreseeable level of imports of the product in question, set out in Regulation (EEC) No 4123/87;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 4123/88 is hereby amended as follows:

In the table in part B 1, '13 783' for the overall level of imports of frozen hake of the genus *Merluccius* spp. falling within CN codes ex 0303 78 10 and ex 0304 90 47 is replaced by '19 883'.

Article 2

This Regulation shall enter into force on the third 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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

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[1] OJ No L 386, 31. 12. 1987, p. 27.
[2] OJ No L 299, 1. 11. 1988, p. 62.
[3] OJ No L 386, 31. 12. 1987, p. 24.
[4] See page 71 of this Official Journal.

COMMISSION REGULATION (EEC) No 4180/88

of 30 December 1988

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus [1], and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables [2] as last amended by Regulation (EEC) No 2238/88 [3];

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it 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 [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 application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 January 1989, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

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

[1] OJ No L 133, 21. 5. 1973, p. 113.
[2] OJ No L 118, 20. 5. 1972, p. 1.
[3] OJ No L 198, 26. 7. 1988, p. 1.
[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, 30 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION COMMUNICATION

concerning common rules for imports of certain textile products originating in China

Following the initialling of a new four year (1989 to 1992) Agreement between the European Economic Community and the People's Republic of China on trade in textile products, the Council of Ministers adopted a Decision on 19 December 1988 concerning the provisional application of the Agreement as from 1 January 1989, pending its formal conclusion.

The Regulation setting out common import rules for Chinese textile products will not have been adopted by the Council by 1 January 1989. This communication therefore sets forth the essential elements required for the provisional implementation of the Agreement.

The Agreement provides in particular for limits on the export by China of certain textile products. The 1989 quantitative limits, set out by textile category, are annexed hereto, the textile categories referred to being those given in Annex I to Council Regulation (EEC) No 4136/86 of 22 December 1986 ([1]). Certain categories of products not previously subject to export restraints have, under the new Agreement, been brought under limitation, and these are marked in the Annex to this communication with an asterisk.

The quantitative limits will, as in the past ([2]), be subject to a double checking system, i. e. the delivery of import authorizations by the competent authorities in the Member States against valid Chinese export licences.

Pending the publication of common rules for the import of Chinese textile products, information may be obtained from the Commission of the European Communities (Directorate-General for External Relations, Division I-D-1), 200, rue de la Loi, B-1040 Brussels.

([1]) On common rules for imports of certain textile products originating in third countries. Published in the OJ No L 387, 31. 12. 1986, as amended by Council Regulation (EEC) No 768/88 of 2 February 1988, published in OJ No L 84, 29. 3. 1988, pp. 3 to 29.

([2]) See Council Regulation (EEC) No 2072/84, 29. 6. 1984, published in OJ No L 198, 27. 7. 1984.

ANNEX

CHINA

1989 **COMMUNITY LIMITS**

Category	Unit	1989 quantitative limit
1	tonnes	3 300
2	tonnes	23 100
2A	tonnes	2 872
2NW	tonnes	1 230
2MG	tonnes	1 700
3	tonnes	4 750
3A	tonnes	570
4	1 000 pieces	32 800
5	1 000 pieces	8 250
5A	1 000 pieces	90 (1)
6	1 000 pieces	9 650 (2)
6S	1 000 pieces	850
7	1 000 pieces	2 850
8	1 000 pieces	9 000
9	tonnes	3 624
10*	1 000 pairs	42 500 (3)
12	1 000 pairs	14 299
18	tonnes	3 300
19	1 000 pieces	68 630
20/39	tonnes	6 100 (4)
21	1 000 pieces	6 500
22*	tonnes	10 500 (5)
23	tonnes	7 250
26	1 000 pieces	3 200
32	tonnes	2 968
37	tonnes	8 600
37A	tonnes	2 580
73	1 000 pieces	2 050
76	tonnes	3 250

(1) UK : 20 000 pieces

(2) 6A (BNL) : 576 000 pieces

(3) 10 IL (UK) : 280 000 pairs

(4) 20 (BNL) : 61 tonnes
20 (E) : 66 tonnes
39 (F) : 244 tonnes

(5) 22A (UK) : 150 tonnes

CHINA

1989 Regional limits

Category	Unit	Member State	1989 quantitative limit
13	1 000 pieces	D	10 886
		F	2 622
		BNL	2 791
		UK	36 549
		IRL	488
15	1 000 pieces	F	445
		BNL	187
16	1 000 pieces	F	300
		I	4 500
		UK	255
24	1 000 pieces	D	4 900
		F	840
		I	435
		BNL	384
		UK	513
27	1 000 pieces	UK	320
29	1 000 pieces	F	185
		I	240
31	1 000 pieces	F	1 700
		BNL	600
		UK	650
33	tonnes	F	630
		BNL	4 300
		UK	875
		IRL	650
36	tonnes	F	350
40	tonnes	I	625
59	tonnes	F	247
66	tonnes	I	501
67	tonnes	D	1 004
		F	800 (1)
68	tonnes	F	950
		UK	355
78	tonnes	F	280
		I	260
83	tonnes	D	150
		F	105
87	tonnes	F	235
		UK	120
91	tonnes	F	420
		BNL	250

(1) 67A (F): 300 tonnes.

II

(Acts whose publication is not obligatory)

COUNCIL AND COMMISSION

DECISION

OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL, AND OF THE COMMISSION

of 21 December 1988

extending the arrangements applicable to trade with Yugoslavia in products covered by the ECSC Treaty

(88/652/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL, AND THE COMMISSION,

Having regard to the Treaty establishing the European Coal and Steel Community,

Whereas the first stage of the trade arrangements laid down by the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part [1], signed in Belgrade on 2 April 1980, came to an end on 31 March 1988;

Whereas, pending the conclusion and entry into force of the Protocol determining arrangements for trade with Yugoslavia in products covered by the ECSC Treaty beyond that date, the arrangements which the Community currently applies under the Agreement should be extended,

HAVE DECIDED AS FOLLOWS:

Article 1

The trade arrangements established by Article 3 of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part, signed in Belgrade on 2 April 1980 shall remain applicable until the entry into force of the Protocol establishing future trade arrangements in accordance with Article 12 of the Agreement.

Article 2

This Decision shall enter into force on 1 January 1989.

Member States and the Commission shall take the measures necessary to implement this Decision.

Done at Brussels, 21 December 1988.

On behalf of the Governments of the Member States

The President

V. PAPANDREOU

For the Commission

Jacques DELORS

[1] OJ No L 41, 14. 2. 1983, p. 113.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 4068/88 of 23 December 1988 altering the corrective amount applicable to the refund on cereals

(Official Journal of the European Communities No L 356 of 24 December 1988)

On page 65, in the Annex, against product codes 1103 11 10 100, 1103 11 10 200, 1103 11 10 500 and 1103 11 10 900, in the column headed 'Destination':

for: '05',
read: '04'.

COMMISSION OF THE EUROPEAN COMMUNITIES

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