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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3678/86
of 28 November 1986**

**increasing the Community tariff quota opened by Regulation (EEC) No 2377/86
for certain polyethylene terephthalate films falling within subheading ex 39.01 C
III a) of the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas the Council, by Regulation (EEC) No 2377/86⁽¹⁾, opened and allocated among the Member States a duty-free Community tariff quota for certain polyethylene terephthalate films falling within subheading ex 39.01 C III a) of the Common Customs Tariff, for the period 2 August to 31 December 1986, the amount of which was fixed at 430 tonnes;

Whereas, on the basis of the most recent data on this product for the quota year, it is estimated that the additional imports from third countries required by the Community in the short term amount to 160 tonnes; whereas the size of the quota should be increased by this quantity to take account of the requirements noted; whereas, in order to safeguard the Community character of the tariff quota in question, the whole volume of the proposed increase should be allocated to the Community reserve,

HAS ADOPTED THIS REGULATION:

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 2377/86 for certain polyethylene terephthalate films falling within subheading ex 39.01 C III a) of the Common Customs Tariff, is hereby increased from 430 to 590 tonnes.

Article 2

The additional volume referred to in Article 1, amounting to 160 tonnes, shall constitute the reserve.

The reserve provided for in Article 1 (1) of Regulation (EEC) No 2377/86 is thus increased from 430 to 590 tonnes.

Article 3

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

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

Done at Brussels, 28 November 1986.

For the Council

The President

A. RUMBOLD

⁽¹⁾ OJ No L 206, 30. 7. 1986, p. 9.

COUNCIL REGULATION (EEC) No 3679/86

of 28 November 1986

fixing for the 1987/88 milk year the guideline figure for the fat content of standardized whole milk imported into Ireland and the United Kingdom

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1411/71 of 29 June 1971 laying down additional rules on the common organization of the market in milk and milk products falling within heading No 04.01 of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 566/76⁽²⁾, and in particular Article 3 (6) (b) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 3 (5) of Regulation (EEC) No 1411/71, Ireland and the United Kingdom apply within their territories the formula of non-standardized whole milk within the meaning of the second indent of Article 3 (1) (b) of that Regulation;

Whereas, pursuant to Article 3 (6) and (7), a guideline figure must be fixed for the 1987/88 milk year for the fat which standardized whole milk coming from another Member State must contain to be able to be marketed within the territories of the two abovementioned Member

States; whereas this guideline figure must be the weighted average fat content of the whole milk produced and marketed in the importing Member State during the previous year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1987/88 milk year, the guideline figure referred to in Article 3 (6) (b) of Regulation (EEC) No 1411/71 shall be:

- 3,60 % for Ireland,
- 3,90 % for the United Kingdom.

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, 28 November 1986.

For the Council

The President

A. RUMBOLD

⁽¹⁾ OJ No L 148, 3. 7. 1971, p. 4.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 23.

COMMISSION REGULATION (EEC) No 3680/86

of 2 December 1986

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) No 1579/86⁽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⁾, 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 2010/86⁽⁴⁾ 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 1 December 1986;

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 2010/86 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:

21 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 3 December 1986.

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

Done at Brussels, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

ANNEX

to the Commission Regulation of 2 December 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	12,27	186,45
10.01 B II	Durum wheat	38,07	242,76 ⁽¹⁾ ⁽²⁾
10.02	Rye	48,82	159,59 ⁽³⁾
10.03	Barley	18,91	178,55
10.04	Oats	81,44	147,07
10.05 B	Maize, other than hybrid maize for sowing	—	167,32 ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	4,04	4,04
10.07 B	Millet	18,91	123,71 ⁽⁵⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	3,93	167,58 ⁽⁵⁾ ⁽⁶⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed ; other cereals	18,91	31,44 ⁽⁷⁾
11.01 A	Wheat or meslin flour	31,52	275,38
11.01 B	Rye flour	82,69	237,77
11.02 A I a)	Durum wheat groats and meal	72,42	389,69
11.02 A I b)	Common wheat groats and meal	32,56	295,93

⁽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 10.07 D I (triticale).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 3681/86

of 2 December 1986

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 1579/86⁽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⁾, 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 2011/86⁽⁴⁾ 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 1 December 1986;

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 originating in 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 December 1986.

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

Done at Brussels, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 2 December 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	7,90	7,90	7,90
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	1,73
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	102,53
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	11,06	11,06	11,06

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	14,06	14,06	14,06	14,06
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	10,51	10,51	10,51	10,51
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	3,08	3,08
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	2,30	2,30
11.07 B	Roasted malt	0	0	0	2,68	2,68

COMMISSION REGULATION (EEC) No 3682/86

of 2 December 1986

concerning the stopping of fishing for sole by vessels flying the flag of Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽¹⁾, as last amended by Regulation (EEC) No 3723/85⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 3721/85 of 20 December 1985, fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1986 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 3221/86⁽⁴⁾, provides for sole quotas for 1986;

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

Whereas, according to the information communicated to the Commission, catches of sole in the waters of ICES divisions III a; III b, c, d (EC zone) by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1986; whereas Denmark has

prohibited fishing for this stock as from 16 November 1986; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of sole in the waters of ICES divisions III a; III b, c, d (EC zone) by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1986.

Fishing for sole in the waters of ICES divisions III a; III b, c, d (EC zone) by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transhipment and the landing of such stocks captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 16 November 1986.

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

Done at Brussels, 2 December 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 300, 24. 10. 1986, p. 2.

COMMISSION REGULATION (EEC) No 3683/86

of 2 December 1986

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

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

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽¹⁾, as last amended by Regulation (EEC) No 3723/85⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 3721/85 of 20 December 1985, fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1986 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 3221/86⁽⁴⁾, provides for herring quotas for 1986;

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

Whereas, according to the information communicated to the Commission, catches of herring in the waters of ICES division VII a by vessels flying the flag of Ireland or registered in Ireland have reached the quota allocated for

1986; whereas Ireland has prohibited fishing for this stock as from 7 September 1986; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 2

Catches of herring in the waters of ICES division VII a by vessels flying the flag of Ireland or registered in Ireland are deemed to have exhausted the quota allocated to Ireland for 1986.

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

Article 2

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

It shall apply with effect from 7 September 1986.

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

Done at Brussels, 2 December 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 300, 24. 10. 1986, p. 2.

COMMISSION REGULATION (EEC) No 3684/86

of 2 December 1986

fixing the prices to be used for calculating the value of agricultural products in intervention storage to be carried forward to the the 1987 financial year

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

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, as last amended by Regulation (EEC) No 1334/86 ⁽²⁾, and in particular the first paragraph of Article 8 thereof,

Whereas it is specified in the first paragraph of Article 8 of Regulation (EEC) No 1883/78 that prices are to be determined for calculating the value of the agricultural products in intervention storage to be carried forward to the next financial year; whereas these products are generally valued at their purchase price; whereas the basis should be the actual purchase prices paid by the intervention agencies during a reference period running from 1 December 1985 to the latest month for which the figures are known, including quantities carried over from 1985 and entered in the accounts on 1 December 1985 at their carry-over prices;

Whereas the amount of, and detailed rules for, the reduction in value of butter and beef placed in storage before 1 March 1985 were laid down in Commission Regulation (EEC) No 1624/86 ⁽³⁾; whereas the carry-over price for those quantities whose value has been reduced and which have not yet been disposed of remains the same as at 1 December 1985 on condition that the said price does not

exceed the average buying-in price from 1 December 1985 until the last month for which figures are available;

Whereas Article 6 of Commission Regulation (EEC) No 3184/83 of 31 October 1983 on the operation of the system of advances in respect of expenditure financed by the EAGGF Guarantee Section ⁽⁴⁾ provides that expenditure in the last month of the financial year is to be based on physical operations plus stock levels in the preceding month; whereas, therefore, stocks at the end of the year must be valued at the levels on 30 November;

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

HAS ADOPTED THIS REGULATION:

Article 1

The prices to be used for calculating the value of agricultural products in intervention storage to be carried forward to the 1987 financial year shall be as set out in the Annex.

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, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 18.

⁽³⁾ OJ No L 148, 31. 5. 1986, p. 1.

⁽⁴⁾ OJ No L 320, 17. 11. 1983, p. 1.

ANNEX

Prices to be used for calculating the value of agricultural products in intervention storage to be carried forward to the 1987 financial year;
Should be valued at the levels on 30 November 1986

Product	ECU	Belgium Bfrs	Denmark Dkr	Germany DM	Greece Dr	Spain Pta	France FF	Ireland £ Ir	Italy Lit	Luxembourg Lfrs	Nether- lands Fl	Portugal Esc	United Kingdom £
Common wheat of:													
— bread-making quality	194,50	9 116	1 661	466,50	22 693	28 357	1 381	152,20	299 336	9 116	525,50	29 527	122,00
— non-bread-making quality	188,00	8 812	1 606	451,00	21 935	27 410	1 335	147,10	289 332	8 812	508,00	28 541	117,90
Barley	188,50	8 835	1 610	452,00	21 993	27 483	1 338	147,50	290 102	8 835	509,50	28 617	118,20
Rye	192,50	9 023	1 644	461,50	22 460	28 066	1 367	150,60	296 258	9 023	520,00	29 224	120,70
Hardened wheat	264,50	12 397	2 259	634,50	30 860	38 563	1 878	207,00	407 066	12 397	714,50	40 154	165,80
Maize	177,00	8 296	1 512	424,50	20 651	25 806	1 257	138,50	272 403	8 296	478,00	26 871	111,00
Olive oil	1 402,50	65 737	11 978	3 345,00	163 634	204 479	9 957	1 097,40	2 179 485	65 737	3 769,00	212 916	879,40
Rapeseed	457,50	21 444	3 907	1 091,00	53 378	66 702	3 248	358,00	704 093	21 444	1 229,50	69 454	286,90
Sunflower seed	534,50	25 053	4 565	1 275,00	62 362	77 928	3 795	418,20	822 596	25 053	1 436,50	81 144	335,10
Sugar	542,00	25 404	4 629	1 293,00	63 237	79 021	3 848	424,10	842 268	25 404	1 456,50	82 282	339,80
Tobacco:													
— leaf	828,00	38 809	7 072	1 975,00	96 605	120 719	5 879	647,90	1 286 712	38 809	2 225,00	125 700	519,20
— processed	878,00	41 153	7 499	2 094,00	102 439	128 009	6 234	687,00	1 364 412	41 153	2 359,50	133 291	550,50
— baled	1 116,00	52 308	9 531	2 662,00	130 207	162 708	7 923	873,30	1 734 264	52 308	2 999,00	169 422	699,70
Alcohol	91,50	4 289	781	218,00	10 676	13 340	650	71,60	142 191	4 289	246,00	13 891	57,40
Skimmed milk-powder	1 645,50	77 883	14 121	3 966,50	191 985	242 231	12 033	1 345,60	2 557 107	77 883	4 469,50	249 807	1 045,90
Butter:													
(a)	3 071,00	145 354	26 354	7 402,50	358 303	452 076	22 457	2 511,30	4 772 334	145 354	8 341,50	466 215	1 952,00
(b)	1 741,00	82 403	14 941	4 196,50	203 128	256 289	12 731	1 423,70	2 705 514	82 403	4 729,00	264 305	1 106,60
(c)	3 071,00	145 354	26 354	7 402,50	358 303	452 076	22 457	2 511,30	4 772 334	145 354	8 341,50	466 215	1 952,00
Beef and veal:													
— quarters:													
(a)	2 535,50	120 008	21 759	6 047,50	295 824	373 246	18 259	2 073,40	3 940 167	120 008	6 814,00	384 919	1 611,60
(b)	1 472,00	69 671	12 632	3 511,00	171 743	216 690	10 600	1 203,70	2 287 488	69 671	3 956,00	223 467	935,60
(c)	2 485,00	117 618	21 325	5 927,00	289 932	365 812	17 895	2 032,10	3 861 690	117 618	6 678,50	377 253	1 579,50
— boned:													
(a)	3 459,00	163 718	29 684	8 250,50	403 572	509 192	24 909	2 828,60	5 375 286	163 718	9 296,00	525 118	2 198,60
(b)	1 322,00	62 572	11 345	3 153,00	154 242	194 609	9 520	1 081,10	2 054 388	62 572	3 553,00	200 695	840,30
(c)	3 372,00	159 600	28 937	8 043,00	393 421	496 385	24 283	2 757,50	5 240 088	159 600	9 062,00	511 910	2 143,30
Pigmeat	1 067,00	50 502	9 157	2 545,00	124 490	157 071	8 051	872,60	1 658 118	50 502	2 867,50	161 983	697,90

(a) Product placed in public storage after 1 March 1985.

(b) Product placed in public storage before 1 March 1985 and the value of which was reduced under Regulation (EEC) No 1624/86.

(c) Product placed in public storage after 1 March 1985 but the value of which was not reduced under Regulation (EEC) No 1624/86.

COMMISSION REGULATION (EEC) No 3685/86

of 2 December 1986

implementing a pilot project on integrated monitoring systems for milk and milk products to encourage sales

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1338/86⁽²⁾, and in particular Article 4 thereof,

Whereas a reserve, which may be allocated to specific programmes if developments in the markets require additional funds or for other needs which may become apparent during the period of the programme, was set aside in the 10th communication from the Commission to the Council concerning the programme for the utilization of co-responsibility levy funds in the milk sector for the 1986/87 milk year;

Whereas it has become apparent that sales of milk and milk products can be increased by improving and regularly and efficiently checking quality; whereas it is therefore desirable to implement a pilot project on integrated monitoring systems for milk and milk products;

Whereas it is advisable to assign responsibility for this measure to a single organization in one Member State, which organization should, however, include in the survey the monitoring methods used in other Member States;

Whereas 91 % of milk in Denmark is handled by co-operatives, the management and organization of which are largely integrated; whereas this means that a monitoring trial can be carried out forthwith; whereas, therefore, it is advisable to entrust the competent Danish agency with the conclusion of the contract;

Whereas, as regards the other arrangements, reference may be made to experience with Commission Regulation (EEC) No 1150/86 of 17 April 1986 continuing the measures referred to in Regulations (EEC) No 723/78 and (EEC) No 1024/78 on market research measures within and outside the Community in respect of milk and milk products⁽³⁾;

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

1. Under the conditions laid down in this Regulation, encouragement shall be given to a pilot project on integrated monitoring systems for milk and milk products with the aim of promoting sales.

This project shall include the following:

- checks on the composition of raw milk and its bacteriological and hygienic properties,
- checks on milk processing,
- checks on the composition, quality and suitability for storage of manufactured products,
- checks on marketing.

2. The measures referred to in paragraph 1 shall be eligible for financing only if they have begun after 31 December 1986 and shall be completed within two years of signature of the contract referred to in Article 6 (1), in any event before 1 January 1990. In exceptional cases, however, a longer period may be agreed in accordance with Article 6 (2) to ensure maximum effectiveness of the measure concerned.

3. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that time limit where the party to the contract, before the fixed expiry date, makes the appropriate application to the competent authority and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, this extension may not exceed six months.

Article 2

1. The research work referred to in Article 1 (1) shall be proposed and carried out by research institutes or organizations that:

- (a) have the necessary qualifications and experience;
- (b) give suitable guarantees to ensure the satisfactory completion of the work.

Proposals put forward by research institutes or organizations whose activities are exclusively or in part concerned with the production, distribution or sales promotion of products which imitate milk and milk products shall not be taken into consideration.

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 27.

⁽³⁾ OJ No L 105, 22. 4. 1986, p. 8.

2. Community financing shall be limited to 75 % of expenditure incurred in respect of the work referred to in Article 1 (1).

3. The financing of general expenses incurred for the measures referred to in Article 1 (1) shall be limited to 2 % of the total approved cost.

Article 3

The parties referred to in Article 2 (1) shall be invited to transmit to the competent authority in Denmark, before 1 January 1987, detailed proposals concerning the measures referred to in Article 1 (1).

If this deadline is not met, the proposals shall be regarded as null and void.

Article 4

1. Complete proposals shall include:

- (a) the name and address of the party concerned;
- (b) all details concerning the research measures proposed, indicating the time required for completion, the expected results and any third parties which may be involved;
- (c) the price net of tax asked for carrying out these research measures, expressed in the currency of the Member State on whose territory the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan;
- (d) the desired form of payment of the Community contribution in accordance with Article 7 (1) (a) or (b);
- (e) the most recent report available on the party's activities unless this is already in the possession of the competent authorities.

2. Proposals shall be valid only where:

- (a) they are submitted by a party fulfilling the conditions laid down in Article 2 (1);
- (b) they are accompanied by an undertaking to comply with the provisions of this Regulation.

Article 5

The competent authority shall examine the proposals received to check that they are in the correct form and contain the information required. It shall ensure that they comply with this Regulation and shall request those concerned to supply further details, if necessary.

Article 6

1. After examining the proposals, the competent authority shall select a proposal and shall conclude the contract for the measure selected on the basis of the details referred to in Article 4 (1). The competent authority shall for this purpose use a standard form of contract within the meaning of Regulation (EEC) No 1150/86.

2. The contract referred to in paragraph 1:

- shall contain the details referred to in Article 4 and in particular the terms of payment,
- shall be supplemented, if necessary, by additional information resulting from the application of Article 5.

3. The competent authority shall, by 1 April 1987, forward to the Commission a copy of the contract signed by itself and by the party concerned.

4. The competent authority shall ensure compliance with the agreed conditions, in particular by means of on-the-spot checks.

Article 7

1. The competent authority shall pay to the party in question, in accordance with the choice given in the latter's proposal, either:

- (a) within six weeks of the date of signature of the contract and the list of clauses and conditions, a single payment on account amounting to 60 % of the agreed Community contribution;

or

- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract.

However, while a contract is being performed, the competent authority may:

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (4), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment either wholly or in part upon reasoned request of the interested party where the party concerned shows that he must incur a substantial part of the expenditure at a date found to be significantly earlier than that laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be subject to the lodging with the competent authority of a security equal to the amount of the instalment, plus 10 %.

3. The release of securities and payment of the balance shall be subject to:

- (a) confirmation by the competent authority that the party concerned has fulfilled its obligations as laid down in the contract;
- (b) transmission to the competent authority of the report referred to in Article 8 (1), and verification of the details contained in this report by the competent authority.

However, on reasoned request by the party concerned, the remainder can be released after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged;

(c) the competent authority finding that the party concerned, or any third party named in the contract, has spent its own contribution for the purposes laid down.

4. The securities provided are intended to ensure the execution of the principal requirements outlined in paragraph 3. In the event of forfeiture of securities the amount in question shall be deducted from the expenditure of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. The party responsible for the research referred to in Article 1 (1) shall submit to the competent authority,

within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular concerning the evolution of sales of milk and milk products.

2. The competent authority shall send a final certificate and a copy of the final report to the Commission after the contract has been executed.

3. The results may only be published with the express authorization of the Commission.

Article 9

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, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

**COMMISSION REGULATION (EEC) No 3686/86
of 2 December 1986**

altering the export refunds on cereals and on wheat or rye flour, groats and meal

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

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 1579/86⁽²⁾, and in particular the fifth subparagraph of
Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or
rye flour, groats and meal were fixed by Regulation (EEC)
No 3541/86⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3541/86 to the infor-
mation 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 (a),
(b) and (c) of Regulation (EEC) No 2727/75, exported in
the natural state, as fixed in the Annex to Regulation
(EEC) No 3541/86 are hereby altered as shown in the
Annex to this Regulation in respect of the products set
out therein.

Article 2

This Regulation shall enter into force on 3 December
1986.

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

Done at Brussels, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 326, 21. 11. 1986, p. 29.

ANNEX

to the Commission Regulation of 2 December 1986 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin	
	for exports to :	
	— Switzerland, Austria, Liechtenstein, Ceuta and Melilla	122,00
	— zone II b)	128,00
	— Tunisia	32,00
	— Yugoslavia	25,00
	— other third countries	15,00
10.01 B II	Durum wheat	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	5,00 ^(?)
	— other third countries	10,00 ^(?)
10.02	Rye	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	5,00
	— other third countries	10,00
10.03	Barley	
	for exports to :	
	— Switzerland, Austria, Liechtenstein, Ceuta and Melilla	117,00
	— zone II b)	126,00
	— other third countries	20,00
10.04	Oats	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	—
	— zone I	95,00
	— other third countries	—
10.05 B	Maize, other than hybrid maize for sowing	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	10,00
	— zone I, zone V, the German Democratic Republic and the Canary Islands	20,00
	— other third countries	—
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—
ex 11.01 A	Wheat flour :	
	— of an ash content of 0 to 520	175,00
	— of an ash content of 521 to 600	175,00
	— of an ash content of 601 to 900	154,00
	— of an ash content of 901 to 1 100	142,00
	— of an ash content of 1 101 to 1 650	133,00
	— of an ash content of 1 651 to 1 900	118,00

CCT heading No	Description	(ECU / tonne) Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	175,00 175,00 175,00 175,00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	306,00 ⁽³⁾ 290,00 ⁽³⁾ 259,00 ⁽³⁾ 244,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	175,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

COMMISSION REGULATION (EEC) No 3687/86

of 2 December 1986

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1351/86⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72
provides that, if the entry price of a product imported
from a non-member country is alternatively above and
below the reference price for five to seven consecutive
market days a countervailing charge is introduced in
respect of that non-member country, save in exceptional
cases; whereas that charge is introduced when three entry
prices fall below the reference price and one of those
entry prices is at least 0,6 ECU below the reference price;
whereas that charge is equal to the difference between the
reference price and the last available entry price by at
least 0,6 ECU below the reference price;

Whereas Commission Regulation (EEC) No 1661/86 of
29 May 1986 fixing for the 1986/87 marketing year the
reference prices for lemons⁽³⁾ fixed the reference price for
products of class I for the period from November 1986 to
April 1987 at 45,00 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation
(EEC) No 2118/74⁽⁴⁾, as last amended by Regulation
(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consid-
eration must be recorded on the representative markets
or, in certain circumstances, on other markets;

Whereas for lemons from Turkey the entry prices calcu-
lated in this way have for five consecutive market days
been alternatively above and below the reference price;
whereas two of these entry prices are at least 0,6 ECU
below the reference price; whereas a countervailing
charge should therefore be introduced for lemons;

Whereas, in Article 1 of Council Regulation (EEC) No
3671/81 of 15 December 1981 on imports into the
Community of certain agricultural products originating in
Turkey⁽⁶⁾, as amended by Regulation (EEC) No
1555/84⁽⁷⁾, when the Commission introduces a counter-
vailing charge on imports of lemons originating in
Turkey, at the same time it reintroduces for the product
in question the rate of customs duty at the level which
applied prior to 1 January 1981, whereas, therefore, a rate
of customs duty of 4 % should be reintroduced for these
lemons;

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

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 39.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

HAS ADOPTED THIS REGULATION:

2. The rate of customs duty on imports of these products shall be 4 %.

Article 1

1. A countervailing charge of 16,12 ECU per 100 kilograms net is applied on imports of lemons falling within subheading 08.02 C of the Common Customs Tariff originating in Turkey.

Article 2

This Regulation shall enter into force on 4 December 1986. Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 9 December 1986.

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

Done at Brussels, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3688/86

of 2 December 1986

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1579/86⁽²⁾, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1449/86⁽⁴⁾ and in particular Article 12 (4) thereof,Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾ and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3597/86⁽⁶⁾;Whereas Council Regulation (EEC) No 1588/86⁽⁷⁾ as amended by Council Regulation (EEC) No 2744/75⁽⁸⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 1 December 1986;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁹⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1588/86, as fixed in the Annex to Regulation (EEC) No 3597/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 December 1986.

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

Done at Brussels, 2 December 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 334, 27. 11. 1986, p. 29.

⁽⁷⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁸⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 2 December 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 B II a) ⁽²⁾	250,36	247,34
11.02 C I ⁽²⁾	300,57	297,55
11.02 D I ⁽²⁾	192,71	189,69
11.02 E II a) ⁽²⁾	340,79	334,75
11.02 F I ⁽²⁾	340,79	334,75
11.02 G I	145,52	139,48
11.07 A I a)	341,91	331,03
11.07 A I b)	258,22	247,34
11.08 A III	385,68	365,13
11.09	845,22	663,88

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

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

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

COMMISSION REGULATION (EEC) No 3689/86
of 2 December 1986
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 934/86 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 3659/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 December 1986.

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

Done at Brussels, 2 December 1986.

For the Commission
 Frans ANDRIESEN
 Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.
⁽³⁾ OJ No L 173 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 336, 29. 11. 1986, p. 90.

ANNEX

to the Commission Regulation of 2 December 1986 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	50,61
	B. Raw sugar	43,64 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 July 1986

on the system of ceilings on the price of diesel fuel for fishermen introduced by the French Government

(Only the French text is authentic)

(86/592/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 28 thereof,

After giving interested parties notice, pursuant to the provisions of the first subparagraph of Article 93 (2) of the EEC Treaty, to submit their comments⁽²⁾ and having regard to the comments submitted,

Whereas :

I

Background and description of the aid

In April 1982, the staff of the Commission of the European Communities learnt through the press that the French Government had announced the entry into force of the system for the indexing of the price of diesel fuel for fishermen.

At the request of the Commission dated 28 June 1982, repeated on 11 August and 2 December 1982, the French

authorities confirmed the existence of such a scheme by letters of 22 July and 14 December 1982.

Considering that reply to be inadequate, on 8 February 1983 the Commission decided to examine the matter with regard to Article 169 of the EEC Treaty on the basis of a failure to comply with Article 5 of the Treaty.

Under that procedure, by letter of 6 May 1983 the French authorities provided more detailed information on the scheme for adjusting fuel prices for fishermen.

It involves a mechanism set up in close conjunction with the petroleum distributing companies and is intended to bring about a gradual adjustment of the price of diesel fuel in the fisheries sector in order to avoid the social and economic repercussions of a sudden sharp rise. It thus comes into play when a significant difference is recorded between the increase in the market price for diesel oil and the variation in the general consumer-price index drawn up monthly by the Institut National de la Statistique et des Etudes Economiques (INSEE). The latter is used to fix a 'ceiling' price for fishermen. If its is exceeded on the diesel oil market, the distributors receive from the State the difference between the price paid by the fishermen and the market price in order to offset their losses. If the price of diesel fuel for fishermen subsequently reaches the market price, and the change in the latter is less than the increase in the cost of living index, the mechanism is suspended.

After appearing for the first time in March 1982, the scheme for adjusting fuel prices for fishermen was suspended in 1983.

In early 1985, the Commission staff learnt, once more through the press, that it had been reinstated under the same conditions.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No C 227, 7. 9. 1985, p. 3.

The scheme is subject to Articles 92, 93 and 94 of the EEC Treaty by virtue of the provisions of Article 28 of Council Regulation (EEC) No 3796/81.

After an initial examination, the Commission considered that the scheme in question appeared to involve a subsidy to fishermen through the compensation paid to diesel fuel distributors to offset their loss of income. Furthermore, such aid granted without any reciprocal concession by the recipients would appear to amount to an operating aid, which the Commission normally considers as incompatible with the common market.

Accordingly the Commission decided to initiate in respect of that scheme the examination procedure provided for in Article 93 (2) of the EEC Treaty and, by letter of 28 June 1985, it gave notice to the French Government to submit its comments, reminding it of the obligation to notify the Commission as provided for in Article 93 (3) of the Treaty.

II

Comments submitted

One Member State and one producer organization forwarded comments to the Commission.

In their reply to the Commission of 9 September 1985, the French authorities made the following comments:

1. The scheme is a temporary one for 'smoothing' the price of diesel fuel for fishermen under exceptional circumstances, and not a subsidy to fishermen; nor does it entail the application of a ceiling on the price of diesel fuel for fishermen. The French Government denies that the scheme amounts to national aid within the meaning of Article 92 of the EEC Treaty, which explains why it did not notify the Commission in accordance with Article 93 (3) thereof.
2. The application of a system for adjusting the price of diesel fuel for fishermen is justified by the short-term economic and social situation, which has been made especially arduous by the sharp rises due to the freeing of diesel fuel prices paid by fishermen following the judgment of the Court of Justice of the European Communities of 29 January 1985⁽¹⁾. The French Government stresses the short-term and temporary nature of the measures in question.
3. This justification is backed up by the need to offset the discontinuation of the aid to maintain employment in coastal areas involving a flat-rate amount of FF 0,21 per litre of fuel used by fishermen. The Commission had considered that the latter was a fuel subsidy and had prohibited it, by Decision 83/313/EEC⁽²⁾, and the

Court of Justice had found France guilty of failing to comply with its obligations⁽³⁾.

III

Legal assessment

In the abovementioned Decision, the Commission points out that, generally, fuel subsidies have a direct impact on the production costs of recipients and give them a definite advantage over the other Community fishermen.

In the case in point, and despite the arguments to the contrary of the French Government, while no fuel subsidy is granted directly to the fishermen there is a system for momentarily reducing the price of diesel oil for a particular category of consumers, in this case the fishermen, which has all the characteristics of aid for fuel.

1. The fishermen receive a preferential rate for the purchase of diesel oil while consumers as a whole pay the price fixed on the market, which is higher, since that is the precondition for the scheme to operate.

They are therefore in a preferential situation as compared with other French consumers and also with other Community fishermen, as the other Member States do not grant their nationals similar arrangements.

While, as the Commission pointed out in its abovementioned Decision 83/313/EEC on the French aid to maintain maritime employment, the existence of similar aids is never sufficient to justify the granting of a national aid, the absence of similar aids in other Member States strengthens the argument that the conditions of competition in the common market are distorted by the national aid in question.

Such a strengthening of the competitive situation of French fishermen may have negative effects on that of producers in other Member States, since the French market receives almost half of its requirements from landings made by its own fishermen and about a quarter from imports from other Member States, the rest being made up by imports from non-member countries, and moreover France exports almost one quarter of its production, of which more than half goes to the other Member States (figures for 1984).

With very keen competition on the Community market in fishery products, trade between Member States is affected by such aid.

The fact that the French scheme applies temporarily but repetitively does not contradict these comments.

⁽¹⁾ Leclerc, Case 231/83.

⁽²⁾ OJ No L 169, 28. 6. 1983, p. 32..

⁽³⁾ Judgment of 13 March 1985, Case No 93/84.

2. The petroleum distributing companies, which are commercial undertakings subject to market laws, have no *a priori* reason for wishing to favour any particular sector, such as fisheries, rather than another. In order to obtain the preferential rate for fishermen from them, the French State had to undertake to pay financial compensation to offset their loss of income. Although the French authorities have not provided any details on this subject, it is clear that that constitutes an indirect fuel subsidy for fishermen.

3. In a comparable case⁽¹⁾, the Commission's view was that 'a preferential tariff is caught by the prohibition in Article 92 (1) of the Treaty when the following three factors obtain :

- when the tariff favours certain undertakings or the production of certain goods competing with the undertakings or production of other Member States, and the products in question are traded within the Community,
- when the tariff has been imposed by a public authority,
- when a tariff results in compensation from the State being paid to the distribution company or to the State receiving less revenue.'

It is accordingly abundantly clear that the granting of a preferential tariff does not form part of the normal management of a private undertaking but depends on political and economic considerations peculiar to a State. The measure concerned therefore involves aid financed directly from State resources and fulfils the conditions of Article 92 (1) of the EEC Treaty.

The foregoing leads to the conclusion that the scheme for a ceiling on the price of diesel oil for fishermen introduced by the French Government is a State aid incompatible with Article 92 (1) of the EEC Treaty.

The exceptions provided for in Article 92 (3) of the Treaty, the only ones concerned in this case, relate to objectives pursued in the interest of the Community and not in that of specific sectors of a national economy.

Those exceptions must be interpreted strictly when examining any aid programme for a specific region or any individual case where general aid measures are applied. They cannot be granted except in cases where the Commission is able to establish that the aid is necessary to achieve one of the objectives covered by those provisions.

To allow such exceptions to aid measures which do not offer such an offsetting benefit would amount to allowing

trade between the Member States to be affected and competition to be distorted without justification from the point of view of Community interest.

In this specific case, the aid does not offer such an offsetting benefit. The French Government was unable to provide any justification, nor could the Commission find any, indicating that the aid in question fulfils the conditions required for the application of one of the exceptions provided for in Article 92 (3) of the EEC Treaty.

As regards the exceptions for aids intended to facilitate the development of certain regions, account should be taken of the fact that, on the one hand, the regions concerned do not suffer from an abnormally low standard of living or from serious underemployment within the meaning of Article 92 (3) (a), and, on the other hand, the operating aid in question is not likely to facilitate the economic development of those regions within the meaning of Article 92 (3) (c).

Neither does the aid constitute an important project of common European interest nor a measure likely to remedy a serious disturbance in the French economy within the meaning of Article 92 (3) (b).

As regards the exception for aids intended to facilitate the development of certain activities, the aid in question to reduce certain operating costs cannot bring about economic development within the meaning of Article 92 (3) (c). Furthermore, the scale of intra-Community trade in French fishery products precludes any idea that the conditions of trade might not be altered to an extent contrary to the common interest.

Consequently, the aid in question does not meet the conditions required for eligibility for one of the exceptions provided for under Article 92 (3) of the EEC Treaty.

As aid intended to reduce the cost of certain means of production, even on a temporary basis, aid for fuel constitutes operating aid without any durable effect on the economic situation of the recipients.

The Commission has in principle always been opposed to such aids. In its communication to the Council of 25 May 1978, on Commission policy on sectoral aid schemes, it stated clearly that temporary aids intended to remedy the social consequences of a crisis situation should be linked to restructuring objectives in the sector concerned and should be dependent on action by the recipients to facilitate their adjustment. Similarly, in its Guidelines for the examination of State aids in the fisheries sector⁽¹⁾, it

⁽¹⁾ OJ No L 37, 10. 2. 1982, p. 29,
OJ No L 97, 4. 4. 1985, p. 49.

⁽¹⁾ OJ No C 268, 19. 10. 1985, p. 2.

stated that operating aid to undertakings is, in principle, incompatible with the common market, unless it is directly linked to a restructuring plan considered compatible with the common market. That is not the case with the aid in question.

The foregoing leads to the conclusion that the aid in question does not fulfil the conditions required for eligibility for one of the exceptions under Article 92 (3) of the EEC Treaty and consequently must be discontinued forthwith by the French Government.

As the aid has been granted illegally, this Decision is without prejudice to any consequences which the Commission might draw as regards recovery of the sums involved, in accordance with its letter to the Member States of 3 November 1983 concerning the recovery of sums illegally granted⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

The aid scheme for adjusting fuel prices for fishermen, granted in France at irregular intervals from 1982 to 1985,

is incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty. It must accordingly be discontinued in its entirety and must no longer be granted in the future.

Article 2

France shall inform the Commission within one month of notification of this Decision of the measures it has taken to comply with the provisions of Article 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 29 July 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽²⁾ OJ No C 318, 24. 11. 1983, p. 3.

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