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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 450/87**of 13 February 1987****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 135/87 ⁽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 12 February 1987 ;

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 135/87 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 14 February 1987.

⁽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 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 13 February 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	9,23	197,59
10.01 B II	Durum wheat	43,91	265,43 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	38,30	179,94 ⁽⁶⁾
10.03	Barley	36,57	190,23
10.04	Oats	94,86	158,94
10.05 B	Maize, other than hybrid maize for sowing	—	185,01 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	36,57	129,82
10.07 B	Millet	36,57	155,47 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	22,48	183,58 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	36,57	65,28 ⁽⁵⁾
11.01 A	Wheat or meslin flour	27,81	291,51
11.01 B	Rye flour	68,51	266,80
11.02 A I a)	Durum wheat groats and meal	81,64	425,00
11.02 A I b)	Common wheat groats and meal	27,96	312,76

⁽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 451/87

of 13 February 1987

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 12 February 1987;

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 14 February 1987.

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

Done at Brussels, 13 February 1987.

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 13 February 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	2,18	2,18	2,18
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	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	1,25
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	3,88	3,88	3,88	3,88
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	2,90	2,90	2,90	2,90
11.07 B	Roasted malt	0	3,38	3,38	3,38	3,38

COMMISSION REGULATION (EEC) No 452/87
of 13 February 1987
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 1449/86 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 200/87 ⁽³⁾, as last amended by Regulation (EEC) No 378/87 ⁽⁴⁾;

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 ⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 200/87 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 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 22, 24. 1. 1987, p. 5.

⁽⁴⁾ OJ No L 36, 7. 2. 1987, p. 5.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 13 February 1987 fixing the import levies on rice and broken rice

(ECU / tonne)				
CCT heading No	Description	Portugal	Third countries ⁽²⁾	ACP or OCT ⁽¹⁾ ⁽³⁾
ex 10.06	Rice :			
	B. Other :			
	I. Paddy rice ; husked rice :			
	a) Paddy rice :			
	1. Round grain	—	335,11	163,95
	2. Long grain	—	368,31	180,55
	b) Husked rice :			
	1. Round grain	—	418,89	205,84
	2. Long grain	—	460,39	226,59
	II. Semi-milled or wholly milled rice :			
	a) Semi-milled rice :			
	1. Round grain	13,05	535,94	256,04
	2. Long grain	12,97	661,06	318,64
	b) Wholly milled rice :			
	1. Round grain	13,90	570,78	273,04
	2. Long grain	13,90	708,66	341,98
	III. Broken rice	82,92	221,75	107,87

N.B. The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Regulation (EEC) No 3294/86.

⁽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.

COMMISSION REGULATION (EEC) No 453/87**of 13 February 1987****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 1449/86 ⁽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 2684/86 ⁽³⁾, as last amended by Regulation (EEC) No 379/87 ⁽⁴⁾;

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 ⁽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, 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 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 246, 30. 8. 1986, p. 8.

⁽⁴⁾ OJ No L 36, 7. 2. 1987, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 13 February 1987 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 454/87

of 13 February 1987

altering the specific agricultural conversion rates applicable in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁾, and in particular Article 2 (4) thereof,Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽²⁾, as last amended by Regulation (EEC) No 90/87 ⁽³⁾, and in particular Article 9 (2) thereof,Whereas by Commission Regulation (EEC) No 3294/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 380/87 ⁽⁵⁾, specific agricultural conversion rates to be applied in the rice sector were established; whereas those conversion rates must be altered pursuant to Articles 2 and 3 of Commission Regulation (EEC) No 3153/85 ⁽⁶⁾;

Whereas Regulation (EEC) No 3153/85 lays detailed rules for the calculation of monetary compensatory amounts;

whereas the spot market rates for the pound sterling and the Spanish peseta, recorded in accordance with Regulation (EEC) No 3153/85 during the period 4 to 10 February 1987, require the specific agricultural conversion rates applicable for the United Kingdom and Spain to be altered pursuant to Article 9 (2) of Regulation (EEC) No 1677/85,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 3294/86 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽³⁾ OJ No L 13, 15. 1. 1987, p. 12.⁽⁴⁾ OJ No L 304, 30. 10. 1986, p. 25.⁽⁵⁾ OJ No L 36, 7. 2. 1987, p. 9.⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

*ANNEX***Specific agricultural conversion rate for rice**

(Regulation (EEC) No 3294/86)

1 ECU	= Bfs	47,7950
	= DM	2,31728
	= Dkr	8,83910
	= Dr	169,876
	= Pta	163,292
	= FF	7,77184
	= £ Irl	0,864997
	= Lit	1 650,35
	= Fl	2,61097
	= £	0,833275

COMMISSION REGULATION (EEC) No 455/87**of 13 February 1987****amending Regulation (EEC) No 2409/86 on the sale of intervention butter
intended for incorporation in compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽¹⁾, as last amended by Regulation (EEC) No 3790/85 ⁽²⁾, and in particular Article 7 (a) thereof,

Whereas it is specified at (b) of Article 26 (2) of Commission Regulation (EEC) No 2409/86 ⁽³⁾, as last amended by Regulation (EEC) No 3987/86 ⁽⁴⁾, that the butter shall be sold ex store at a price equal to the minimum selling price fixed plus 2 ECU per 100 kg; whereas experience has shown that this additional amount is too high a proportion of the selling price; whereas in order to promote sales at a fixed price it should be reduced;

Whereas Article 24 (2) of Regulation (EEC) No 2409/86 fixes a period running from the closing date for a submission of tenders during which the butter is to be removed; whereas the length of this period as given in the latest amendment to Regulation (EEC) No 2409/86 does not correspond to that referred to the Management Committee for its opinion; whereas the Regulation should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2409/86 is amended as follows:

1. In Article 19 (5) '2 ECU' is replaced by '1 ECU'.
2. At point (b) in Article 26 (2) '2 ECU' is replaced by '1 ECU'.
3. In Article 24 (2) 'thirty-six days' is replaced by 'forty days'.

Article 2

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

Article 1, point 3 shall apply in respect of quantities of butter allocated or sold from 12 December 1986 onwards.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 169, 18. 7. 1969, p. 1.
⁽²⁾ OJ No L 367, 31. 12. 1985, p. 5.
⁽³⁾ OJ No L 208, 31. 7. 1986, p. 29.
⁽⁴⁾ OJ No L 370, 30. 12. 1986, p. 45.

COMMISSION REGULATION (EEC) No 456/87

of 13 February 1987

amending Regulation (EEC) No 3592/86 as regards the term of validity of licences issued for common wheat of breadmaking quality under the supplementary trade mechanism

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 Articles 84 (4) and 85 (3) thereof,

Whereas Commission Regulation (EEC) No 3592/86 of 26 November 1986 derogating from Regulation (EEC) No 574/86 and amending Regulation (EEC) No 598/86 laying down certain detailed rules for the application of the supplementary trade mechanism to common wheat of breadmaking quality⁽¹⁾ provides that STM licences issued for the import into Spain of an additional quantity of 200 000 tonnes of common wheat of breadmaking quality are to be valid only until 31 January 1987; whereas the circumstances and in particular the weather conditions prevailing in January 1987 did not enable the operators to comply with the abovementioned time limit; whereas the term of validity of licences issued under that measure should accordingly be extended to 28 February 1987;

Whereas the measure provided for in this Regulation is in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 (2) of Regulation (EEC) No 3592/86, the words 'to 31 January 1987' are hereby replaced by 'to 28 February 1987'.

Article 2

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

It shall apply with effect from 1 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 334, 27. 11. 1986, p. 19.

COMMISSION REGULATION (EEC) No 457/87**of 13 February 1987****altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 231/87 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Commission Regulation (EEC) No 298/87 of 30 January 1987 ⁽³⁾ has fixed the rates of the refunds applicable from 1 February 1987 to certain dairy products exported in the form of goods not covered by Annex II to the Treaty;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 298/87 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to certain milk products exported in the form of the products which appear in the Annex to Regulation (EEC) No 804/68 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ OJ No L 30, 31. 1. 1987, p. 24.

ANNEX

to the Commission Regulation of 13 February 1987 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CCT heading No	Description	(ECU/100 kg) Rate of refund
ex 04.02 A II	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CCT heading No 35.01 b) On exportation of other goods	— 107,00
ex 04.02 A II	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3)	153,70
ex 04.03	Butter, with a fat content by weight of 82 % (PG 6): a) On exportation of goods containing reduced-price butter and manufactured under the conditions laid down in Regulations (EEC) No 262/79, (EEC) No 442/84 and (EEC) No 1932/81 b) On exportation of goods of CCT subheadings 21.07 G VII to IX c) On exportation of other goods	— 223,50 211,50

COMMISSION REGULATION (EEC) No 458/87

of 13 February 1987

fixing the amount of the aid for peas, field beans and sweet lupins used in animal feed

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 and field beans ⁽¹⁾, as last amended by Regulation (EEC) No 3127/86 ⁽²⁾, and in particular Article 3 (6) 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 3025/86 ⁽⁴⁾, and in particular Article 24 (1) thereof,

Whereas the amount of the aid referred to in Article 3 of Regulation (EEC) No 1431/82 was fixed by Commission Regulation (EEC) No 3631/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 305/87 ⁽⁶⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3631/86 and in Article 105 of the Act of Accession of Greece to the information at present available to the Commission that the amount of the subsidy at present in force should be altered as shown in Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the aid referred to in Article 3 (1) of Regulation (EEC) No 1431/82 is fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 292, 16. 10. 1986, p. 1.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 281, 2. 10. 1986, p. 15.

⁽⁵⁾ OJ No L 336, 29. 11. 1986, p. 32.

⁽⁶⁾ OJ No L 30, 31. 1. 1987, p. 39.

ANNEX

**to the Commission Regulation of 13 February 1987 fixing the amount of aid for peas, field
beans and sweet lupins used in animal feed**

Amounts of the aid applicable from 16 February 1987

(ECU/100 kg)

	Current month	2nd month	3rd month	4th month	5th month	6th month	7th month
1. Peas and field beans :							
(a) used in Spain	16,758	17,119	17,587	17,804	17,804	16,364 ⁽¹⁾	16,364 ⁽¹⁾
(b) used in Portugal	16,454	16,822	17,303	17,529	17,529	16,089 ⁽¹⁾	16,089 ⁽¹⁾
(c) used in another Member State	16,864	17,222	17,686	17,900	17,900	16,460 ⁽¹⁾	16,460 ⁽¹⁾
2. Sweet lupins :							
(a) harvested and used in Spain	17,305	17,545	17,930	18,219	18,219	18,219 ⁽¹⁾	18,219 ⁽¹⁾
(b) harvested in another Member State and :							
— used in Portugal	19,023	19,274	19,675	19,976	19,976	19,976 ⁽¹⁾	19,976 ⁽¹⁾
— used in the Community as constituted at 31 December 1985	19,569	19,806	20,185	20,470	20,470	20,470 ⁽¹⁾	20,470 ⁽¹⁾

⁽¹⁾ Dependent on the initial activating price for the aid that is set for the 1987/1988 marketing year.

COMMISSION REGULATION (EEC) No 459/87
of 13 February 1987
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⁾, 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 3822/86 ⁽²⁾, as last amended by Regulation (EEC) No 302/87 ⁽³⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3822/86 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 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 355, 16. 12. 1986, p. 29.

⁽³⁾ OJ No L 30, 31. 1. 1987, p. 34.

ANNEX

Aid for soya beans

	<i>(ECU/100 kg)</i>		
	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	1,690	42,193	42,193
— Portugal	26,953	0	42,193
— another Member State	26,953	42,193	42,193

COMMISSION REGULATION (EEC) No 460/87**of 13 February 1987****on offers tendered in respect of the second invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 3905/86**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 7 (3) thereof,

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

Whereas no offers were received in respect of the second individual invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the second individual invitation to tender pursuant to Regulation (EEC) No 3905/86 in respect of which the time limit for the submission of tenders expired on 11 February 1987, no award shall be made.

Article 2

This Regulation shall enter into force on 14 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 364, 23. 12. 1986, p. 17.

COMMISSION REGULATION (EEC) No 461/87**of 13 February 1987****on offers tendered in respect of the ninth invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 1812/86**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 1812/86 of 11 June 1986 on the sale by tender, for export, of beef held by certain intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 2388/86 ⁽⁴⁾, intervention agencies have issued a standing invitation to tender in respect of certain quantities of beef which they hold;

Whereas no offers were received in respect of the ninth individual invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the ninth individual invitation to tender pursuant to Regulation (EEC) No 1812/86 in respect of which the time limit for the submission of tenders expired on 11 February 1987, no award shall be made.

Article 2

This Regulation shall enter into force on 14 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 157, 12. 6. 1986, p. 43.

⁽⁴⁾ OJ No L 206, 30. 7. 1986, p. 23.

COMMISSION REGULATION (EEC) No 462/87
of 13 February 1987
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 231/87 ⁽²⁾, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

— the economic aspect of the proposed exports;

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

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

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

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

Whereas Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 3812/85 ⁽⁶⁾, provides that the refund on products falling within subheading 04.02 B is equal to the sum of two components, the first representing the quantity of milk products and the second representing the quantity of added sucrose; whereas, however, the latter component applies only if the added sucrose was produced from beet or cane harvested within the Community;

Whereas for the products falling within subheading 04.02 B II a) or 04.02 B II b) 1 with a fat content not exceeding 9,5 % by weight, the first component referred to above is fixed for 100 kilograms of the whole product; whereas, for the other products falling within subheading 04.02 B, this component is calculated by multiplying the basic amount by the milk product content of the product in question; whereas this basic amount is the refund on one kilogram of milk products contained in the product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 3.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾;

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

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

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for these products which fall within heading No 04.04;

Whereas Commission Regulation (EEC) No 896/84 ⁽⁴⁾, as amended by Regulation (EEC) No 2881/84 ⁽⁵⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for different refunds according to the date of manufacture of the products;

Whereas it follows from applying these detailed rules to the present situation on the market in milk and milk products, and in particular to prices for these products within the Community and on the world market, that the refund should be as set out in the Annex hereto;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex hereto.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 04.01, 04.02, 04.03 and 23.07 of the Common Customs Tariff.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁵⁾ OJ No L 272, 13. 10. 1984, p. 16.

ANNEX

to the Commission Regulation of 13 February 1987 fixing the export refunds on milk and milk products

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	ex A. Other than whey, of a fat content, by weight, not exceeding 6 % (1) :		
	I. Yoghourt, kephir, curdled milk, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of two litres or less :		
	(1) Of a fat content, by weight, not exceeding 1,5 %	0110 05	8,95
	(2) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0110 15	12,62
	(3) Of a fat content, by weight, exceeding 3 %	0110 20	16,07
	b) Other :		
	(1) Of a fat content, by weight, not exceeding 1,5 %	0110 25	8,95
	(2) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0110 35	12,62
	(3) Of a fat content, by weight, exceeding 3 %	0110 40	16,07
	II. Other :		
	a) In immediate packings of a net capacity of two litres or less and of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1,5 %	0130 10	8,95
	(bb) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0130 22	12,62
	(cc) Of a fat content, by weight, exceeding 3 %	0130 31	16,07
	2. Exceeding 4 %	0140 00	18,37
	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1,5 %	0150 10	8,95
	(bb) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0150 21	12,62
	(cc) Of a fat content, by weight, exceeding 3 %	0150 31	16,07
	2. Exceeding 4 %	0160 00	18,37

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01 (cont'd)	ex B. Other, excluding whey, of a fat content, by weight (°):		
	ex I. Exceeding 6 % but not exceeding 21 % :		
	(a) Of a fat content, by weight, not exceeding 10 %	0200 05	22,94
	(b) Of a fat content, by weight, exceeding 10 % but not exceeding 17 %	0200 11	34,18
	(c) Of a fat content, by weight, exceeding 17 %	0200 21	50,23
	II. Exceeding 21 % but not exceeding 45 % :		
	(a) Of a fat content, by weight, not exceeding 35 %	0300 12	59,40
	(b) Of a fat content, by weight, exceeding 35 % but not exceeding 39 %	0300 13	91,50
	(c) Of a fat content, by weight, exceeding 39 %	0300 20	100,67
	III. More than 45 % :		
	(a) Of a fat content, by weight, not exceeding 68 %	0400 11	114,44
	(b) Of a fat content, by weight, exceeding 68 % but not exceeding 80 %	0400 22	167,17
	(c) Of a fat content, by weight, exceeding 80 %	0400 30	194,68
04.02	Milk and cream, preserved, concentrated or sweetened :		
	A. Not containing added sugar (°) :		
	II. Milk and cream, in powder or granules :		
	a) In immediate packings of a net capacity of 2,5 kilograms or less and of a fat content, by weight :		
	1. Not exceeding 1,5 %	0620 00	107,00
	2. Exceeding 1,5 % but not exceeding 27 % :		
	(aa) Of a fat content, by weight, not exceeding 11 %	0720 00	107,00
	(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	0720 20	132,73
	(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	0720 30	141,53
	(dd) Of a fat content, by weight, exceeding 25 %	0720 40	153,70
	3. Exceeding 27 % but not exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 28 %	0820 20	155,10
	(bb) Of a fat content, by weight, exceeding 28 %	0820 30	156,73

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	4. Exceeding 29 % : (aa) Of a fat content, by weight, not exceeding 41 % (bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 % (cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 % (dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 % (ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 % (ff) Of a fat content, by weight, exceeding 79 % b) Other, of a fat weight content : 1. Not exceeding 1,5 % 2. Exceeding 1,5 % but not exceeding 27 % : (aa) Of a fat content, by weight, not exceeding 11 % (bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 % (cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 % (dd) Of a fat content, by weight, exceeding 25 % 3. Exceeding 27 % but not exceeding 29 % : (aa) Of a fat content, by weight, not exceeding 28 % (bb) Of a fat content, by weight, exceeding 28 % 4. Exceeding 29 % : (aa) Of a fat content, by weight, not exceeding 41 % (bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 % (cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 % (dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 % (ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 % (ff) Of a fat content, by weight, exceeding 79 %	0920 10 0920 30 0920 40 0920 50 0920 60 0920 70 1020 00 1120 10 1120 20 1120 30 1120 40 1220 20 1220 30 1320 10 1320 30 1320 40 1320 50 1320 60 1320 70	159,06 172,92 177,72 194,63 206,33 218,35 107,00 107,00 132,73 141,53 153,70 155,10 156,73 159,06 172,92 177,72 194,63 206,33 218,35

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	III. Milk and cream, other than in powder or granules : a) In immediate packings of a net content of 2,5 kg or less and of a fat content by weight not exceeding 11 % : 1. Of a fat content, by weight, not exceeding 8,9 % and of a non-fat lactic dry matter content : (aa) Of less than 15 % and of a fat content : (11) Not exceeding 3 %, by weight (22) Exceeding 3 %, by weight (bb) Of 15 % or more and of a fat content : (11) Not exceeding 3 %, by weight (22) Exceeding 3 %, by weight, but not exceeding 7,4 % (33) Exceeding 7,4 % 2. Other, of a non fat lactic dry matter content : (aa) Of less than 15 %, by weight (bb) Of 15 % or more, by weight b) Other, of a fat content, by weight : 1. Not exceeding 45 % and of a non fat lactic dry matter content : (aa) Of less than 15 % and of a fat content : (11) Not exceeding 3 %, by weight (22) Exceeding 3 %, by weight, but not exceeding 8,9 % (33) Exceeding 8,9 %, by weight, but not exceeding 11 % (44) Exceeding 11 %, by weight, but not exceeding 21 % (55) Exceeding 21 %, by weight, but not exceeding 39 % (66) Exceeding 39 % (bb) Of 15 % or more and of a fat content : (11) Not exceeding 3 %, by weight (22) Exceeding 3 %, by weight, but not exceeding 7,4 % (33) Exceeding 7,4 %, by weight, but not exceeding 8,9 % (44) Exceeding 8,9 % 2. Exceeding 45 %	1420 12 1420 22 1420 50 1420 60 1420 70 1520 10 1520 20 1620 70 1630 00 1630 10 1630 20 1630 30 1630 40 1630 50 1630 60 1630 70 1630 80 1720 00	— 16,07 25,68 32,56 40,57 29,59 48,10 — 16,07 29,59 36,47 59,40 100,67 25,68 32,56 40,57 48,10 114,44

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	B. Containing added sugar : I. Milk and cream, in powder or granules : ex b) Other, excluding whey : 1. In immediate packings of a net capacity of 2,5 kilograms or less and of a fat content, by weight : (aa) Not exceeding 1,5 % (bb) Exceeding 1,5 % but not exceeding 27 % : (11) Of a fat content, by weight, not exceeding 11 % (22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 % (33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 % (44) Of a fat content, by weight, exceeding 25 % (cc) Exceeding 27 % : (11) Of a fat content, by weight, not exceeding 41 % (22) Of a fat content, by weight, exceeding 41 % 2. Other, of a fat content, by weight : (aa) Not exceeding 1,5 % (bb) Exceeding 1,5 % but not exceeding 27 % : (11) Of a fat content, by weight, not exceeding 11 % (22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 % (33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 % (44) Of a fat content, by weight, exceeding 25 % (cc) Exceeding 27 % : (11) Of a fat content, by weight, not exceeding 41 % (22) Of a fat content, by weight, exceeding 41 %	2220 00 2320 10 2320 20 2320 30 2320 40 2420 10 2420 20 2520 00 2620 10 2620 20 2620 30 2620 40 2720 10 2720 20	1,0700 (*) per kg 1,0700 (*) per kg 1,3273 (*) per kg 1,4153 (*) per kg 1,5370 (*) per kg 1,5510 (*) per kg 1,5673 (*) per kg 1,0700 (*) per kg 1,0700 (*) per kg 1,3273 (*) per kg 1,4153 (*) per kg 1,5370 (*) per kg 1,5510 (*) per kg 1,5673 (*) per kg

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	ex II. Milk and cream, excluding whey other than in powder or granules : ex a) In immediate packings of a net capacity of 2,5 kg or less and of a fat content by weight not exceeding 9,5 % : (1) Of a fat content, by weight, not exceeding 6,9 % and of a non fat lactic dry matter content : (aa) Of less than 15 % and of a fat content : (11) Not exceeding 3 %, by weight (22) Exceeding 3 % by weight (bb) Of 15 % or more (2) Of a fat content, by weight, exceeding 6,9 % and of a non fat lactic dry matter content, by weight, of 15 % or more b) Other, of a fat content, by weight : ex 1. Not exceeding 45 % : (aa) Of a fat content, by weight, not exceeding 6,9 % and of a non fat lactic dry matter content, by weight, of 15 % or more (bb) Of a fat content, by weight, exceeding 6,9 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, of 15 % or more (cc) Of a fat content by weight, exceeding 9,5 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, less than 15 % (dd) Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (ee) Of a fat content, by weight, exceeding 39 % 2. Exceeding 45 %	2810 11 2810 12 2810 15 2810 20 2910 70 2910 76 2910 80 2910 85 2910 90 3010 00	— (*) per kg 0,1607 (*) per kg 29,63 (*) 50,07 (*) 29,63 (*) 50,07 (*) 0,3189 (*) per kg 0,5940 (*) per kg 1,0067 (*) per kg 1,1444 (*) per kg
04.03	Butter : ex A. Of a fat content, by weight, not exceeding 85 % : (I) Of a fat content, by weight, of 62 % or more, but less than 78 % (II) Of a fat content, by weight, of 78 % or more but less than 80 %	3110 03 3110 16	159,91 ⁽¹⁰⁾ 201,18 ⁽¹⁰⁾

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.03 (cont'd)	(III) Of a fat content, by weight, of 80 % or more, but less than 82 %	3110 22	206,34 ⁽¹⁰⁾
	(IV) Of a fat content, by weight, of 82 % or more	3110 32	211,50 ⁽¹⁰⁾
	B. Other, of a fat content, by weight :		
	(I) Not exceeding 99,5 %	3210 10	211,50 ⁽¹⁰⁾
	(II) Exceeding 99,5 %	3210 20	262,75 ⁽¹⁰⁾
04.04	Cheese and curd ⁽⁶⁾ :		
	ex A. Emmentaler and Gruyère, not grated or powdered :		
	(I) Pieces packed in vacuum or in inert gas, of a net weight of less than 7,5 kg	3800 40	
	For exports to :		
	— Zone E		32,00
	— Canada		—
	— Norway and Finland		—
	— Liechtenstein and Switzerland		—
	— Austria		—
	— Other destinations		162,18
	(II) Other	3800 60	
	For exports to :		
	— Zone E		32,00
	— Canada		—
	— Norway and Finland		—
	— Liechtenstein and Switzerland		—
	— Austria		—
	— Other destinations		162,18
	ex C. Blue-veined cheese, not grated or powdered, other than Roquefort	4000 00	
	for exports to :		
	— Austria		—
	— Zone E		20,00
	— Canada		—
	— Norway and Finland		—
	— Australia		25,78
	— Other destinations		131,51
	D. Processed cheese, not grated or powdered, of a fat content, by weight :		
	I. Not exceeding 36 % and of a fat content, by weight, in the dry matter :		
	ex a) Not exceeding 48 % and of a dry matter content, by weight :		
	(1) Of 27 % or more but less than 33 %	4410 05	
	for exports to :		
	— Austria		—
	— Zone E		4,78
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		25,36

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(2) Of 33 % or more but less than 38 % for exports to :	4410 10	
	— Austria		—
	— Zone E		10,39
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		55,06
	(3) Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :		
	(aa) Less than 20 %	4410 20	
	for exports to :		
	— Austria		—
	— Zone E		10,39
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		55,06
	(bb) Of 20 % or more	4410 30	
	for exports to :		
	— Austria		—
	— Zone E		15,28
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		80,13
	(4) Of 43 % or more and of a fat content, by weight, in the dry matter :		
	(aa) Less than 20 %	4410 40	
	for exports to :		
	— Austria		—
	— Zone E		10,39
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		55,06
	(bb) Of 20 % or more but less than 40 %	4410 50	
	for exports to :		
	— Austria		—
	— Zone E		15,28
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		80,13
	(cc) Of 40 % or more	4410 60	
	for exports to :		
	— Austria		—
	— Zone E		22,23
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		117,74

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	ex b) Exceeding 48 % and of a dry matter content, by weight :		
	(1) Of 33 % or more but less than 38 %	4510 10	
	for exports to :		
	— Austria		—
	— Zone E		10,39
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		55,06
	(2) Of 38 % or more but less than 43 %	4510 20	
	for exports to :		
	— Austria		—
	— Zone E		15,28
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		80,13
	(3) Of 43 % or more but less than 46 %	4510 30	
	for exports to :		
	— Austria		—
	— Zone E		22,23
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		117,74
	(4) Of 46 % or more and of a fat content, by weight, in the dry matter :		
	(aa) Less than 55 %	4510 40	
	for exports to :		
	— Austria		—
	— Zone E		22,23
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		117,74
	(bb) Of 55 % or more	4510 50	
	for exports to :		
	— Austria		—
	— Zone E		26,36
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		139,67
	II. Exceeding 36 %	4610 00	
	for exports to :		
	— Austria		—
	— Zone E		26,36
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		139,67

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	E. Other :		
	I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight, of the non-fatty matter :		
	ex a) Not exceeding 47 % :		
	(1) Grana Padano, Parmigiano Reggiano	4710 11	
	for exports to :		
	— Zone E		147,00
	— Canada		80,00
	— Norway and Finland		—
	— Switzerland		90,00
	— Other destinations		200,06
	(2) Fiore Sardo and Pecorino manufactured exclusively from sheep milk	4710 17	
	for exports to :		
	— Zone E		197,00
	— Canada		102,52
	— Norway and Finland		—
	— Switzerland		105,03
	— Other destinations		227,18
	(3) Other (excluding cheeses produced from whey), of a fat content, by weight, in the dry matter of 30 % or more	4710 22	
	for exports to :		
	— Zone E		70,00
	— Canada		50,00
	— Norway and Finland		—
	— Switzerland		60,00
	— Other destinations		151,60
	b) Exceeding 47 % but not exceeding 72 % :		
	ex 1. Cheddar of a fat content, by weight, in the dry matter of 48 % or more	4850 00	
	for exports to :		
	— Austria		—
	— Zone E		20,00
	— Canada		—
	— Norway and Finland		—
	— Australia		90,52
	— Switzerland		—
	— Other destinations		177,25
	ex 2. Other, of a fat content, by weight, in the dry matter (?) :		
	(aa) Less than 5 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses produced from whey)	5120 12	
	for exports to :		
	— Austria		—
	— Zone E		19,82
	— Canada		—
	— Norway and Finland		13,50
	— Switzerland		—
	— Other destinations		99,96

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(bb) Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses produced from whey) for exports to : — Austria — — Zone E 21,62 — Canada — — Norway and Finland 20,00 — Switzerland — — Other destinations 110,21 (cc) Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % (excluding cheeses produced from whey) for exports to : — Austria — — Zone E 24,26 — Canada — — Norway and Finland 24,00 — Switzerland — — Other destinations 125,21 (dd) Of 39 % or more : (11) Asiago, Caciocavallo, Montasio, Provolone, Ragusano : (aaa) Provolone for exports to : — Zone E 138,00 — Canada 80,00 — Norway and Finland — — Switzerland 42,66 — Other destinations 163,54 (bbb) Others for exports to : — Zone E 7,70 — Canada — — Norway and Finland — — Switzerland — — Other destinations 138,50 (22) Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø, Tilsit for exports to : — Austria — — Zone E 7,70 — Canada — — Norway and Finland — — Australia 77,39 — Switzerland — — Other destinations 153,00	5120 16 5120 22 5120 32 5120 36 5120 44	

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(33) Butterkäse, Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio for exports to :	5120 54	—
	— Austria		—
	— Zone E		6,65
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		119,71
	(44) Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney for exports to :	5120 58	—
	— Austria		—
	— Zone E		28,00
	— Canada		—
	— Norway and Finland		—
	— Australia		77,43
	— Switzerland		—
	— Other destinations		139,37
	(55) Salted ricotta, of a fat content, by weight, of 30 % or more :	5120 60	—
	(aaa) Manufactured exclusively from sheep's milk for exports to :		—
	— Zone E		10,21
	— Canada		—
	— Norway and Finland		—
	— Other destinations		55,88
	(bbb) Other	5120 65	—
	for exports to :		—
	— Zone E		10,21
	— Canada		—
	— Norway and Finland		—
	— Other destinations		55,88
	(66) Feta ⁽³⁾ :	5120 80	—
	(aaa) Manufactured exclusively from sheep's and/or goats' milk for exports to :		—
	— Zone E		10,57
	— Austria		15,00
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		102,26
	(bbb) Other	5120 81	—
	for exports to :		—
	— Zone E		10,57
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		102,26
	(77) Colby, Monterey for exports to :	5120 83	—
	— Austria		—
	— Zone E		20,00
	— Canada		—
	— Norway and Finland		—
	— Australia		77,43
	— Switzerland		—
	— Japan		150,00
	— Other destinations		139,37

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(88) Kefalotyri, Kefalograviera and Kasseri manufactured exclusively from sheep's and/or goats' milk	5120 84	
	for exports to:		
	— Zone E		120,00
	— Canada		80,00
	— Norway and Finland		—
	— Switzerland		42,66
	— Other destinations		163,54
	(99) Other (excluding cheeses produced from whey), of a water content, calculated by weight, of the non-fatty matter:		
	(aaa) Exceeding 47 % but not exceeding 52 %	5120 87	
	for exports to:		
	— Austria		—
	— Zone E		26,00
	— Canada		—
	— Norway and Finland		—
	— Australia		77,43
	— Switzerland		—
	— Japan		150,00
	— Other destinations		139,37
	(bbb) Exceeding 52 % but not exceeding 62 %	5120 92	
	for exports to:		
	— Austria		—
	— Zone E		7,70
	— Canada		—
	— Norway and Finland		27,50
	— Australia		77,39
	— Switzerland		—
	— Japan		150,00
	— Other destinations		138,50
	ex c) Exceeding 72 % (excluding cheeses produced from whey) (7):		
	1. In immediate packings of a net capacity not exceeding 500 grams:		
	(aa) Cottage cheese of a fat content, by weight in the dry matter, not exceeding 25 %	5121 11	
	For exports to:		
	— Austria		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		26,95
	(bb) Cream cheese of a water content, calculated by weight, of the non-fatty matter, exceeding 77 % but not exceeding 82 % and of a fat content, by weight in the dry matter:		

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(11) Of 60 % or more but less than 69 %	5121 20	
	For exports to :		
	— Austria		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		40,37
	(22) Of 69 % or more	5121 30	
	For exports to :		
	— Austria		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		49,31
	(cc) Other :		
	(11) Feta ⁽³⁾ , with a dry matter content, by weight, of 40 % or more and a fat content by weight, in the dry matter of 50 % or more :		
	(aaa) Manufactured exclusively from sheep's and/or goats' milk	5121 41	
	For exports to :		
	— Zone E		—
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(bbb) Other	5121 42	
	For exports to :		
	— Zone E		—
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(22) Other	5121 45	—
	2. Other :		
	(aa) Cottage cheese of a fat content, by weight in the dry matter, not exceeding 25 %	5121 51	
	For exports to :		
	— Austria		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		26,95

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(bb) Cream cheese of a water content, calculated by weight of the non-fatty matter, exceeding 77 % but not exceeding 82 % and of a fat content, by weight in the dry matter :		
	(11) Of 60 % or more but less than 69 %	5121 60	
	For exports to :		
	— Austria		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		7,50
	— Switzerland and Liechtenstein		—
	— Other destinations		40,37
	(22) Of 69 % or more	5121 70	
	For exports to :		
	— Austria		—
	— Zone E		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		49,31
	(cc) Other :		
	(11) Feta ⁽³⁾ , with a dry matter content, by weight, of 40 % or more and a fat content by weight, in the dry matter of 50 % or more :		
	(aaa) Manufactured exclusively from sheep's and/or goats' milk	5121 81	
	For exports to :		
	— Zone E		—
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(bbb) Other	5121 82	
	For exports to :		
	— Zone E		—
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(22) Other	5121 85	—
	ex II. Other (excluding cheeses produced from whey) :		
	ex a) Grated or powdered of a fat content, by weight, exceeding 20 %, of a lactose content, by weight, less than 5 % and of a dry matter content, by weight :		
	(1) Of 60 % or more but less than 80 %	5310 05	
	For exports to :		
	— Zone E		20,00
	— Canada		—
	— Norway and Finland		—
	— Other destinations		91,14

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(2) Of 80 % or more but less than 85 %	5310 11	
	For exports to :		
	— Zone E		26,67
	— Canada		—
	— Norway and Finland		—
	— Other destinations		121,52
	(3) Of 85 % or more but less than 95 %	5310 22	
	For exports to :		
	— Zone E		28,33
	— Canada		—
	— Norway and Finland		—
	— Other destinations		129,12
23.07	(4) Of 95 % or more	5310 31	
	For exports to :		
	— Zone E		31,67
	— Canada		—
	— Norway and Finland		—
	— Other destinations		144,31
	Sweetened forage ; other preparations of a kind used in animal feeding :		
	ex B. Other, containing starch, glucose or glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II, or milk products, excluding special compound feedingstuffs (*) :		
	I. Containing starch, or glucose or glucose syrup, or maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II :		
	a) Containing no starch or containing 10 % or less, by weight, of starch :		
	(3) Containing 50 % or more but less than 75 %, by weight, of milk products and a content of milk in powder or granules (excluding whey), by weight, of (*) :		
	(aa) Less than 30 %	5700 13	—
	(bb) 30 % or more but less than 40 %	5700 23	8,10
	(cc) 40 % or more but less than 50 %	5700 33	10,80
	(dd) 50 % or more but less than 60 %	5700 42	13,50
	(ee) 60 % or more but less than 70 %	5700 52	16,20
	(ff) 70 % or more	5700 62	18,90

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
23.07 (cont'd)	(4) Containing 75 % or more, by weight, of milk products and a content of milk in powder or granules (excluding whey), by weight, of ⁽¹⁾ :		
	(aa) Less than 30 %	5800 13	—
	(bb) 30 % or more but less than 40 %	5800 23	8,10
	(cc) 40 % or more but less than 50 %	5800 32	10,80
	(dd) 50 % or more but less than 60 %	5800 42	13,50
	(ee) 60 % or more but less than 70 %	5800 52	16,20
	(ff) 70 % or more but less than 75 %	5800 62	18,90
	(gg) 75 % or more but less than 80 %	5800 72	20,25
	(hh) 80 % or more	5800 82	21,60
	ex II. Containing no starch, glucose or glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II, and containing 50 % or more milk products, by weight, and with a milk content in powder or granules (excluding whey), by weight, of ⁽²⁾ :		
	(a) 30 % or more but less than 40 %	5900 01	32,10
	(b) 40 % or more but less than 50 %	5900 05	42,80
	(c) 50 % or more but less than 60 %	5900 12	53,50
	(d) 60 % or more but less than 70 %	5900 22	64,20
	(e) 70 % or more but less than 80 %	5900 32	74,90
	(f) 80 % or more but less than 88 %	5900 42	85,60
	(g) 88 % or more	5900 52	94,16

⁽¹⁾ When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no export refund shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

⁽²⁾ The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates, shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account in the calculation of the amount of refund.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

— the actual content by weight of whey and/or lactose and/or casein and/or caseinate added per 100 kg of finished product, and, in particular,

— the lactose content of the added whey.

⁽³⁾ When the product contains casein and/or caseinates that were added before or at the time of processing, no refund shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added.

- (*) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculating the fat content, by weight.

The refund per 100 kg of product falling within this subheading shall be equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kg of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added casein and/or added caseinates, contained in 100 kg of product;

- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kg of finished product, and, in particular,
- the lactose content of the added whey.

- (*) The refund on 100 kg of product falling within this subheading is equal to the sum of the following elements:

- (a) the amount per 100 kg shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per 100 kg shown shall be:

- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kg of product, and then
- divided by the weight of the lactic part contained in 100 kg of product;

- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinate added per 100 kg of finished product, and, in particular,
- the lactose content of the added whey.

- (*) No refund shall be paid in respect of exported cheese of which the free-at-frontier price, before application of the refund and the monetary compensatory amount, in the exporting Member State, is less than 140 ECU per 100 kilograms. This limitation to 140 ECU per 100 kilograms does not apply to cheeses falling within subheading 04.04 E I ex c) of the Common Customs Tariff.

- (*) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the refund is granted on the net weight, the weight of the liquid being deducted.

- (*) When completing customs formalities, the applicant shall state on the declaration provided for this purpose:

- the skimmed-milk powder content, by weight,
- whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the content by weight of the added whey and/or added lactose and/or added casein and/or added caseinates, and
 - the lactose content of the added whey
- per 100 kg of finished product.

- (*) 'Special compound feedingstuffs' are compound feedingstuffs containing skimmed-milk powder and fish meal and/or more than 9 g of iron and/or more than 1,2 g of copper in 100 kg of product.

- (*) On the export of such products under Regulation (EEC) No 765/86:

- the amount of the refund shall be that applying on 16 October 1986 in respect of products for which the export licence with advance fixing of the refund was issued before 1 January 1987;
- no refund is to apply in respect of products for which the export licence was issued on or after 1 January 1987.

N.B.: Zones A, B, C and E are those defined in Regulation (EEC) No 1098/68, as last amended by Regulation (EEC) No 2283/81.

The weight of non-milk fat should be disregarded for the purposes of calculating fat content, by weight.

COMMISSION REGULATION (EEC) No 463/87

of 13 February 1987

introducing a countervailing charge on endives originating in Spain except in the Canary Islands

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

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

Having regard to Council Regulation (EEC) No 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 Commission Regulation (EEC) No 355/87⁽³⁾ introduced a countervailing charge on endives originating in Spain (except in the Canary Islands);

Whereas for endives originating in Spain (except in the Canary Islands) there were no prices for six consecutive working days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of

endives originating in Spain (except in the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁴⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 355/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 14 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 34, 5. 2. 1987, p. 44.

⁽⁴⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 464/87**of 13 February 1987****introducing a countervailing charge on apples originating in Poland**

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 Commission Regulation (EEC) No 189/87⁽³⁾, as amended by Regulation (EEC) No 353/87⁽⁴⁾, introduced a countervailing charge on apples originating in Poland;

Whereas for apples originating in Poland there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of apples originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 189/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 14 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 21, 23. 1. 1987, p. 60.

⁽⁴⁾ OJ No L 34, 5. 2. 1987, p. 41.

COMMISSION REGULATION (EEC) No 465/87
of 13 February 1987
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 229/87 ⁽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 425/87 ⁽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 14 February 1987.

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

Done at Brussels, 13 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 173 1. 7. 1986, p. 91.

⁽⁴⁾ OJ No L 42, 12. 2. 1987, p. 39.

ANNEX

to the Commission Regulation of 13 February 1987 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	51,16
	B. Raw sugar	42,54 ⁽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.

COMMISSION REGULATION (EEC) No 466/87

of 13 February 1987

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 282/87⁽⁶⁾, as last amended by Regulation (EEC) No 397/87⁽⁷⁾;

Whereas Council Regulation (EEC) No 1588/86⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75⁽⁹⁾ 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 12 February 1987;

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⁽¹⁰⁾ 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 amended Regulation (EEC) No 282/87 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 February 1987.

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

Done at Brussels, 13 February 1987.

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 28, 30. 1. 1987, p. 18.

⁽⁷⁾ OJ No L 40, 10. 2. 1987, p. 14.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 13 February 1987 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 A II ⁽²⁾	327,81	321,77
11.02 B II b) ⁽²⁾	240,77	237,75
11.02 C II ⁽²⁾	289,04	286,02
11.02 D II ⁽²⁾	185,36	182,34
11.02 E II b) ⁽²⁾	327,81	321,77
11.02 F II ⁽²⁾	327,81	321,77

⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 9 February 1987

accepting an undertaking given in connection with the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China, and terminating the investigation

(87/104/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

Having regard to the proposal from the Commission, presented after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Procedure

- (1) In April 1986 the Commission received a complaint lodged by the 'Fédération européenne de l'industrie de la broserie et de la pinceauterie' on behalf of Community producers in all Member States of paint, distemper, varnish and similar brushes whose collective output constitutes practically all Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning

imports into the Community of paint, distemper, varnish and similar brushes falling within Common Customs Tariff subheading ex 96.01 B III and corresponding to NIMEXE code 96.01-49, originating in the People's Republic of China and commenced an investigation.

- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (3) The majority of the known producers and the exporter and a few importers made their views known in writing. Some have requested and have been granted hearings.
- (4) No submissions were made on behalf of Community purchasers of the product in question.
- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

EEC producers

Bechtloff KG, Burk, Federal Republic of Germany,
Briton Chadwick, Attleborough, United Kingdom,
D. O'Sullivan & Co. Ltd, Cork, Ireland,
Fleetwood Products Ltd, Dublin, Ireland,
L. G. Harris & Co. Ltd, Stoke Prior, Bromsgrove, United Kingdom,
Kronen-Pinselfabrik GmbH & Co. KG, Lohne, Federal Republic of Germany,

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 103, 30. 4. 1986, p. 2.

Messerer GmbH, Wieseth, Federal Republic of Germany,
 Mosley-Stone Ltd, Stockport, United Kingdom,
 H. L. Sterkel GmbH, Ravensburg, Federal Republic of Germany,
 Wistoba-Pinselfabrik, Bad Lauterberg, Federal Republic of Germany.

EEC importers

Bristle, Hair & Fibre Company Ltd, London, United Kingdom,
 Charles Bentey & Son Ltd, Loughborough, United Kingdom,
 Tobias Braude & Co. Ltd, London, United Kingdom,
 Delbanco Meyer & Co. Ltd, London, United Kingdom.

Third country

Harris (Ceylon) Ltd, Meegoda, Sri Lanka

The Commission requested and received detailed written submissions from almost all the complainant Community producers, the exporter and a few importers concerned and verified the information therein to the extent considered necessary.

- (6) The investigation of dumping covered the period from 1 April 1985 to 31 March 1986.

B. Normal value

- (7) In order to establish whether the imports from the People's Republic of China were dumped, the Commission had to take account of the fact that this country does not have a marked economy and the Commission therefore had to base its determination on the normal value in a market economy country. In this connection, the complainants had suggested the Sri Lankan market.

The Chinese exporter and one importer challenged the choice of Sri Lanka as a third country market but made no proposal as to another analogue country.

More specifically, one importer maintained that there was virtually no production in Sri Lanka. This assertion proved to be factually incorrect.

- (8) The Commission is satisfied that there are no extraordinary differences in production processes between Sri Lanka and the exporting country.

It was furthermore established that there was sufficient internal competition in Sri Lanka between two major and a number of smaller producers to ensure that price levels were in a reasonable proportion to production costs.

- (9) The Commission therefore concluded that it would be appropriate and not unreasonable to determine

normal value on the basis of domestic prices in Sri Lanka.

C. Export price

- (10) Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

D. Comparison

- (11) For the purpose of comparing normal value with export prices the Chinese exporter claimed an allowance for import charges and indirect taxes in Sri Lanka; this was granted. No other allowances were claimed.

All comparisons were made at ex-works level.

E. Margins

- (12) The above preliminary examination of the facts shows the existence of dumping in respect of the Chinese exporter, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

Varying margins of dumping were established depending on the type of brush concerned and the importing Member State. The weighted average dumping margin for all exports to the Community was found to be in excess of 100 %.

F. Injury

- (13) It was found during the investigation that approximately 90 % of Chinese exports were concentrated in three Community markets, namely Germany, Ireland and the United Kingdom. The injury assessment therefore centred generally on these Member States.

- (14) With regard to injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from the People's Republic of China were already substantial in 1980 and more than doubled between 1980 and 1981. Ever since, they have remained at a very high annual level of at least 25 million pieces⁽¹⁾ and substantially exceeded this amount in several years. The exact figures were, however, greatly influenced by large-scale shipments of brushes which would normally only have found their way onto the markets gradually but which nevertheless, since they were exported and imported in large consignments, have had an abrupt and immediate effect on the import figures, thus resulting in sharp fluctuations.

⁽¹⁾ Exact figures were supplied by the exporter but are confidential; the Community import statistics cannot be used as such since they cover a variety of products and the quantities may refer in part to prepacked lots of brushes.

- (15) As to market shares, since only a small number of importers have cooperated satisfactorily it proved impossible to establish with confidence exact market shares based on effective sales in the Community. The Commission, however, could satisfy itself on the basis of information supplied by the Chinese exporter that the market share held since 1982 by Chinese imports has been between 30 % and 40 % and that annual fluctuations generally remained within this bracket.
- (16) The resale prices at which the imported Chinese product was resold in the Community undercut the prices of the Community industry by more than 50 % on average during the investigation period; the exact levels of undercutting varied according to product types. The Commission found that the resale prices of these imports were, in general, lower by far than those required to cover the costs of Community producers and provide a reasonable profit. There were even instances where Community producers received offers of Chinese brushes from importers in the Community at prices below their purchase price for the principal raw material involved, namely bristles, which was also supplied by the same exporter in the People's Republic of China.
- (17) The consequent impact on the Community industry in the three Member States principally concerned has been a decrease in production between 1982 and the period of investigation which, according to the market concerned, varied between 28 % and 15 %. This led to a substantial reduction in capacity utilization for those producers which, given the situation, decided not to reduce their capacity or which, unlike a number of producers, did not diversify into other product lines.

The Commission further examined whether the dumped imports had a major effect on stock figures and employment. As to stock figures it was found that in view of the fact that the producers were generally small firms they were normally obliged to reduce production, either temporarily or permanently, rather than to increase stocks the financing of which would have proved impossible for them.

As to employment, the available figures were not found to lend themselves to any meaningful conclusion because most producers had introduced new machinery rationalizing the production process and almost all producers manufactured a variety of products for which their workforce would be equally available.

It was, however, found that a number of brush manufacturers had ceased production in recent

years for which the availability of very cheap dumped Chinese brushes was a contributory factor.

When establishing the exact market share held by the Community producers the Commission encountered the same difficulties as described above in the context of the share held by Chinese exports. The Commission could, however, establish with confidence that, subject to annual fluctuations, their market share remained between 50 % and 60 %.

As regards the profit situation of the remaining Community producers the Commission established that, confronted by the very low prices of Chinese brushes which normally did not even cover the variable production costs of the Community producers, the latter normally followed one of a number of different options or a combination of these options to remain in business. They either diversified into manufacturing other related products and thus reduced their overhead costs for brushes; or they simply refused to sell their product below cost since as small companies they could not have sustained such action for any length of time; or they purchased limited quantities of Chinese brushes themselves from independent importers and sold them at a profit thus subsidizing their own production.

In the latter context, the Commission established on the basis of the available data that the amount of Chinese brushes sold by the Community producers in the period of investigation varied, according to the Member State, between 0 % and about 25 % of all sales of the Chinese product and that contrary to the action of some firms which ceased producing brushes in order to sell imported products only, the remaining producers only started selling Chinese brushes in order to prevent their established markets from being taken over by suppliers offering imported goods only; that the Community producers did not at any stage take the initiative to import Chinese products; that, consequently, the injury findings are not invalidated by the fact that the Community producers themselves sold limited quantities of Chinese goods. This conclusion was not contested by the exporter.

- (18) Some importers claimed that they had created a new market for cheap throw-away brushes, especially in supermarkets and do-it-yourself stores and that the traditional Community producers were not interested in selling to this market. The Commission cannot accept this assertion. A new market is not created by simply selling an established product at less than half the price at which it is normally sold in the market. In any event, it is only

because of the low dumping prices that a consumer is more readily prepared to consider discarding a brush after a limited use instead of supporting the additional expense and inconvenience of cleaning it. Furthermore, it is understandable that the Community industry is not interested in selling, and cannot sell for the sake of its own survival, at prices below its variable production costs.

- (19) The Commission has considered whether injury has been caused by other factors such as imports from other sources or a substantial change in the pattern of consumption. Imports from other third countries have been estimated at a level never in excess of 10 % in the market concerned and consumption does not appear to have undergone any substantial changes since 1982. However, the continuing high level of dumped imports and especially the very low prices at which they are offered for sale in the Community led the Commission to determine that the effects of the dumped imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China, taken in isolation, have to be considered as constituting material injury to the Community industry concerned.

G. Community interest

- (20) No observations were received from any consumers of the product in question. In view of the serious difficulties of the Community industry as set out above, the Commission has come to the conclusion that it is in the Community's interest that action be taken.

H. Undertaking

- (21) Following the completion of the preliminary investigation the exporter concerned offered an undertaking concerning its exports of paint, distemper, varnish and similar brushes.

The effect of the said undertakings will be that exports cease to such an extent that the injury suffered by the Community industry is eliminated. It appears that correct operation of the undertaking can be effectively monitored.

In these circumstances, the undertaking offered is considered acceptable and the investigation may, therefore, be terminated without imposition of anti-dumping duties.

- (22) Objections to this course were raised in the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by the China National Native Produce & Animal By-Products Import & Export Corporation in connection with the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes falling within Common Customs Tariff subheading ex 96.01 B III, corresponding to NIMEXE code 96.01-49, originating in the People's Republic of China, is hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated.

Done at Brussels, 9 February 1987.

For the Council

The President

M. EYSKENS

COMMISSION

COMMISSION DECISION

of 6 November 1986

concerning the conclusion of an Agreement for cooperation in the field of controlled thermonuclear fusion between the European Atomic Energy Community and the United States Department of Energy by the Commission for and on behalf of the said Community

(87/105/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof;

Whereas the Council, in its decision of 15 September 1986, has approved the Agreement for cooperation in the field of controlled thermonuclear fusion between the European Atomic Energy Community and the United States Department of Energy; whereas it is essential that the Commission conclude the said Agreement on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement for cooperation in the field of controlled thermonuclear fusion between the European Atomic

Energy Community and the United States Department of Energy shall be concluded on behalf of the Community.

The text of the Agreement⁽¹⁾ is appended to this Decision.

Article 2

The President of the Commission is empowered to designate the person authorized to sign the Agreement for the purpose of committing the European Atomic Energy Community.

Done at Brussels, 6 November 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

⁽¹⁾ Signed on 15. 12. 1986.

AGREEMENT

for cooperation between the European Atomic Energy Community and the United States Department of Energy in the field of controlled thermonuclear fusion

The Department of Energy of the United States of America (hereinafter referred to as 'DOE') and the European Atomic Energy Community (hereinafter referred to as 'Euratom'), hereinafter collectively referred to as 'the Parties',

Noting the long history of collaboration between Euratom and its Member Countries, and DOE and its predecessor agencies, and wishing to maintain the tradition of close and continuing cooperation in the field of magnetic fusion energy,

Desiring to facilitate the achievement of magnetic fusion energy as a potentially environmentally acceptable, economically competitive, and virtually limitless source of energy,

Recognizing the commonality and complementarity of DOE's and Euratom's programs in magnetic fusion energy research and development,

Taking into account the accomplishments of, and opportunities for, collaboration under the International Energy Agency of the Organization for Economic Cooperation and Development,

agree as follows :

Article I

The objective of this agreement is to maintain and intensify cooperation between Euratom and DOE in the areas covered by their respective magnetic fusion programs, on the basis of equality, mutual benefit and overall reciprocity, in order to develop the scientific understanding and technological capability underlying a magnetic fusion power system.

Article II

Cooperation under this Agreement (hereinafter referred to as 'the Cooperation') shall cover the following areas :

- (a) tokamaks, including the large projects of the present generation (including the Joint European Torus and the Tokamak Fusion Test Reactor) and activities related to those of the next generation ;

- (b) alternative lines to tokamaks ;
- (c) the technology of magnetic confinement fusion ;
- (d) plasma theory and applied plasma physics ;
- (e) program policies and plans ; and
- (f) other areas as mutually agreed in writing.

Article III

1. The implementation of the Cooperation may include, but is not limited to, the following activities :

- (a) exchange and provision of information and data of scientific and technical activities, developments, practices and results, and on program policies and plans ;
- (b) exchange of scientists, engineers and other specialists for agreed periods of time in order to participate in experiments, analysis, design and other research and development activities at existing and new research centers, laboratories, engineering offices and other facilities and enterprises of each of the Parties or its associated organizations or contractors in accordance with Article X ;
- (c) meetings of various forms to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify cooperative actions which may be usefully undertaken ;
- (d) exchange and provision of samples, materials, instruments and components for experiments, testing and evaluation ;
- (e) execution of joint studies, projects or experiments including their joint design, construction and operation ; and
- (f) other areas as may be mutually agreed in writing.

2. When necessary, any specific details to implement activities listed in subparagraphs (a) through (d) of 1 above may be determined through consultations or arrangements between DOE of the first part and Euratom or an entity entitled to act on behalf of Euratom such as a national organization or organization associated with it within the framework of the Community Fusion Programme or the JET Joint Undertaking (JET) of the other part. Specific terms and conditions necessary to implement activities listed in subparagraphs (e) and (f) above shall be determined through written agreement between DOE of the first part and Euratom or an entity entitled to act on behalf of Euratom such as a national organization or organizations associated with it within the framework of the Community Fusion Programme or JET of the other Part and shall contain :

- (a) specific details, procedures and financing provisions for individual cooperative activities ;

- (b) assignment of the responsibility for the operational management of the concerned activity to a single organization or operating agent; and
- (c) detailed provisions on dissemination of information and treatment of intellectual property.

3. Each Party shall coordinate its activities under this Agreement, as appropriate, with other international activities related to research and development in magnetic fusion in which the other Party is a participant, in order to minimize duplication of effort.

Article IV

1. The Parties shall establish a Coordinating Committee to coordinate and supervise the execution of activities under this Agreement. The Coordinating Committee shall consist of up to twelve members, half of whom shall be appointed by each Party. The Coordinating Committee shall meet annually, alternately in the United States and in Europe, or at other agreed times and places. Each Party shall nominate one of their appointed members as the Head of its Delegation. The Head of the Delegation of the receiving Party shall chair the meeting.

2. The Coordinating Committee shall review the progress and plans of activities under this Agreement, approve appropriate action and propose, coordinate and approve future cooperative activities that are within the scope of this Agreement with regard to technical merit and level of effort to ensure overall mutual benefit and reciprocity within the Cooperation.

3. All decisions of the Coordinating Committee shall be by unanimity. For making such decisions, each Party shall have one vote to be cast by its Head of Delegation.

4. For periods between meetings of the Coordinating Committee, each Party shall nominate an Executive Secretary to act on its behalf in all matters concerning cooperation under this Agreement. The Executive Secretaries shall be responsible for day-to-day management of the cooperation.

Article V

All costs resulting from the Cooperation shall be borne by the Party that incurs them unless otherwise specifically agreed in writing by the Parties.

Article VI

1. The Parties shall support the widest possible dissemination of information for which they have the right to disclose, either in their possession or available to them, and which is provided or exchanged under this Agree-

ment, subject to the need to protect proprietary information, to copyright restrictions, and to the provisions of Article VIII.

2. Use of proprietary information

Definitions as used in this Agreement:

- (i) The term 'information' intended to be provided or exchanged under this Agreement.
- (ii) The term 'proprietary information' means information which contains trade secrets or know-how or commercial or financial information which is privileged or confidential, and may only include such information which:
 - (a) has been held in confidence by its owner;
 - (b) is of a type which is customarily held in confidence by its owner;
 - (c) has not been transmitted by the transmitting Party to other entities (including the receiving Party) except on the basis that is to be held in confidence; and
 - (d) is not otherwise available to the receiving Party from another source without restriction on its further dissemination.

3. Procedures

- (i) A Party receiving proprietary information pursuant to this Agreement shall respect the privileged nature thereof. Any document which contains proprietary information shall be clearly marked by the providing Party with the following (or substantially similar) restrictive legend:

'This document contains proprietary information furnished in confidence under the Agreement between the United States Department of Energy and the European Atomic Energy Community (Euratom) of (date) and shall not be disseminated outside these organizations, their contractors, and the concerned departments and agencies of the Government of the United States and Euratom without prior approval of

This notice shall be marked on any reproduction hereof, in whole or in part. These limitations shall automatically terminate when this information is disclosed by the owner without restriction.'

- (ii) Proprietary information received in confidence under this Agreement may be disseminated by the receiving Party to:

- (a) persons within or employed by the receiving Party, and other concerned Government departments and Government agencies in the country of the receiving Party; and

- (b) prime or subcontractors of the receiving Party located within the geographical limits of the receiving Party's nation, for use only within the framework of their contracts with the receiving Party in work relating to the subject matter of the proprietary information ;

provided that any proprietary information so disseminated shall be pursuant to an agreement of confidentiality and shall be marked with the restrictive legend substantially identical to that appearing in subparagraph 3 (i) above.

- (iii) With the prior written consent of the Party providing proprietary information under this Agreement, the receiving Party may disseminate such proprietary information more widely than otherwise permitted in the foregoing subsection (ii). The Parties shall cooperate with each other in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its national policies, regulations and laws.

4. Each Party shall exercise its best efforts to ensure that proprietary information received by it under this Agreement shall be controlled as provided herein. If one of the Parties becomes aware that it will be, or may reasonably be expected to become, unable to meet the non-dissemination provisions of this Article, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

5. Information arising from seminars and other meetings arranged under this Agreement and information arising from the attachments of staff shall be treated by the Parties according to the principles specified in this Article ; provided, however, no proprietary information orally communicated shall be subject to the limited disclosure requirements of this Agreement unless the individual communicating such information places the recipient on notice as to the proprietary character of the information communicated.

Article VII

Information transmitted by one Party to the other Party under this Agreement shall be accurate to the best knowledge and belief of the transmitting Party, but the transmitting Party does not warrant the suitability of the information transmitted for any particular use of application by the receiving Party or by any third Party. Information developed jointly by the Parties shall be accurate to the best knowledge and belief of both Parties. Neither Party warrants the accuracy of the jointly developed information

or its suitability for any particular use or application by either Party or by any third Party.

Article VIII

1. With respect to any invention or discovery made or conceived in the course of or under this Agreement :

- (a) If made or conceived by personnel of one party (the Assigning Party) or its contractors while assigned to the other Party (Receiving Party) or its contractors in connection with exchanges of scientists, engineers or other specialists, the Receiving Party shall acquire all rights, title and interest in and to any such invention or discovery in all countries, subject to a non-exclusive, irrevocable, royalty-free licence in all such countries to the Assigning Party, with the right of the Assigning Party to grant sublicences under such invention or discovery and any patent application, patent or other protection relating thereto.
- (b) If made or conceived by a Party or its contractors as a direct result of employing information which has been communicated to it under this Agreement by another Party or its contractors or communicated during seminars or other joint meetings, the Party making the invention shall acquire all rights, title and interest in and to such inventions or discoveries in all countries, subject to a grant to the other Party of a royalty-free, non-exclusive, irrevocable licence, with the right of the other Party to grant sublicences, in and to any such invention or discovery and any patent application, patent or other protection relating thereto, in all countries.
- (c) With regard to exchange of samples, materials, instruments, and components for joint testing the Receiving Party shall have the same rights as the Receiving Party as set forth in paragraph (a) above, and the Assigning Party shall have the same rights as the Assigning Party as set forth in paragraph (a) above.
- (d) With regard to other specific forms of cooperation, the Parties shall provide for the appropriate distribution of rights to inventions or discoveries resulting from such cooperation, in accordance with the arrangements foreseen in Article III, paragraph 2 of this Agreement.

2. Each Party shall, without prejudice to any rights of inventors or authors under its national laws, take all necessary steps to provide the cooperation from its inventors or authors required to carry out the provisions of this Article and Articles VI and IX. Each Party shall assume the responsibility to pay awards and compensation required to be paid to its own nationals according to its own laws.

Article IX

Copyrights of the Parties or of cooperating organizations and persons shall be accorded treatment consistent with internationally recognized standards of protection. As to copyrights on materials which constitute information' as defined in paragraph 2 (i) of Article VI, owned or controlled by a Party, that Party shall make efforts to grant to the other Party a licence to reproduce copyrighted materials.

Article X

With respect to the exchange of staff under the Cooperation :

1. Whenever an exchange of staff is contemplated under the Cooperation each Party shall ensure that qualified staff are selected for assignment to the other Party.
2. Each such assignment of staff shall be the subject of a separate assignment agreement between DOE or its contractors of the first part and Euratom or an entity designated to act on behalf of Euratom such as a national organization or organizations associated with it within the framework of the Community Fusion Programme or JET of the other part.
3. Each Party shall be responsible for the salaries, insurance and allowances to be paid to its staff.
4. The sending Party shall pay for the travel and living expenses of its staff while on assignment to the receiving Party unless otherwise agreed.
5. The receiving Party shall arrange for adequate accommodations for the assigned staff and their families on a mutually agreeable reciprocal basis.
6. The receiving Party shall provide all necessary assistance to the assigned staff and their families as regards administrative formalities (travel arrangements, etc.).
7. The staff of each Party shall conform to the general and special rules of work and safety regulations in force at the host establishment, or as agreed in separate assignment agreements.

Article XI

Both Parties agree that in the event equipment, instruments, materials or necessary spare parts (hereinafter referred to as 'the equipment, etc.') are to be exchanged, loaned or supplied by one Party to the other, the following provisions shall apply covering the shipment and use of the equipment, etc. :

1. The sending Party shall supply as soon as possible a detailed list of the equipment, etc. to be provided to-

gether with the relevant specifications and technical and informational documentation.

2. The equipment, etc. supplied by the sending Party shall remain its property and shall be returned to the sending Party upon completion of the mutually agreed upon activity unless otherwise agreed.
3. The equipment, etc. shall be brought into operation at the host establishment only by mutual agreement between the Parties.
4. The receiving Party shall provide the necessary premises for the equipment, etc. and shall provide for electrical power, water, gas, etc., in accordance with technical requirements which shall be mutually agreed.

Article XII

Performance of the Parties under this Agreement is subject to the availability of appropriated funds.

Article XIII

Cooperation under this Agreement shall be in accordance with the laws of the respective countries and the regulations of the respective Parties.

Article XIV

Compensation for damages incurred during the implementation of this Agreement shall be in accordance with the applicable laws of the countries of the Parties.

Article XV

1. This Agreement shall enter into force upon signature, shall continue in force for ten years and may be amended or extended by written agreement of each of the Parties.

2. All activities not completed at the expiration of this Agreement may be continued until their completion under the terms of this Agreement.

3. In the event that, during the period of this Agreement, the nature of either Party's magnetic fusion program should change substantially, whether this be by substantial expansion, reduction or transformation, or by amalgamation of major elements with the magnetic fusion program of a third Party, either Party shall have the right to request revisions in the scope and terms of this Agreement.

4. This Agreement may be terminated at any time at the discretion of either Party upon six months advance notification in writing by the Party seeking to terminate the Agreement. Such termination shall be without prejudice to the rights that may have accrued under this Agreement to either Party up to the date of the termination.

Article XVI

1. This Agreement shall apply in so far as the European Atomic Energy Community is concerned, to the territories in which the Treaty establishing the European Atomic Energy Community is applied and under the conditions laid down in that Treaty.

2. In recognition of the fact that all fusion power research and development activities of the individual Member States of the European Atomic Energy Community (Euratom) are integrated and carried out jointly in the framework of the Euratom fusion program, that Euratom acts on behalf of itself and its fusion power research and development associated national organizations in the Euratom Member States, and that Sweden and Switzerland are associated with the Euratom fusion program and are

represented in the JET Joint Undertaking, the terms country or national in reference to Euratom in this Agreement shall be understood to be the Member States of Euratom, Sweden and Switzerland. Euratom affirms that all research and development activities in Sweden and Switzerland relating to magnetic fusion energy research and development are covered by Agreements for Cooperation between the European Atomic Energy Community and the Governments of Sweden (Agreement concluded in 1976) and Switzerland (Agreement concluded in 1978) in the field of controlled thermonuclear fusion and plasma physics. Furthermore, Euratom has arranged with Sweden and Switzerland to provide information and patents to the parties and others as provided by the terms and conditions of this Agreement in the same way as this Agreement applies to the associated national organizations in the Euratom Member States.

Done at Brussels, 15 December 1986.

For the Department of Energy
for and on behalf of the Government
of the United States of America

J. William MIDDENDORF

*Ambassador of the United States of America
to the European Communities*

For the European
Atomic Energy Community

Karl-Heinz NARJES

Vice President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 204/87 of 22 January 1987 on the sale at prices fixed at a standard rate in advance of certain beef from intervention stocks for processing in the Community, repealing Regulation (EEC) No 3563/86 and amending Regulation (EEC) No 2182/77

(Official Journal of the European Communities No L 22 of 24 January 1987)

On page 14 the following indent is added to Article 1 (1):

‘— 300 tonnes of boned beef held by the Danish intervention agency and bought in before 1 August 1986.’

Corrigendum to Commission Regulation (EEC) No 239/87 of 27 January 1987 amending Regulation (EEC) No 3752/86 in respect of the period of validity of export licences issued under a special intervention measure for bread-making wheat in Germany

(Official Journal of the European Communities No L 25 of 28 January 1987)

On page 15, Article 2:

for: ‘... import licences ...’,

read: ‘... export licences ...’.

Corrigendum to Council Directive 87/53/EEC of 15 December 1986 amending Directive 83/643/EEC on the facilities of physical inspections and administrative formalities in respect of the carriage of goods between Member States

(Official Journal of the European Communities No L 24 of 27 January 1987)

On page 34 in Article 1 under ‘Article 5 (2)’:

for: ‘... at least 2 hours’ notice ...’,

read: ‘... at least 12 hours’ notice’.

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