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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 722/87**of 13 March 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 March 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 March 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 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

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

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	11,71	195,79
10.01 B II	Durum wheat	46,77	266,17 ⁽¹⁾ ⁽²⁾
10.02	Rye	40,78	180,08 ⁽³⁾
10.03	Barley	39,05	189,07
10.04	Oats	97,34	160,07
10.05 B	Maize, other than hybrid maize for sowing	—	181,09 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	39,05	130,20
10.07 B	Millet	39,05	156,08 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	24,96	185,34 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	39,05	48,34 ⁽²⁾
11.01 A	Wheat or meslin flour	31,55	289,26
11.01 B	Rye flour	72,25	266,54
11.02 A I a)	Durum wheat groats and meal	86,16	425,64
11.02 A I b)	Common wheat groats and meal	31,71	310,03

⁽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 723/87

of 13 March 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 March 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 March 1987.

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

Done at Brussels, 13 March 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 March 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 3	1st period 4	2nd period 5	3rd period 6
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	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,59	1,59	1,59
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	0,55	0,55	0,55
10.07 D	Other cereals	0	2,00	2,00	7,89
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 724/87
of 13 March 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 669/87 ⁽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 March 1987.

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

Done at Brussels, 13 March 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 64, 7. 3. 1987, p. 5.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

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

CCT heading No	Description	(ECU/tonne)		
		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	—	341,59	167,19
	2. Long grain	—	373,03	182,91
	b) Husked rice :			
	1. Round grain	—	426,99	209,89
	2. Long grain	—	466,29	229,54
	II. Semi-milled or wholly milled rice :			
	a) Semi-milled rice :			
	1. Round grain	13,05	540,93	258,54
	2. Long grain	12,97	666,63	321,43
	b) Wholly milled rice :			
	1. Round grain	13,90	576,10	275,70
	2. Long grain	13,90	714,63	344,96
	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 725/87
of 13. March 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 670/87 ⁽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 March 1987.

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

Done at Brussels, 13 March 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 64, 7. 3. 1987, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

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

CCT heading No	Description	(ECU / tonne)			
		Current 3	1st period 4	2nd period 5	3rd period 6
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 726/87

of 13 March 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 587/87⁽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, recorded in accordance with Regulation (EEC) No 3153/85 during the period 4 to 10 March 1987, require the specific agricultural conversion rates applicable for the United Kingdom 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 March 1987.

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

Done at Brussels, 13 March 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 58, 28. 2. 1987, p. 18.

⁽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
	= £	0,797536

COMMISSION REGULATION (EEC) No 727/87

of 13 March 1987

on a special sale of skimmed-milk powder from public stocks for export

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 7 (5) thereof,

Whereas Council Regulation (EEC) No 1014/68 of 20 July 1968 laying down general rules for the public storage of skimmed-milk powder⁽³⁾, as last amended by Regulation (EEC) No 1272/79⁽⁴⁾, set rules for the return to the market of skimmed-milk powder held by intervention agencies; whereas, given the present situation on the markets and the present public stock level, it should be made possible for powder to be sold for export that has been held in intervention stock for at least six months;

Whereas this skimmed-milk powder from public stocks should be made available to operators at a reduced price; whereas action should be taken to prevent the skimmed-milk powder sold under this Regulation from being released for free circulation the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Skimmed-milk powder bought in as provided for in Article 7 (1) of Regulation (EEC) No 804/68 that is at least six months old on the date when the contract is signed shall be sold on the terms set out in this Regulation.

Intervention agencies may, however, if they have concluded a contract and, due to exceptional circumstances, such powder is no longer available in sufficient

quantity, sell skimmed-milk powder brought in as provided for in Article 7 (1) of Regulation (EEC) No 804/68 that is at least six months old on the day of removal specified in Article 4 (2).

2. Skimmed-milk powder sold under this Regulation shall be exported as it is or after being put up in fresh packaging.

Article 2

1. The skimmed-milk powder shall be sold ex-warehouse at a price equal to the buying-in price applied by the intervention agency on the day of conclusion of the sales contract minus 3 ECU per 100 kilograms.

2. It shall be sold in quantities of not less than 100 tonnes. On the day of conclusion of the contract at the latest the purchaser shall lodge with the intervention agency a security covering:

- discharge of the primary requirement of payment of the price for the quantities removed, within the time limit set in Article 4 (3) or (4),
- discharge of the subordinate requirement of removal of the skimmed-milk powder within the time limit set in Article 4 (2).

The security shall be equal to the price specified in paragraph 1 plus 3 ECU per 100 kilograms.

Article 3

1. Intervention agencies shall keep up to date and make available to interested parties on their request lists of the warehouses in which the skimmed-milk powder for sale is held and the quantities available.

2. Intervention agencies shall make provision to allow interested parties to examine, at their own cost, before conclusion of the sales contract, samples taken from the skimmed-milk powder put up for sale.

3. Purchasers shall waive all right of complaint concerning the quality and characteristics of the skimmed-milk powder sold.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ OJ No L 173, 22. 7. 1968, p. 4.

⁽⁴⁾ OJ No L 161, 29. 6. 1979, p. 13.

Article 4

1. Purchasers shall, before removing the skimmed-milk powder, and within the time limit specified in paragraph 2, lodge with the intervention agency a security of 20 ECU per 100 kilograms in respect of each lot removed in order to guarantee discharge of the primary requirement of exportation.

2. The purchaser shall remove the skimmed-milk powder sold to him within nine months of the day of signature of the contract. The powder may be removed in batches of not less than 15 tonnes.

3. The purchaser shall pay the intervention agency within three months of the date of removal of each lot the purchase price for that lot as specified in Article 2 (1).

4. Should the skimmed-milk powder not be removed within the time limit set in paragraph 2, then, in addition to the penalty provided for in Article 24 (1) of Commission Regulation (EEC) No 2220/85 ⁽¹⁾,

— the purchaser shall pay the intervention agency within one month of the day following the date of expiry of the abovementioned time limit the purchase price as specified in Article 2 (1);

— the sale shall be cancelled in respect of those quantities not removed and paid for by the thirtieth day following expiry of the said time limit.

If the purchaser has not made payment as specified in paragraph 3 or in the first indent of this paragraph within the specified time limit, the security for the quantities concerned specified in Article 2 (2) shall be forfeited.

Article 5

Export declarations for skimmed-milk powder must be accepted by customs within one month of the date of removal of the powder.

Article 6

The skimmed-milk powder shall be delivered by the intervention agency in packaging bearing the following

wording in clearly visible and legible characters in the language of the exporting country:

'Skimmed-milk powder exported under Regulation (EEC) No 727/87'.

Article 7

For the purposes of this Regulation the conversion rate applicable shall be the representative rate valid on the date of conclusion of the sales contract.

Article 8

In Part I, headed 'Products to be exported in the same state as that in which they were when they were removed from intervention stock', of the Annex to Commission Regulation (EEC) No 1687/76, ⁽²⁾, the following point and footnote thereto are hereby added:

'Commission Regulation (EEC) No 727/87 of 13 March 1987 on the sale at a fixed price of skimmed-milk powder for export ^(*).'

^(*) OJ No L 71, 14. 3. 1987, p. 11.'

Article 9

Regulation (EEC) No 2220/85 and Regulation (EEC) No 1687/76 shall apply except where otherwise specifically provided in this Regulation.

Article 10

Member States shall notify the Commission by Tuesday of each week at the latest of the quantities of skimmed-milk powder:

- for which sales contracts were concluded,
 - removed from stock,
- during the previous week.

Article 11

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

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 190, 14. 7. 1976, p. 1.

COMMISSION REGULATION (EEC) No 728/87

of 13 March 1987

continuing the promotional and publicity measures in respect of concentrated butter for direct consumption which are provided for in Regulation (EEC) No 1152/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 3143/85 ⁽³⁾, as amended by Regulation (EEC) No 569/87 ⁽⁴⁾, introduced measures for the disposal of intervention butter at reduced prices in the form of concentrated butter for direct consumption; whereas consumers in the Community are not well acquainted with this product and its possible uses; whereas publicity measures should therefore be carried out in the Member States in order to ensure rapid and lasting success for the disposal measure;

Whereas the promotion and publicity measures first carried out under Commission Regulation (EEC) No 1152/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 3668/86 ⁽⁶⁾, have proved an effective means for expanding the markets for concentrated butter in the Community; whereas they should therefore be continued during the 1987/88 milk year;

Whereas it is advisable, so that these measures can be carried out as rapidly as possible, to entrust their organization to the Member States;

Whereas the operators who will be responsible for the measures must satisfy certain requirements; whereas the activities of such operators must not be liable to clash with the aim pursued in promoting the disposal of concentrated butter for direct consumption; whereas it is therefore essential that operators whose activities also cover the production, distribution or sales promotion of products which imitate milk and milk products should be barred from the implementation of the measures;

Whereas, in order to make the disposal measure more effective, one proposal only should be selected in each Member State;

Whereas, as far as financing is concerned, the expenditure on these measures should be regarded as expenditure on measures covered by the first indent of Article 4 (2) of Regulation (EEC) No 1079/77;

Whereas the total sum available must be allocated among the Member States on the basis of production and consumption of butter and of potential demand for concentrated butter for cooking;

Whereas the other rules can, for the most part, be drawn from the previous Regulation, account being taken of relevant experience;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Publicity and promotional measures in respect of concentrated butter for direct consumption put up for sale pursuant to Regulation (EEC) No 3143/85 shall be encouraged under the conditions laid down in this Regulation.
2. The measures referred to in paragraph 1 shall be carried out before 1 April 1988 by bodies or undertakings possessing the necessary qualifications and experience and offering the necessary guarantees that the operations will be properly carried out.
3. Where the implementation of the measures proposed requires the intervention of subcontractors, the proposal must contain a duly justified request establishing that the subcontractors satisfy the requirements referred to in paragraph 2.
4. Proposals put forward by bodies or undertakings as referred to in paragraph 2, whose activities are exclusively or in part concerned with the production, distribution or sales promotion of products which imitate milk and milk products shall not be considered.

Article 2

Publicity and promotional measures must:

- make use of the publicity media best suited to ensure their maximum effectiveness,
- take account of the particular conditions obtaining with regard to the marketing and consumption of milk products in general and of butter in particular in the various regions of the Community,

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 27.

⁽³⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁴⁾ OJ No L 57, 27. 2. 1987, p. 26.

⁽⁵⁾ OJ No L 105, 22. 4. 1986, p. 15.

⁽⁶⁾ OJ No L 339, 2. 12. 1986, p. 15.

- focus on the product and not be guided by the commercial interest of a particular firm.

Article 3

1. The publicity and promotional measures shall be the subject of restricted invitations to tender or, in duly justified cases, of directly negotiated contracts issued by the competent authority appointed by the Member State and hereinafter referred to as 'the competent agency'.
2. The parties concerned shall submit to the competent agency detailed proposals concerning the measures to be carried out. These proposals shall include:
 - (a) the name and address of the party concerned;
 - (b) all necessary details relating to the conditions laid down in Article 1 (2), (3) and (4);
 - (c) all details concerning the measures proposed, indicating the communication media used, the criteria on which their choice was based, the time required for completion and the expected results;
 - (d) the price charged for the measures, net of tax, expressed in the currency of the Member State in whose territory the measures are to be carried out, giving an itemized breakdown of the amount;
 - (e) the financing plan, including the maximum Community contribution applied for;
 - (f) an undertaking to observe the provisions of this Regulation and, in the event of subcontractors being employed, to ensure that the said provisions are observed.

Article 4

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

Article 5

1. After examining the proposals, the competent agency shall select a proposal and shall conclude the contract for the measure selected on the basis of the details referred to in Article 3 (2).
2. The contract referred to in paragraph 1
 - shall contain the details referred to in Article 3 and in particular the terms of payment, taking Article 6 into account,
 - shall be supplemented, if necessary, by additional information resulting from the application of Article 4.
3. The competent agency shall, before 1 July 1987, forward to the Commission a copy of the contract signed by itself and by the party concerned.

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

Article 6

1. The Community contribution to the measures selected may not exceed the amount set out in the Annex per Member State. Conversion of the Community contribution into national currencies shall be made at the representative rate valid on the day when the contract is concluded.
2. The competent agency of the Member State shall pay to the contractor two advance payments of 40 % each of the contribution agreed to in the contract. Payment of each advance payment shall be subject to the lodging of a security equal to the amount of the advance payment plus 10 %.

The first of these advance payments shall be payable within six weeks of the date of signature of the contract. The second shall be payable after the measure has been started and is well under way.

The balance shall be payable when the technical and financial report referred to in Article 7 is presented to the competent agency.

Release of the security shall be subject firstly to the competent agency having established that the contractor has fulfilled his obligations as laid down in the contract and, secondly, to the Commission having approved the report referred to in Article 7.

Article 7

The Member State shall, before 1 July 1988, forward a technical and financial report to the Commission on the results of the measure, drawn up by the contractor and accompanied by a reasoned opinion from the competent agency. The Commission shall approve the report by 1 September 1988 at the latest. Failing this, it shall decide in what proportion the security is to be released.

Article 8

As far as financing is concerned measures carried out under this Regulation shall be considered as measures covered by the first indent of Article 4 (2) of Regulation (EEC) No 1079/77. In the event of a security being forfeited, its amount shall be deducted from the expenditure of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and more particularly from that arising from measures as referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 9

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

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Ceilings referred to in Article 6 (1)

<i>(in ECU)</i>	
Member States	Ceiling
Belgium	256 000
Denmark	182 000
Germany	1 380 000
Greece	13 000
France	1 430 000
Ireland	255 000
Italy	155 000
Luxembourg	15 000
Netherlands	426 000
United Kingdom	875 000
Spain	13 000
Total	5 000 000

COMMISSION REGULATION (EEC) No 729/87
of 13 March 1987

amending Regulation (EEC) No 3540/85 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 3127/86 ⁽²⁾, and in particular Article 3 (7) thereof,

Whereas Article 19 (3) of Commission Regulation (EEC) No 3540/85 ⁽³⁾, as last amended by Regulation (EEC) No 3025/86 ⁽⁴⁾, makes provisions for a time limit for submission to the competent authority of declarations of usage of the products; whereas this time limit depends on the date of usage; whereas to simplify administrative control procedures it should be made to depend on the month of usage;

Whereas the provision concerning the time-limit for submitting the declaration of usage has been applied in differing ways; whereas accordingly, the amendment in question should, in the interests of sound management, be made to apply from the same date as Regulation (EEC) No 3540/85;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 19 (3) of Regulation (EEC) No 3540/85 is amended as follows:

1. In the second subparagraph 'during the two months which follow usage' are replaced by 'during the two months following that of usage'.
2. In the third subparagraph 'by the end of the second month following the end of usage' are replaced by 'by the end of the second month following that in which usage was completed'.

Article 2

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

It shall apply with effect from 1 January 1986.

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 392, 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.

COMMISSION REGULATION (EEC) No 730/87

of 13 March 1987

on the suspension of the issue of STM licences for certain floricultural 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, and in particular Article 252 (3) thereof,

Whereas Commission Regulation (EEC) No 643/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to the live plants and floriculture products listed in Annex XXII to the Act of Accession and imported into Portugal ⁽¹⁾, as last amended by Regulation (EEC) No 3848/86 ⁽²⁾, fixed the target ceilings provided for in Article 251 (1) of the Act of Accession for certain floriculture products; whereas Commission Regulation (EEC) No 570/87 on the issue of supplementary trade mechanism (STM) licences for certain floriculture products ⁽³⁾ lays down certain conditions which must be met before STM licences can be issued in respect of the products concerned;

Whereas Article 252 of the Act of Accession provides that should the examination of developments in intra-Community trade show that a significant increase in imports has taken place or is forecast and if the situation should result in the target import ceiling for the product being reached or exceeded for all or part of the current marketing year, the Commission is to decide, in accordance with emergency procedures, on the interim protective measures that are necessary;

Whereas, by Regulation (EEC) No 640/87 ⁽⁴⁾, the Commission suspended, under the abovementioned

interim protective measures, the issue of STM licences for ornamental plants falling within subheading 06.02 D of the Common Customs Tariff until 15 March 1987;

Whereas the target ceiling fixed for the first half of 1987 in respect of the abovementioned product has been appreciably exceeded; whereas the continuation of imports at the rate recorded in past weeks is likely to cause serious disturbance on the Portuguese market; whereas a large part of the volumes imported has not yet been marketed, but whereas stocks thereof are already significantly depressing the market and are in competition with local production at a particularly sensitive time; whereas, under the definitive measures referred to in Article 252 (3) of the Act of Accession, provision should be made for suspending the issue of STM licences for the product in question until 30 June 1987;

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

HAS ADOPTED THIS REGULATION:

Article 1

The issue of STM licences for ornamental plants falling within subheading 06.02 D of Common Customs Tariff (NIMEXE code 06.02-96 and 06.02-99) is hereby suspended until 30 June 1987.

Article 2

This Regulation shall enter into force on 1 March 1987.

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 60, 1. 3. 1986, p. 39.

⁽²⁾ OJ No L 357, 18. 12. 1986, p. 17.

⁽³⁾ OJ No L 57, 27. 2. 1987, p. 27.

⁽⁴⁾ OJ No L 61, 4. 3. 1987, p. 18.

COMMISSION REGULATION (EEC) No 731/87

of 13 March 1987

amending Regulation (EEC) No 404/87 on a special intervention measure for maize in France

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas Commission Regulation (EEC) No 404/87 ⁽³⁾ provides for an intervention measure for maize in France in the form of an invitation to tender for the export refund; whereas given the present situation the measure has to be extended to the entire French market rather than to be limited to the south-west region;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 404/87 is hereby amended as follows:

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

'1. A special intervention measure in the form of an export refund shall be applied in respect of 500 000 tonnes of maize exported from France.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.'

2. In Article 3 the fifth dash is deleted.

3. Article 6 (3) is hereby replaced by the following:

'3. A refund awarded shall not be paid unless the maize exported is of at least intervention quality as defined in Article 2 (2) of Regulation (EEC) No 1569/77. The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.'

4. Annex II is deleted.

Article 2

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

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

Done at Brussels, 13 March 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 41, 11. 2. 1987, p. 20.

COMMISSION REGULATION (EEC) No 732/87**of 13 March 1987****on offers tendered in respect of the third 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 467/87 ⁽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 invi-
tation to tender in respect of certain quantities of beef
which they hold;

Whereas no offers were received in respect of the third
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 third 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
March 1987, no award shall be made.

Article 2

This Regulation shall enter into force on 14 March 1987.

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 364, 23. 12. 1986, p. 17.

COMMISSION REGULATION (EEC) No 733/87**of 13 March 1987****on offers tendered in respect of the 10th 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 467/87 ⁽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 10th 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 10th 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 March 1987, no award shall be made.

Article 2

This Regulation shall enter into force on 14 March 1987.

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 157, 12. 6. 1986, p. 43.

⁽⁴⁾ OJ No L 206, 30. 7. 1986, p. 23.

COMMISSION REGULATION (EEC) No 734/87

of 13 March 1987

amending Regulation (EEC) No 392/87 laying down detailed rules for the application of Council Regulation (EEC) No 230/87 on the free supply of intervention stocks of processed cereals to charitable organizations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 7 (4) thereof,

Having regard to Council Regulation (EEC) No 230/87 of 26 January 1987 on the free supply of intervention stocks of processed cereals to charitable organizations ⁽³⁾, and in particular Article 1 (3) thereof,

Whereas the quantities of flour and meal which in certain Member States have been allocated to charitable organizations in the context of Commission Regulation (EEC) No 392/87 ⁽⁴⁾, are inadequate when seen in relation to the needs of the populations concerned; whereas the quantities of basic product for those Member States should therefore be increased;

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

Article 1

Annexes I and II to Regulation (EEC) No 392/87 are hereby replaced by the following Annexes respectively :

ANNEX I

Member State	Total quantity (tonnes)	
	Common wheat flour	Durum wheat groats and meal
Belgium	3 100	—
Denmark	100	—
Germany	10 000	—
Greece	5 500	836
Spain	1 000	1 000
France	1 300	2 400
Ireland	1 800	—
Italy	—	972
Luxembourg	25	—
Netherlands	2 000	—
Portugal	1 500	—

ANNEX II

Locations of intervention stocks available to intervention agencies in other Member States

Member State of destination	Member State of storage	Basic cereal	Storage location	Quantity (for guidance) of processed product (tonnes)
Greece	France	Common wheat	Saint Ouen-l'Aumone	} 5 500
			Barcelone du Gers	
	Italy	Durum wheat	Siracusa	836
Spain	France	Common wheat	Sainte-Christie	1 000
	Italy	Durum wheat	Siracusa	1 000
Ireland	France	Common wheat	Fiac	1 800
Portugal	France	Common wheat	Blaye	1 500'

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 25, 28. 1. 1987, p. 2.

⁽⁴⁾ OJ No L 40, 10. 2. 1987, p. 5.

Article 2

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

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

Done at Brussels, 13 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 735/87

of 13 March 1987

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

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

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 4027/86 ⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 4030/86 ⁽³⁾ allocates among the Member States the 1987 catch quotas in the Canadian fishery zone available to the Community under the Fisheries Agreement between the European Economic Community and the Government of Canada ⁽⁴⁾;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of that part of NAFO divisions 2 J and 3 KL which falls within the fisheries jurisdiction of Canada by vessels flying the flag of France or registered in France have reached the limit imposed by Regulation (EEC) No 4030/86; and whereas it is therefore necessary for catches of cod by those vessels in those waters under that Regulation to be prohibited;

Whereas, however, this prohibition is without prejudice to the fishing possibilities of Community vessels in waters

forming part of the NAFO Convention Area and falling outside the sovereignty or jurisdiction of Canada,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in that part of NAFO divisions 2 J and 3 KL which falls within the fisheries jurisdiction of Canada by vessels flying the flag of France or registered in France are deemed to have exhausted the allocation available to France by virtue of Regulation (EEC) No 4030/86.

Fishing for cod in the abovementioned area under Regulation (EEC) No 4030/86 by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such fish captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 13 March 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 376, 31. 12. 1986, p. 4.

⁽³⁾ OJ No L 376, 31. 12. 1986, p. 31.

⁽⁴⁾ OJ No L 379, 31. 12. 1981, p. 54.

COMMISSION REGULATION (EEC) No 736/87
of 13 March 1987
suspending advance fixing of the import levy for certain cereals

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular the second subparagraph of Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the levy may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas there is a danger that, if arrangements are adhered to, levies could be fixed in advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the above situation requires that application of the provisions concerning advance fixing of levies for the product concerned be temporarily suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the import levy for certain cereals falling within subheadings 10.07 B, C II and D II of the Common Customs Tariff is suspended from 14 to 17 March 1987 inclusive.

Article 2

This Regulation shall enter into force on 14 March 1987.

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

Done at Brussels, 13 March 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. 1.

COMMISSION REGULATION (EEC) No 737/87
of 13 March 1987

amending for the second time Regulation (EEC) No 545/87 introducing a countervailing charge on artichokes originating in Spain (except 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 545/87⁽³⁾, amended by Regulation (EEC) No 642/87⁽⁴⁾, introduced a countervailing charge on artichokes originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of artichokes originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁵⁾, 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;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 545/87, '6,37 ECU' is hereby replaced by '10,25 ECU'.

Article 2

This Regulation shall enter into force on 14 March 1987.

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

Done at Brussels, 13 March 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 55, 25. 2. 1987, p. 23.

⁽⁴⁾ OJ No L 61, 4. 3. 1987, p. 22.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 738/87

of 13 March 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 729/87 ⁽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 623/87 ⁽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;

Whereas, in the absence of the activating price for the 1987/88 marketing year for peas, field beans and sweet

lupins the amount of the subsidy in the case of advance fixing for July, August and September 1987 for peas, field beans and sweet lupins has been obtainable only provisionally on the basis of the activating price proposed by the Commission to the Council for the marketing year 1987/88; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the activating price for the 1987/88 marketing year is known,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. However, the amount of the subsidy in the case of advance fixing for July, August and September 1987 for peas, field beans and sweet lupins will be confirmed or replaced as from 16 March 1987 to take into account, where appropriate, the effects of the application of the activating price for these products for the 1987/88 marketing year.

Article 2

This Regulation shall enter into force on 16 March 1987.

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

Done at Brussels, 13 March 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⁾ See page 16 of this Official Journal.⁽⁵⁾ OJ No L 336, 29. 11. 1986, p. 32.⁽⁶⁾ OJ No L 58, 28. 2. 1987, p. 99.

ANNEX

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

Amounts of the aid applicable from 16 March 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	17,022	17,333	17,508	17,989	14,006 (1)	14,006 (1)	14,186 (1)
(b) used in Portugal	16,721	17,038	17,220	17,721	13,739 (1)	13,739 (1)	13,919 (1)
(c) used in another Member State	17,126	17,435	17,607	18,081	14,099 (1)	14,099 (1)	14,279 (1)
2. Sweet lupins :							
(a) harvested and used in Spain	17,415	17,590	17,823	18,465	15,915 (1)	15,915 (1)	15,915 (1)
(b) harvested in another Member State and :							
— used in Portugal	19,139	19,321	19,564	20,232	17,142 (1)	17,142 (1)	17,142 (1)
— used in the Community as constituted at 31 December 1985	19,678	19,850	20,080	20,713	17,623 (1)	17,623 (1)	17,623 (1)

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

COMMISSION REGULATION (EEC) No 739/87
of 13 March 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 595/87 ⁽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 March 1987.

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

Done at Brussels, 13 March 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 58, 28. 2. 1987, p. 36.

ANNEX

Aid for soya beans

	(ECU/100 kg)		
	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in:			
— Spain	1,690	42,172	42,172
— Portugal	26,932	0	42,172
— another Member State	26,932	42,172	42,172

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 9 February 1987

concerning the conclusion of the Framework Agreements for scientific and technical cooperation between the European Communities and the Kingdom of Sweden the Swiss Confederation, the Republic of Finland, the Kingdom of Norway and the Republic of Austria

(87/177/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Commission,

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

Whereas the Framework Agreements for scientific and technical cooperation between the European Communities and the Kingdom of Sweden ⁽²⁾, the Swiss Confederation ⁽³⁾, the Republic of Finland ⁽⁴⁾, the Kingdom of Norway ⁽⁵⁾ and the Republic of Austria ⁽⁶⁾ were signed on 13 January 1986, 8 January 1986, 29 April 1986, 27 June 1986 and 15 July 1986, respectively;

Whereas those Framework Agreements should be approved,

Article 1

The Framework Agreements for scientific and technical cooperation between the European Communities and the Kingdom of Sweden, the Swiss Confederation, the Republic of Finland, the Kingdom of Norway and the Republic of Austria are hereby approved on behalf of the European Economic Community.

Article 2

The President of the Council shall give the notification provided for in Article 13 of the Framework Agreements ⁽⁷⁾ on behalf of the European Economic Community.

Done at Brussels, 9 February 1987.

For the Council

The President

M. EYSKENS

⁽¹⁾ OJ No C 7, 12. 1. 1987.

⁽²⁾ OJ No L 313, 22. 11. 1985, p. 1.

⁽³⁾ OJ No L 313, 22. 11. 1985, p. 5.

⁽⁴⁾ OJ No L 78, 24. 3. 1986, p. 23.

⁽⁵⁾ OJ No L 78, 24. 3. 1986, p. 26.

⁽⁶⁾ OJ No L 216, 5. 8. 1986, p. 7.

⁽⁷⁾ The date of entry into force of the Agreements will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

COUNCIL DECISION

of 9 March 1987

giving a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (Third EDF) for the financial year 1985

(87/178/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community⁽¹⁾, signed at Yaoundé on 29 July 1969,

Having regard to Council Decision 70/549/EEC of 29 September 1970 on the association of the overseas countries and territories with the European Economic Community⁽²⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽³⁾, signed at Yaoundé on 29 July 1969, and in particular Article 22 thereof,

Having regard to the Financial Regulation of the European Development Fund (1969) set up under the Internal Agreement on the financing and administration of Community aid⁽⁴⁾, and in particular Articles 7 and 8 thereof,

Having regard to the Council Decisions of 30 May 1972 and 30 October 1978 on the transfer and utilization of the unexpended balances of the First and Second EDFs,

Having regard to the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1969) (Third EDF) as at 31 December 1985,

Having regard to the report of the Court of Auditors for the financial year 1985 together with the Commission's replies⁽⁵⁾,

Recalling that, in accordance with the provisions applicable to the implementation of the European Development Fund (1969) (Third EDF), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Whereas, by Decision 80/1184/EEC⁽⁶⁾, the European unit of account was replaced by the ECU to express the amounts of financial assistance under the Second ACP-EEC Convention and the previous conventions;

Whereas revenue for the financial year 1985 consisted of the contributions of the Member States, amounting to 905 000 000 ECU, and of miscellaneous revenue of the Fund;

Whereas, pursuant to the abovementioned Council Decision of 30 October 1978, an amount of 11 516 474,85 ECU was transferred as the unexpended balance of the First and Second EDF to the Third EDF;

Whereas an advance of 36 463 458,18 ECU was paid to the European Development Fund (1979) (Fifth EDF), and an amount of 5 940 034,54 ECU was repaid by the Fifth EDF;

Whereas advances of 4 537 130,01 ECU have been paid into the price stabilization funds;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1969) (Third EDF) during the financial year 1985 was such as to warrant its being given a discharge in respect of the implementation of those operations,

HAS DECIDED AS FOLLOWS:

Article 1

The Council shall close the revenue and expenditure accounts of the European Development Fund (1969) (Third EDF) as at 31 December 1985 as follows:

- revenue: at the sum of 916 516 474,85 ECU,
- expenditure (payments): at the sum of 881 455 921,20 ECU.

Article 2

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1969) (Third EDF) for the financial year 1985.

Done at Brussels, 9 March 1987.

*For the Council**The President*

M. EYSKENS

⁽¹⁾ OJ No L 282, 28. 12. 1970, p. 2.

⁽²⁾ OJ No L 282, 28. 12. 1970, p. 83.

⁽³⁾ OJ No L 282, 28. 12. 1970, p. 47.

⁽⁴⁾ OJ No L 31, 8. 2. 1971, p. 1.

⁽⁵⁾ OJ No C 321, 15. 12. 1986, pp. 133 and 251.

⁽⁶⁾ OJ No L 349, 18. 12. 1980, p. 34.

COUNCIL RECOMMENDATION**of 9 March 1987****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1985****(87/179/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the ACP-EEC Convention of Lomé, signed on 28 February 1975,

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community ⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid ⁽²⁾, signed on 11 July 1975, and in particular Article 31 (3) thereof,

Having regard to the Financial Regulation of 27 July 1976 applicable to the Fourth European Development Fund ⁽³⁾, and in particular Articles 64 to 67 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1975) (Fourth EDF) as at 31 December 1985 and the Court of Auditors' report relating to the financial year 1985 together with the Commission's replies ⁽⁴⁾,

Whereas, pursuant to Article 31 (3) of the Internal Agreement, the discharge for the management of the European

Development Fund (1975) (Fourth EDF) must be given to the Commission according to the procedure provided for in Article 206 of the Treaty;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1975) (Fourth EDF) during the financial year 1985 has been satisfactory,

HEREBY RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1985.

Done at Brussels, 9 March 1987.

For the Council

The President

M. EYSKENS

⁽¹⁾ OJ No L 176, 1. 7. 1976, p. 8.

⁽²⁾ OJ No L 25, 30. 1. 1976, p. 168.

⁽³⁾ OJ No L 229, 20. 8. 1976, p. 9.

⁽⁴⁾ OJ No C 321, 15. 12. 1986, pp. 133 and 251.

COUNCIL RECOMMENDATION**of 9 March 1987****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1985****(87/180/EEC)****THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Second ACP-EEC Convention, signed at Lomé on 31 October 1979,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 20 November 1979, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 17 March 1981 applicable to the Fifth European Development Fund⁽³⁾, and in particular Articles 66 to 70 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1979) (Fifth EDF) as at 31 December 1985 and the Court of Auditors' report relating to the financial year 1985 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1979) (Fifth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1979) (Fifth EDF) during the financial year 1985 has been satisfactory,

HEREBY RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1985.

Done at Brussels, 9 March 1987.

For the Council

The President

M. EYSKENS

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 347, 22. 12. 1980, p. 210.

⁽³⁾ OJ No L 101, 11. 4. 1981, p. 12.

⁽⁴⁾ OJ No C 321, 15. 12. 1986, p. 133 and 251.

COUNCIL DIRECTIVE

of 9 March 1987

amending the Annex to Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances

(87/181/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances⁽¹⁾, as last amended by Directive 86/355/EEC⁽²⁾, and in particular Article 6 (3) thereof,

Having regard to the proposal from the Commission,

Whereas that Directive provides for the contents of the Annex to be regularly amended to take account of the developments of scientific and technical knowledge;

Whereas it has been established that the use of nitrofen as a plant protection product, in particular as a herbicide, is likely to give rise to harmful effects on human and animal health;

Whereas it has also been established that the uses of 1,2-dibromoethane and 1,2-dichloroethane as plant protection products, in particular to fumigate plants and soil, are likely to give rise to harmful effects on human and animal health as well as unreasonable adverse influence on the environment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to Directive 79/117/EEC the words 'C. Ethylene oxide' are replaced by:

'C. Other compounds

1. Ethylene oxide'

and the following entries added:

'2. Nitrofen

3. 1,2-Dibromoethane

4. 1,2-Dichloroethane'.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than:

— 1 January 1988 in respect of nitrofen and 1,2-dibromoethane,

— 1 June 1989 in respect of 1,2-dichloroethane.

They shall immediately inform the Commission thereof.

Article 3

This Directive is addressed to all Member States.

Done at Brussels, 9 March 1987.

*For the Council**The President*

M. EYSKENS

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 36.

⁽²⁾ OJ No L 212, 2. 8. 1986, p. 33.

COUNCIL DECISION

of 9 March 1987

**empowering the Commission to borrow under the New Community Instrument
for the purpose of promoting investment within the Community**

(87/182/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas the Community's investment financing facilities should continue to operate, with a view to correcting structural shortcomings in the production system and increasing the pace of economic growth so as to slow down the disturbing trend of unemployment;

Whereas loan applications already approved by the Commission account for over two thirds of the borrowing authorized by the Council in Decision 83/200/EEC ⁽⁴⁾;

Whereas, within the framework of this Decision, action under the New Community Instrument, as last defined by Decision 83/200/EEC, should be concentrated in favour of small and medium-sized enterprises;

Whereas such action will help to achieve the Community's objectives regarding the reduction of regional disparities;

Whereas it is vital in order to strengthen the Community's technological base and industrial competitiveness to encourage the innovative capacity and commercial dynamism of undertakings;

Whereas investment by small and medium-sized undertakings involving the application of new technologies and innovation has features which raise special financing problems;

Whereas special financing arrangements should consequently be provided for to deal with such problems, in particular by extending the financing base and by encouraging the supply of equity funding from financial intermediaries;

Whereas the New Community Instrument must make a contribution to the implementation of the Integrated Mediterranean Programmes;

Whereas the Commission should therefore be empowered to borrow amounts enabling it to grant loans of up to 750 million ECU in principal;

Whereas the European Investment Bank (hereinafter referred to as the 'Bank') has stated that it is willing to contribute to the implementation of this measure, and to take responsibility for managing the cash holdings for carrying out the lending operations, it being understood that the discharge and audit procedures shall be exclusively those provided for in the Bank's Statute in respect of all its operations,

HAS DECIDED AS FOLLOWS:

Article 1

The Commission shall be empowered to borrow, on behalf of the European Economic Community under the New Community Instrument, amounts enabling it to grant loans of up to the equivalent of 750 million ECU in principal.

Article 2

The proceeds of the borrowings referred to in Article 1 shall be on-lent to finance investment projects that contribute to the industrial adjustment and the competitiveness of the Community, in particular by means of the application of new technologies and innovation.

These projects, to be carried out in Community territory, must be such that they serve the Community's priority objectives relating to the financing of investment by small and medium-sized undertakings in industry and other productive sectors taking into account *inter alia* their regional impact and the need to combat unemployment.

Article 3

The Commission shall decide whether or not projects are eligible in accordance with the following priorities and guidelines:

- the investment projects of small and medium-sized enterprises in industry and other productive sectors, in particular with a view to the application of new technologies and innovation and to improving the rational use of energy shall be eligible; the projects of small enterprises shall have priority;

⁽¹⁾ OJ No C 163, 3. 7. 1985, p. 4.

⁽²⁾ OJ No C 343, 31. 12. 1985, p. 126.

⁽³⁾ OJ No C 303, 25. 11. 1985, p. 12.

⁽⁴⁾ OJ No L 112, 28. 4. 1983, p. 26.

- projects and their implementation shall comply with the provisions of the Treaty and of secondary legislation, in particular provisions relating to competition, and with the rules and requirements of the relevant Community policies.

Article 4

Loans shall generally be granted through the agency of financial intermediaries. In certain limited cases, however, they may be made directly to the recipients.

Whatever the procedure for granting loans, capital and interest payments may be deferred. Loans may also be used to finance intangible assets such as patents, licences, know-how, and research and development expenditure directly linked to the investment concerned.

Where they are granted through the agency of a financial intermediary, that intermediary may, with the agreement of the Bank pass the loan on to undertakings either in the form of a loan or in the form of equity capital. In both cases, the intermediary shall be responsible for the service of the loan and associated risk.

Article 5

Connected borrowing and lending transactions shall be expressed in the same monetary units.

Lending terms as regards the reimbursement of the principal and the rate and payment of interest shall be those applied by the Bank, in accordance with its Statute in respect of loans from its own resources, and shall be fixed in such a way that, overall, they cover the costs and expenses incurred in concluding and performing both the borrowing and the lending side of the transactions.

Article 6

The terms of borrowings shall be negotiated by the Commission in the best interests of the Community, having regard to the conditions on capital markets and in accordance with the constraints imposed by the duration and other financial aspects of the loans to be granted. The borrowed funds shall be entrusted to the Bank, which shall manage them in a manner to be agreed with the Commission, under the terms of the cooperation agreement referred to in Article 7.

Where borrowings are expressed, payable or reimbursable in the currency of a Member State, they may be concluded only with the agreement of the competent authorities of that State.

Article 7

A mandate shall be given to the Bank to grant and administer loans in pursuance of this Decision. To this end, a cooperation agreement shall be drawn up between the

Bank and the Commission. The Bank shall carry out transactions under this mandate on behalf of, for and at the risk of the Community.

The Commission shall decide, in accordance with Article 3, whether projects are eligible. Where the Commission gives a favourable decision, the Bank shall decide whether and on what terms to grant the loans, in accordance with its usual criteria and with the procedures laid down in its Statute.

Loan procedure as provided for in this Decision shall be as follows :

- loan applications shall be transmitted simultaneously to the Commission and to the Bank either directly or through a Member State,
- the Commission and the Bank shall sign the loan contracts,
- the Bank shall inform the Commission of the allocation of the loans.

Article 8

The Commission shall inform the European Parliament and the Council of the rate of utilization of the borrowings. To this end the Bank shall forward to the Commission any data required for the European Parliament and the Council to be fully informed.

Article 9

The Commission shall annually inform the European Parliament and the Council of receipts and expenses resulting from borrowing and lending transactions and present at the same time an assessment of the functioning of the New Community Instrument in all these respects.

Article 10

The financial control and audit of the Commission's accounts shall be carried out in accordance with the Financial Regulation applicable to the general budget of the European Communities.

The lending transactions and management of cash holdings shall be covered by the discharge and audit procedures provided for in the Bank's Statute in respect of all its operations and exclusively by these procedures.

Done at Brussels, 9 March 1987.

For the Council

The President

M. EYSKENS

COMMISSION

COMMISSION DECISION

of 9 March 1987

concerning the final conclusion on behalf of the European Atomic Energy Community, of the Framework Agreements for scientific and technical cooperation between the European Communities and the Kingdom of Sweden, the Swiss Confederation, the Republic of Finland, the Kingdom of Norway and the Republic of Austria

(87/183/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Whereas the Framework Agreements for scientific and technical cooperation between the European Communities and the Kingdom of Sweden ⁽¹⁾, the Swiss Confederation ⁽²⁾, the Republic of Finland ⁽³⁾, the Kingdom of Norway ⁽⁴⁾ and the Republic of Austria ⁽⁵⁾ were signed on 13 January 1986, 8 January 1986, 29 April 1986, 27 June 1986 and 15 July 1986, respectively;

Whereas by Decision of the 9 February 1987, the Council approved those Framework Agreements for the purposes of final conclusion by the Commission on behalf of the European Atomic Energy Community;

Whereas those Framework Agreements should be finally concluded on behalf of the European Atomic Energy Community,

Article 1

The Framework Agreements for scientific and technical cooperation between the European Communities and the Kingdom of Sweden, the Swiss Confederation, the Republic of Finland, the Kingdom of Norway and the Republic of Austria are hereby finally concluded on behalf of the European Atomic Energy Community.

Article 2

The President of the Commission shall give the notification provided for in Article 13 of the Agreements on behalf of the European Atomic Energy Community.

Done at Brussels, 9 March 1987.

For the Commission

Karl-Heinz NARJES

Vice-President

⁽¹⁾ OJ No L 313, 22. 11. 1985, p. 1.

⁽²⁾ OJ No L 313, 22. 11. 1985, p. 5.

⁽³⁾ OJ No L 78, 24. 3. 1986, p. 23.

⁽⁴⁾ OJ No L 78, 24. 3. 1986, p. 26.

⁽⁵⁾ OJ No L 216, 5. 8. 1986, p. 7.