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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1366/87**of 19 May 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⁾, as amended by Regulation (EEC) No 910/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 135/87 ⁽⁵⁾ and subsequent amending Regulations ;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 18 May 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 20 May 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 88, 31. 3. 1987, p. 42.

⁽⁵⁾ 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, 19 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 19 May 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	16,66	202,05
10.01 B II	Durum wheat	52,48	259,47 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	45,73	176,21 ⁽⁶⁾
10.03	Barley	44,00	196,60
10.04	Oats	102,29	155,93
10.05 B	Maize, other than hybrid maize for sowing	4,93	183,93 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	44,00	135,61
10.07 B	Millet	44,00	149,32 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,91	184,96 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	44,00	69,36 ⁽⁵⁾
11.01 A	Wheat or meslin flour	39,02	298,57
11.01 B	Rye flour	79,72	262,39
11.02 A I a)	Durum wheat groats and meal	95,18	415,30
11.02 A I b)	Common wheat groats and meal	39,18	319,96

⁽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 1367/87

of 19 May 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⁾, as amended by Regulation (EEC) No 910/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2011/86⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 18 May 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 20 May 1987.

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

Done at Brussels, 19 May 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 88, 31. 3. 1987, p. 42.
⁽⁵⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 19 May 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 5	1st period 6	2nd period 7	3rd period 8
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	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	1,91
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 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1368/87

of 18 May 1987

concerning the classification of goods under subheading 90.28 A II a) of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2055/84⁽²⁾, and in particular Article 3 thereof,

Whereas, in order to ensure uniform application of the nomenclature of the Common Customs Tariff, it is necessary to stipulate the classification of an electronic measuring instrument for the acquisition and processing through an incorporated central processing unit, of a number of data derived from the measurement of electrical quantities or of physical quantities previously converted into corresponding electrical quantities;

Whereas the Common Customs Tariff appended to Council Regulation (EEC) No 950/68⁽³⁾, as last amended by Regulation (EEC) No 750/87⁽⁴⁾, classifies, *inter alia*, automatic data-processing under tariff heading No 84.53 and, *inter alia*, electronic measuring instruments under tariff heading No 90.28;

Whereas both of these headings can be taken into consideration for the classification of the abovementioned instrument;

Whereas the purpose of the instrument in question is to carry out measuring operations: whereas the data-processing that it performs by means of processes specific to automatic data-processing machines is only the means of carrying out the special operations for which it was designed;

Whereas the Explanatory Notes of the Customs Cooperation Council Nomenclature exclude from No 84.53 machines incorporating or working in conjunction with an automatic data-processing machine and performing their own specific function; whereas it is necessary to classify them in implementation of General Rule 3 a) for

the interpretation of the Nomenclature according to that specific function;

Whereas subheading No 90.28 A II a) covers electronic instruments for measuring electrical quantities; whereas the abovementioned electronic measuring instrument should be classified under that subheading;

Whereas the measures laid down in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

Electronic measuring instruments for the acquisition and processing, through an incorporated central processing unit, of a number of data derived from the measurement of electrical quantities or of physical quantities previously converted into corresponding electrical quantities fall within tariff subheading:

90.28 Electrical measuring, checking, analysing or automatically controlling instruments and apparatus:

A. Electronic instruments and apparatus:

II. Other:

(a) Telecommunications (cross-talk meters, gain measuring instruments, neper-meters; distortion factor meters, psophometers and the like);

For measuring or detecting ionizing radiations;

Other measuring apparatus with self-balancing recording device;

Other apparatus for measuring electrical quantities

Article 2

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

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 191, 19. 7. 1984, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 76, 18. 3. 1987, p. 1.

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

Done at Brussels, 18 May 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1369/87

of 18 May 1987

amending Regulation (EEC) No 1270/87 on the supply of various lots of butteroil
as food aid

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 773/87 ⁽²⁾, and in particular Article 6 (7)
thereof,

Whereas by Regulation (EEC) No 1270/87 ⁽³⁾ the
Commission opened a mobilization procedure for the
supply of various lots of butteroil as food aid;

Whereas, as regards the supply of 300 tonnes of butteroil
to Somalia, the recipient has requested that the date of
delivery be brought forward; whereas the delivery of lot A
in Regulation (EEC) No 1270/87 should be amended
accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 1270/87, lot A is
replaced by lot A in the Annex hereto.

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, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 120, 8. 5. 1987, p. 1.

ANNEX

Notice of invitation to tender⁽¹⁾

Description of the lot	A
1. Programme : (a) legal basis (b) purpose	1985 — Action No 138/87 Council Regulation (EEC) No 457/85 Commission Decision of 9 July 1985
2. Recipient	} Somalia
3. Country of destination	
4. Stage and place of delivery	
5. Representative of the recipient	cif Mogadishu Mr. Abdi Aden Nur, Director, Food Aid Department, Ministry of Interior, PO Box 1472, Mogadishu, Somali Democratic Republic
6. Total quantity	300 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	German
9. Specific characteristics	—
10. Packaging	5 kg
11. Supplementary markings on the packaging	'ACTION No 138/87 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO THE PEOPLE OF SOMALIA'
12. Shipment period	Before 30 June 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾

COMMISSION REGULATION (EEC) No 1370/87

of 18 May 1987

amending Regulation (EEC) No 1271/87 on the supply of various lots of skimmed-milk powder as food aid

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

Having regard to Council Regulation (EEC) No 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 773/87 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas by Regulation (EEC) No 1271/87 ⁽³⁾ the Commission opened a mobilization procedure for the supply of various lots of skimmed-milk powder as food aid;

Whereas, as regards the supply of 1 000 tonnes of skimmed-milk powder to Somalia, the recipient has requested that the date of delivery be brought forward; whereas the delivery of lot A in Regulation (EEC) No 1271/87 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 1271/87, lot A is replaced by lot A in the Annex hereto.

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, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 120, 8. 5. 1987, p. 9.

ANNEX

Notice of invitation to tender⁽¹⁾

Description of the lot	A
1. Programme :	1985 — Action No 137/87
(a) legal basis	Council Regulation (EEC) No 457/85
(b) purpose	Commission Decision of 9 July 1985
2. Recipient	} Somalia
3. Country of destination	
4. Stage and place of delivery	
5. Representative of the recipient	Mr. Abdi Aden Nur, Director, Food Aid Department, Ministry of Interior, PO Box 1472, Mogadishu, Somali Democratic Republic
6. Total quantity	1 000 tonnes ⁽²⁾
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	Belgian
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kg
11. Supplementary markings on the packaging	'ACTION No 137/87 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO THE PEOPLE OF SOMALIA'
12. Shipment period	Before 30 June 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Belgian intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽²⁾ ⁽³⁾ ⁽⁸⁾

COMMISSION REGULATION (EEC) No 1371/87

of 18 May 1987

amending Regulation (EEC) No 1308/87 on the supply of various lots of butteroil
as food aid

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 773/87 ⁽²⁾, and in particular Article 6 (7)
thereof,

Whereas, by way of Regulation (EEC) No 1308/87 ⁽³⁾, the
Commission has initiated a mobilization procedure for
the supply of various lots of butteroil as food aid;

Whereas in the Annex to Regulation (EEC) No 1308/87
lot I relates to the delivery of 165 tonnes of butteroil and
whereas the recipient has for the time being forgone the
lot in question; whereas the said delivery should conse-
quently be cancelled;

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

Lot I in Annexes I and II to Regulation (EEC) No
1308/87 is hereby 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, 18 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 124, 13. 5. 1987, p. 7.

COMMISSION REGULATION (EEC) No 1372/87

of 19 May 1987

opening an invitation to tender for the refund for the export of barley to countries of zones I, II a), III, IV, V, VI, VII, VIII, the German Democratic Republic and the Canary Islands

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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of barley to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas there is demand for barley on certain specific markets; whereas, in order to ensure supply, the invitation to tender for export should be limited to exports to zones I, II a), III, IV, V, VI, VII, VIII, the German Democratic Republic and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as amended by Regulation (EEC) No 2944/78 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the periods of validity of licences issued are identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to countries of zones I, II a), III, IV, V, VI, VII, VIII, the German Democratic Republic and the Canary Islands, defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 30 April 1988. During this period weekly awards shall be made, for which the quantity and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3183/80 ⁽⁷⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:
 - to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
 - to make no award.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁷⁾ OJ No L 338, 13. 12. 1980, p. 1.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

Article 6

Tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 19 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Weekly tender for the refund for the export of barley to countries of zones I, II a), III, IV, V, VI, VII, VIII, the German Democratic Republic and the Canary Islands

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in national currency per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 1373/87

of 19 May 1987

opening an invitation to tender for the refund for the export of bread-making wheat to countries of zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands

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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of bread-making wheat to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands;

Whereas the purpose of the measure is such that refunds should be granted only on wheat of the quality required; whereas the competent agency must make certain that wheat exported is of this standard;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as amended by Regulation (EEC) No 2944/78 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical; whereas, however, a special period of validity should be laid down for exports to the People's Republic of China;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to bread-making wheat for export to the countries of zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 30 April 1988. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.
⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3183/80 ⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

However, for exports to the People's Republic of China, licences shall be valid from their date of issue as defined in paragraph 1 until the end of the sixth month following.

3. For the purposes of applying paragraph 2, licences issued in connection with this invitation to tender shall bear, in space 19, a statement of the last day of validity calculated in accordance with the provisions of the first subparagraph of paragraph 2. They shall also bear, in space 18, a statement of the last day of validity calculated in accordance with the provisions of the second subparagraph of paragraph 2; for this purpose, one of the following statements shall be entered in space 18:

- En caso de exportación a la República Popular de China, último día de validez:, Reglamento (CEE) n° 1373/87.
- Sidste gyldighedsdag ved udførsel til Den kinesiske Folkerepublik:, forordning (EØF) nr. 1373/87.
- Letzter Gültigkeitstag bei Ausfuhr in die Volksrepublik China:, Verordnung (EWG) Nr. 1373/87.
- Σε περίπτωση εξαγωγής προς τη Λαϊκή Δημοκρατία της Κίνας, τελευταία ημέρα ισχύος:, κανονισμός (ΕΟΚ) αριθ. 1373/87.
- In case of export to the People's Republic of China, last day of validity:, Regulation (EEC) No 1373/87.
- En cas d'exportation vers la République populaire de Chine, dernier jour de validité:, règlement (CEE) n° 1373/87.
- In caso di esportazione verso la Repubblica popolare di Cina, ultimo giorno di validità:, regolamento (CEE) n. 1373/87.
- In geval van uitvoer naar de Volksrepubliek China, laatste geldigheidsdag:, Verordening (EEG) nr. 1373/87.
- Em caso de exportação para a República Popular da China, último dia de validade:, Regulamento (CEE) n° 1373/87.

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

Where the licence is used after the date given in space 19, it shall carry the obligation to export to the People's Republic of China.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the bread-making wheat exported is of at least intervention quality as defined in Annex II. The competent agency shall have an analysis made by an approved body or company, of the landed goods.

Sampling and analysis costs shall be met by the tenderer.

4. In the case where the quality does not conform to that defined in paragraph 3, the refund will be reduced by an amount of 10 ECU per tonne.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex I.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 19 May 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Weekly tender for the refund for the export of bread-making wheat to countries of zones I, II a), III, IV, V, VI, VII, the German Democratic Republic and the Canary Islands

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

ANNEX II

Common wheat is considered as bread-making wheat when :

- A. Common wheat shall be deemed to meet the necessary technical and physical requirements if the dough obtained from the wheat does not stick during the mechanical kneading process and if it has the following properties :
- Zeleny index of at least 20,
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds,
 - protein content of at least 10,5 % ;
- B. or
- W of at least 130,
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds,
 - protein content of at least 10,5 %.
-

COMMISSION REGULATION (EEC) No 1374/87
of 19 May 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 1364/87 ⁽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 20 May 1987.

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

Done at Brussels, 19 May 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 129, 19. 5. 1987, p. 14.

ANNEX

to the Commission Regulation of 19 May 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	52,12
	B. Raw sugar	43,79 ⁽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.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 899/87 of 30 March 1987 laying down quality standards for cherries and strawberries*(Official Journal of the European Communities No L 88 of 31 March 1987)*

On page 17, in Article 1, paragraph 1, line 2:

for: '... Custums ...',

read: '... Customs ...'.

In Article 1, paragraph 3, line 2:

for: '... thestandards ...',

read: '... the standards ...'.

In Article 1, paragraph 3, second indent:

for: '... the class ...',

read: '... the classes ...'.

On pages 19 to 24, in order to correct some printing errors Annexes I and II are replaced by the following Annexes.

*ANNEX I***QUALITY STANDARD FOR CHERRIES****I. DEFINITION OF PRODUCE**

This standard applies to cherries, of varieties (cultivars) derived from *Prunus Avium* L., *Prunus Cerasus* L., or hybrids thereof, to be supplied fresh to the consumer, cherries for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of this standard is to define the quality requirements for cherries, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the cherries must be :

- intact,
- fresh in appearance,
- sound ; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- firm (according to the variety),
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from abnormal external moisture,
- free of any foreign smell and/or taste,
- with the stem attached ⁽¹⁾.

The cherries must be sufficiently developed and display satisfactory ripeness. The development and the condition must be such as to enable them :

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Cherries are classified into four classes, defined below :

(i) 'Extra' Class

Cherries in this class must be of superior quality. They must be well developed and have all the characteristics and the colouring typical of the variety. They must be free from defects apart from a very slight superficial deterioration of the skin, on condition that this does not affect the quality and general appearance of the produce or its presentation in the package.

(ii) Class I

Cherries in this class must be of good quality. They must present the characteristics of the variety. They may, however, have the following defects, provided these do not impair the external appearance of the fruit or its conservation :

- a slight defect in shape,
- a slight defect in colouring.

They must be free of burns, cracks, bruises or defects caused by hail.

⁽¹⁾ Missing stems are allowed in the case of :

- sweet varieties which naturally lose the stem at harvest, on condition that the skin is not damaged ;
- sour varieties, on condition that there is no severe leakage of juice.

(iii) *Class II*

This class includes cherries which do not qualify for inclusion in the higher classes, but which satisfy the minimum requirements defined above. However, the cherries may have :

- defects in shape and colouring, on condition that they retain the characteristics of the variety,
- small, healed surface scars, not likely to impair significantly the appearance or conservation of the fruit.

(iv) *Class III*⁽¹⁾

This class includes cherries which do not qualify for inclusion in the higher classes but satisfy the requirements for Class II. They may, however, show healed surface scars not likely to impair significantly their conservation.

III. PROVISIONS CONCERNING SIZING

Sizing is determined by the maximum diameter of the equatorial section. Cherries must have the following minimum sizes :

- 'Extra' Class : 20 mm,
- Classes I and II : 17 mm,
- Class III : 15 mm.

IV. PROVISIONS CONCERNING TOLERANCE

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *'Extra' Class*

5 % by number or weight of cherries not satisfying the requirements of the class but meeting those of Class I, or exceptionally, coming within the tolerances for that class, with the exception of over-ripe fruit. Within this tolerance, not more than 2 % in total may consist of split and/or worm-eaten fruit.

(ii) *Class I*

10 % by number or weight of cherries not satisfying the requirements of the class but meeting those of Class II or, exceptionally, coming within the tolerances for that class. Within this tolerance, not more than 4 % in total may consist of split and/or worm-eaten fruit.

(iii) *Class II*

10 % by number or weight of cherries satisfying neither the requirements for the class nor the minimum requirements, excluding fruit affected by rotting or any other deterioration rendering it unfit for consumption. Within this tolerance, not more than 4 % in total may consist of over-ripe and/or split and/or worm-eaten fruit. Not more than 2 % in total may consist of over-ripe fruit.

(iv) *Class III*

15 % by number or weight of cherries satisfying neither the requirements for the class nor the minimum requirements but excluding fruit affected by rotting or any other deterioration rendering it unfit for consumption. Within this tolerance, not more than 4 % in total may consist of over-ripe and/or worm-eaten fruit and not more than 10 % in total of split fruit.

⁽¹⁾ Additional class within the meaning of Article 2 (1) of Regulation (EEC) No 1035/72. Application of this quality class or of some of its requirements is subject to a decision to be taken pursuant to Article 4 (1) of the same Regulation.

B. Size tolerances**(i) 'Extra' Class and Classes I and II**

10 % by number or weight of cherries not conforming to the minimum sizes specified, provided, however, that the diameter is not less than :

- 17 mm in the 'Extra' Class,
- 15 mm in Classes I and II.

(ii) Class III

15 % by number or weight of cherries not conforming to the minimum size specified.

V. PROVISIONS CONCERNING PRESENTATION**A. Uniformity**

The contents of each package must be uniform and consist exclusively of cherries of the same origin, variety and quality. The fruit must be of uniform size.

In addition, cherries in the 'Extra' Class must be of uniform colouring and ripeness.

For cherries in Class III, only uniformity of origin and variety is required.

The visible part of the contents of each package must be representative of the entire contents.

B. Packaging

The cherries must be packed in such a way as to ensure proper protection of the produce.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials and particularly of paper or stamps bearing trade specifications is allowed provided that the printing or labelling has been done with a non-toxic ink or glue.

The packages must be free from foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside :

A. Identification

Packer	}	Name and address or officially issued or accepted code mark
and/or		
Dispatcher		

B. Nature of produce

- 'Cherries', where the contents are not visible from the outside,
- Name of the variety (optional) ⁽¹⁾.

C. Origin of produce

Country of origin and, optionally, district where grown or national, regional or local place name.

D. Commercial specifications

Class.

E. Official control mark (optional)

⁽¹⁾ Compulsory for sweet varieties whose stem normally becomes detached at harvesting and for sour varieties presented without the stem. However, for the latter, the package may bear the words 'sour cherries'.

ANNEX II

QUALITY STANDARD FOR STRAWBERRIES

I. DEFINITION OF PRODUCE

This standard applies to strawberries, fruit of the varieties (cultivars) grown from the genus *Fragaria* L. to be supplied fresh to the consumer, strawberries for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for strawberries after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the strawberries must be :

- intact, undamaged,
- with the calyx and a short green unwithered stalk attached (except in the case of wood strawberries and subject to the special provisions for Class III),
- sound ; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- practically free from damage caused by pests or disease,
- clean, practically free of any visible foreign matter,
- fresh, but not washed,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The strawberries must have been carefully picked.

They must be sufficiently developed and display satisfactory ripeness. The development and the condition must be such as to enable them :

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Strawberries are classified into four classes defined below :

(i) 'Extra' Class :

The strawberries in this class must be of superior quality. In colouring and shape they must be typical of the variety and they must be particularly uniform and regular with respect to degree of ripeness, colour and size⁽¹⁾. They must be bright in appearance, taking account of the characteristics of the variety, and they must be free from soil.

(ii) Class I :

The strawberries in this class must be of good quality. They must present the characteristics of the variety. They may, however, have the following defects, provided these do not impair the external appearance of the fruit or its conservation :

- slight defects of shape,
- presence of a small white patch.

They may be less uniform in size. They must be practically free from soil.

⁽¹⁾ These uniformity requirements for the 'Extra' Class may be applied a little less strictly in the case of wood strawberries.

(iii) *Class II*

This class includes strawberries which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The strawberries may show :

- defects of shape, on condition that they retain the characteristics of the variety,
- a whitish patch not exceeding one fifth of the surface area of the fruit,
- slight dry bruising not likely to spread,
- slight traces of soil.

(iv) *Class III⁽¹⁾*

This Class includes strawberries which do not qualify for inclusion in the higher classes, but satisfy the requirements for Class II.

They may show :

- slight bruising,
- whitish or greenish patches over a total area not exceeding one third of the surface area of the fruit,
- traces of soil, on condition that the appearance of the fruit is not too much impaired by this.
- In addition, fruit with the calyx missing are permitted in this class, on condition that they have not suffered any damage. Such fruit should be packed separately.

III. PROVISIONS CONCERNING SIZING

Sizing is determined by the maximum diameter of the equatorial section.

Strawberries must be of the following minimum sizes :

- 'Extra' Class : 25 mm,
- Classes I and II : 18 mm,
- Class III : 15 mm.

No minimum size is laid down for wood strawberries.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements for the class indicated.

A. Quality tolerances

(i) *'Extra' Class*

5 % by number or weight of strawberries not satisfying the requirements for the class but meeting the requirements for Class I, or, exceptionally, coming within the tolerances for that class. Of these 5 %, not more than 2 % in total may consist of spoilt fruit.

(ii) *Class I*

10 % by number or by weight of strawberries not satisfying the requirements for the class but meeting the requirements for Class II, or, exceptionally, coming within the tolerances for that class. Of these 10 %, not more than 2 % in total may consist of spoilt fruit.

(iii) *Class II*

10 % by number or weight of strawberries not satisfying the requirements for the class, nor the minimum requirements, but excluding fruit affected by rotting, severe bruising or any other deterioration rendering it unfit for consumption. Of these 10 %, not more than 2 % in total may consist of spoilt fruit.

⁽¹⁾ Additional class within the meaning of Article 2 (1) of Regulation (EEC) No 1035/72. Use of this quality class or of some of its specifications is subject to a decision to be taken under Article 4 (1) of the same Regulation.

(iv) *Class III*

15 % by number or weight of strawberries not satisfying the requirements for the class nor the minimum requirements, but excluding fruit affected by rotting, severe bruising or any other deterioration rendering it unfit for consumption. Of these 15 %, not more than 4 % in total may consist of spoilt fruit.

10 % by number or weight of strawberries :

- without a calyx, in the case of fruit presented with the calyx and stalk,
- with a calyx, in the case of fruit presented without a calyx or stalk.

B. Size tolerances

For all classes : 10 % by number or weight of strawberries not conforming to the minimum size.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only strawberries of the same origin, variety and quality.

For Class III strawberries, only uniformity of origin is required.

The visible part of the contents of each package must be representative of the entire contents.

B. Packaging

The strawberries must be packed in such a way as to ensure that they are suitably protected.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials and particularly of paper or stamps bearing trade specifications is allowed provided that the printing or labelling has been done with a non-toxic ink or glue.

Fruit in the 'Extra' Class must be particularly well presented.

Packages must be free from all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside :

A. Identification

Packer	}	Name and address or officially issued or accepted code mark
and/or		
Dispatcher		

B. Nature of produce

- 'Strawberries', if the contents are not visible from the outside,
- name of the variety (optional).

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class.

E. Official control mark (optional).'
