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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2241/87
of 23 July 1987
establishing certain control measures for fishing activities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, following the substantial amendments made with regard to the inspection and control of fishing activities dealt with in Regulation (EEC) No 2057/82 ⁽²⁾, as last amended by Regulation (EEC) No 4027/86 ⁽³⁾, it is appropriate, for reasons of clarity, to consolidate the said Regulation;

Whereas, for catches by fishing vessels, it is important to adopt rules for control in order to ensure that the limits fixed elsewhere for permissible levels of fishing are observed;

Whereas these rules must include measures concerning the inspection and monitoring by Member States' authorities of all fishing vessels, including the vessels of third countries, at sea and in port, and all activities whose monitoring would enable verification of the implementation of this Regulation and the taking of proceedings against breaches of the rules concerning conservation and control measures;

Whereas Member States must periodically report to the Commission on their inspection activities and on the action taken with regard to any violations of conservation and control measures;

Whereas the effective control of landings of fish species for which a total allowable catch (TAC) per stock or group of stocks or other form of quantitative limitation has been

fixed requires that skippers of fishing vessels keep a record and submit statements of their fishing activities; whereas, however, it is appropriate to exempt from the obligation to keep a fishing logbook vessels of small size and of limited operating range for which such an obligation would constitute a burden disproportionate to their catch potential;

Whereas, it is nevertheless desirable that skippers of vessels over 10 metres in length or their agents should fill out a declaration of landings at the end of each voyage inasmuch as, having regard to the number of boats in question, this declaration constitutes the sole means of monitoring their activities, thereby permitting the degree of observance of conservation measures in force to be appraised;

Whereas the control of fishing activities requires that Member States should verify the accuracy of entries in logbooks, landing and transhipment declarations;

Whereas Member States should be obliged to record landings of stocks or groups of stocks subject to TACs or quotas and to arrange that the recording of these landings can be verified;

Whereas the communication of more detailed or more frequent information about catches to the Commission at the latter's request would improve the control of fishing activities;

Whereas landings made outside the territory of the Community as well as transshipments of fish from one vessel to another should be recorded;

Whereas it is appropriate to permit the provisions concerning the logbook, the declaration of landings and information about transshipments and registration of catches to be extended to stocks not subject to total allowable catches or quotas;

Whereas it is necessary that, if the fishermen of a Member State have exhausted a quota allocated to that State, the obligation to cease fishing should be the subject of a decision of the Commission;

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽³⁾ OJ No L 376, 31. 12. 1986, p. 4.

Whereas, moreover, the Community is empowered internally under the Treaty to take any measures for the conservation of the biological resources of the sea; whereas, in this context, provision should be made for the possibility of putting a stop to fishing once the TAC, quota, allocation or share available to the Community is exhausted; whereas, however, reparation should be made for the loss sustained by a Member State which has not exhausted its quota, allocation or share of the stock or group of stocks concerned; whereas a compensation mechanism should be provided for that purpose, reconciling the requirements of conservation with the preservation of fishing possibilities per species and per zone as given by the annual setting of TACs and quotas; whereas, to this end, preference should be given when making these deductions and awards, either during the same year or during the following years, to the species and zones for which the annual quotas, allocations or shares have been set;

Whereas certain provisions are necessary to make it possible to verify the implementation of this Regulation;

Whereas, when the Commission or its authorized officials encounter, in carrying out their duties, repeated and unjustified difficulties, the Commission may request of the Member State concerned, in addition to an explanation, the means of fulfilling its task; whereas the Member State concerned is required to ensure fulfilment of its obligations arising from this Regulation by facilitating the performance of the Commission's task;

Whereas control is improved by an obligation to make illegal nets unusable;

Whereas provision should be made for adopting detailed rules for inspection and monitoring so that the activities of fishing vessels may be better controlled;

Whereas this Regulation should not affect national control provisions which fall within its scope and which go beyond its minimum requirements provided that they are in accordance with Community law,

HAS ADOPTED THIS REGULATION:

TITLE I

Inspection and control of fishing vessels and their activities

Article 1

1. In order to ensure compliance with all the Regulations in force concerning conservation and control measures, each Member State shall, within its territory and

within maritime waters subject to its sovereignty or jurisdiction, monitor fishing activity and related activities. It shall inspect fishing vessels and all activities whose inspection would enable verification of the implementation of this Regulation, including the activities of landing, selling and storing fish and recording landings and sales.

2. If the competent authorities of a Member State observe, as a result of monitoring or inspection carried out by them under paragraph 1, that the relevant rules concerning conservation and control measures are not being complied with, they shall take penal or administrative action against the master of such a vessel or any other person responsible.

3. In order to ensure that inspection is as effective and economical as possible, Member States shall coordinate their control activities and shall introduce measures whereby their competent authorities and the Commission may be regularly informed on a reciprocal basis of the experience acquired.

Article 2

1. The inspection and monitoring referred to in Article 1 shall be carried out by each Member State on its own account by an inspectorate appointed by it.

In carrying out the task thus conferred on them, Member States shall ensure that the provisions and measures referred to in Article 1 are complied with. Moreover, their action shall be carried out in such a way as to avoid undue interference with normal fishing activities. They shall also ensure that there is no discrimination as regards the sector and vessels chosen for inspection.

2. The persons responsible for the fishing vessels inspected shall cooperate in facilitating inspections carried out in accordance with paragraph 1.

Article 3

In accordance with the procedure laid down in Article 14, detailed rules may be adopted for the implementation of Articles 1 and 2, concerning in particular:

- (a) the identification of officially designated inspectors, of inspection vessels or of such other similar means of inspection as may be used by a Member State;
- (b) the procedure to be used by inspectors and skippers of fishing vessels, if an inspector wishes to board a vessel;
- (c) the procedure to be used by inspectors, having boarded a fishing vessel, in inspecting that vessel, its gear or its catches;
- (d) the report to be drawn up by inspectors after each boarding;
- (e) the marking and identification of fishing vessels and their gear;

- (f) the certification of the characteristics of fishing vessels related to fishing activities.

Article 4

Member States shall at regular intervals provide the Commission with information on the number of fishing vessels inspected, their nationality, the type of infringements observed and the action taken by them with respect to such infringements.

TITLE II

Monitoring of catches

Article 5

1. The skippers of fishing vessels flying the flag of, or registered in, a Member State and fishing for a stock or group of stocks subject to total allowable catches (TACs) or quotas shall keep a logbook of their operations, indicating, as a minimum, the quantities of each species caught and kept on board, the date and location of such catches by reference to the smallest zone for which a TAC or quota has been fixed and administered and the type of gear used.

2. The skipper of a fishing vessel flying the flag of, or registered in, a Member State, whose vessel's overall length is:

- (a) 10 m or under;
- (b) over 10 m but not over 17 m if carrying out a fishing voyage outside the Skagerrak or the Kattegat of a maximum of 24 hours measured from the time of leaving port to the time of re-entering port; or
- (c) 12 m or under, if operating in the Skagerrak or the Kattegat,

shall be exempted from the obligations defined in paragraph 1.

3. Member States shall take appropriate measures to verify the accuracy of the entries made under paragraph 1.

Article 6

1. At the time of landing after each voyage, the skipper of each fishing vessel, the length of which is over 10 m, flying the flag of, or registered in, a Member State or his agent shall submit to the authorities of the Member States whose landing places he uses a declaration, for the accuracy of which the skipper shall be held primarily responsible, indicating, as a minimum, for each stock or group of stocks subject to a TAC or quota, the quantities landed and indicating the location of catches by reference to the smallest zone for which a TAC or quota has been fixed and administered. Where the catches have been made in waters under the sovereignty or jurisdiction of third coun-

tries, this information shall be listed separately by reference to the waters of each of the third countries concerned.

2. Member States shall take the necessary measures to verify the accuracy of the declarations made under paragraph 1.

Article 7

1. Without prejudice to Article 6, the skipper of a fishing vessel flying the flag of, or registered in, a Member State who:

- tranships to another vessel, hereinafter referred to as 'the receiving vessel', any quantities of catches of a stock or group of stocks subject to a TAC or quota irrespective of the place of landing, or
- directly lands such quantities outside Community territory,

shall, at the time of the transshipment or of the landing, inform the Member State whose flag his vessel is flying or in which his vessel is registered of the species and quantities involved and of the date of transfer or of landing and of the location of catches by reference to the smallest zone for which a TAC or quota has been fixed and administered. If the catches were made in waters under the sovereignty or jurisdiction of third countries, this information must be indicated separately by reference to the waters of each of the third countries concerned.

2. Before the beginning and at the end of a transshipment or a series of transshipments, when this takes place in a port or the maritime waters subject to the sovereignty or jurisdiction of a Member State, the skipper of the receiving vessel shall inform the competent authorities of this Member State of the quantities of catches of a stock or group of stocks subject to a TAC or quota on board his vessel.

The skipper of the receiving vessel shall keep details of the quantities of catches of a stock or group of stocks subject to a TAC or quota received by transshipment, of the date of receipt, and of the vessel transshipping such catches to the receiving vessel. This requirement shall be deemed to be met by retaining copies of the transshipping declaration provided in accordance with the detailed rules for recording information on Member States catches of fish. At the end of the transshipment or series of transshipments the skipper of the receiving vessel shall transmit these details to the competent authorities referred to above within 24 hours.

The skipper of the receiving vessel shall also keep details of the quantities of catches of a stock or group of stocks subject to a TAC or quota which are transhipped by the receiving vessel to a third vessel, and shall inform the competent authorities referred to above of such transshipment at least 24 hours before it takes place. Following transshipment, the skipper shall inform the said authorities of the quantities transhipped.

The skipper of the receiving vessel and of the third vessel referred to above shall permit the competent authorities referred to above to verify the accuracy of the information and details required by this paragraph.

3. Member States shall take appropriate measures to verify the accuracy of the information received under paragraphs 1 and 2, and shall, where appropriate, inform the Member State or Member States in which the receiving vessel and the fishing vessel transshipping to the receiving vessel are registered, or whose flag they are flying, of such information and of the results of verification.

4. Paragraphs 2 and 3 shall also apply to a receiving vessel flying the flag of, or registered in, a third country.

Article 8

Where the transshipment or the landing is likely to take place more than 15 days after the catch, the information required in Articles 6 and 7 shall be submitted to the competent authorities of the Member State whose flag the vessel is flying or in which the vessel is registered not later than 15 days after the catch.

Article 9

1. Member States shall ensure that all landings by fishing vessels flying the flag of, or registered in, a Member State of stocks or groups of stocks subject to TACs or quotas are recorded. For this purpose, Member States may require that the first placing on the market be made by sale by public auction.

Where catches of stocks or groups of stocks subject to TACs or quotas are not placed for the first time on the market by means of sale by public auction, Member States shall ensure that the quantities involved are notified to the centres for sales by public auction or to the bodies designated by such States.

2. Before the 15th of each month, each Member State shall notify the Commission of the quantities of each stock or group of stocks subject to TACs or quotas landed during the preceding month and shall provide it with any information received under Article 7 and 8.

Notifications to the Commission shall indicate the location of the catches as laid down in Articles 5 and 6 and the nationality of the fishing vessels concerned.

Without prejudice to the other provisions of this paragraph Member States shall, at the request of the Commission where catches of stocks or groups of stocks subject to TACs or quotas may reach TAC or quota levels, provide more detailed or more frequent information than this paragraph requires.

3. The Commission shall inform Member States of the notifications received pursuant to this Article within 10 days of the date on which it received them.

4. Each Member State shall keep, or cause to be kept, records submitted to its competent authorities in accordance with Articles 5 and 6 and the particular detailed rules for the application of those Articles, in such a way as to be able to trace back such documents, which form the basis of the notification to the Commission referred to in paragraph 2, over a period of three years from the beginning of the year following the year in which the related landings were made.

Article 10

In accordance with the procedure laid down in Article 14, additional stocks or groups of stocks may be made subject to Articles 5 to 9.

TITLE III

Prohibition of fishing activities

Article 11

1. All catches of a stock or group of stocks subject to quota made by fishing vessels flying the flag of a Member State or registered in a Member State shall be charged against the quota applicable to that State for the stock or group of stocks in question, irrespective of the place of landing.

2. Each Member State shall determine the date from which the catches of a stock or group of stocks subject to quota made by the fishing vessels flying its flag or registered in that Member State shall be deemed to have exhausted the quota applicable to it for that stock or group of stocks. As from that date, it shall provisionally prohibit for that stock or group of stocks by such vessels as well as the retention on board, the transshipment and the landing of fish taken after that date and shall decide on a date up to which transshipments and landings or final notifications of catches are permitted. The Commission shall forthwith be notified of this measure and shall then inform the other Member States.

3. Following notification under paragraph 2 or on its own initiative, the Commission shall fix, on the basis of the information available, the date on which, for a stock or group of stocks, the catches subject to TAC, quota or other quantitative limitation made by fishing vessels flying the flag of, or registered in, any Member State are deemed to have exhausted the quota, allocation or share available to that Member State or, as the case may be, to the Community.

When an assessment of the situation referred to in the first subparagraph is made, the Commission shall advise the Member States concerned of the prospects of fishing being halted as a result of a TACs being exhausted.

Fishing vessels flying the flag of, or registered in, a Member State shall cease fishing in respect of a stock or of a group of stocks subject to quota on the date on which the quota allocated for the stock or group of stocks in question to that Member State is deemed to have been exhausted; such vessels shall equally cease retention on board, transshipment, landing or arranging for transshipment and landing in respect of such catches taken after that date.

4. When the Commission has, by virtue of the first subparagraph of paragraph 3, halted fishing because of the exhaustion of the TAC, quota, allocation or share available to the Community and it appears to the Commission that a Member State has not exhausted its quota, allocation or share of the stock or group of stocks concerned, the following provisions shall apply.

If the prejudice suffered by the Member State for which fishing has been prohibited before its quota was fished has not been removed by action in accordance with the procedure laid down in Article 5 (1) of Regulation (EEC) No 170/83, the matter shall be referred to the Management Committee for Fishery Resources in accordance with Article 15 of that Regulation.

In accordance with the procedure referred to in Article 14 of that Regulation, measures shall be adopted with the aim of remedying in an appropriate manner the prejudice caused. These measures may involve making deductions from a quota, allocation or share of the Member State which has overfished, the quantities so deducted to be allocated appropriately to the Member States whose fishing activities were halted before their quotas were fished. These deductions and the consequent allocations shall be made taking into account as a matter of priority species and zones for which annual quotas, allocations or shares have been fixed. These deductions or allocations may be made during the year in which the prejudice occurred or in the succeeding year of years.

Detailed rules for implementing this paragraph, and in particular for determining the quantities concerned, shall be laid down in accordance with the procedure referred to in Article 14 of Regulation (EEC) No 170/83.

TITLE IV

Implementation and verification of monitoring

Article 12

1. Member States shall provide the Commission with such information as it may request on the implementation of this Regulation. In submitting a request for information,

the Commission shall specify the time limit within which the information is to be supplied.

2. If the Commission considers that irregularities have occurred in the implementation of this Regulation it shall inform the Member State or States concerned, which shall then conduct an administrative enquiry in which Commission officials may participate. The Member State or States concerned shall inform the Commission of the progress and results of the enquiry and provide the Commission with a copy of the report of the enquiry and the main points used in the preparation of the report.

3. To ensure that Member States comply with this Regulation, the Commission may verify on the spot the implementation thereof, in liaison with the competent national departments.

4. (a) To that end, officials authorized by the Commission shall be entitled to be present, as deemed necessary by the Commission, at inspections and monitoring carried out by national departments. The Commission shall establish appropriate contacts with Member States with a view, wherever possible, to establishing a mutually acceptable programme of inspection and monitoring. Member States shall cooperate with the Commission in its fulfilment of this task. When the Commission or its authorized officials meet difficulties in the execution of their duties, the Member States concerned shall provide the Commission with the means to accomplish its task and shall enable the Commission's authorized officials to oversee the requested inspection or monitoring. However, where inspection at sea or from the air is concerned, in duly substantiated cases where the relevant national departments must carry out other priority tasks relating to, in particular, defence, security or customs inspection, the authorities of the Member State shall retain the right to defer or redirect inspection operations at which the Commission intends to be present; in such circumstances the Member State shall cooperate with the Commission in making alternative arrangements.

(b) In the case of inspections at sea or from the air the commander of the vessel or aircraft shall be in sole charge of the operations, taking account of the obligation on the part of his authorities to implement this Regulation. Commission officials participating in such operations shall abide by the rules and practices laid down by the commander.

(c) In all case, whether at sea, in the air or on land, Commission officials shall not have rights at enforcement against private citizens, but shall remain at all times responsible for the inspection operations which are carried out.

TITLE V

Use of fishing gear

Article 13

If vessels are fishing for certain species in certain areas or during certain periods for which the use of nets with meshes smaller than those specified in the applicable provisions is not authorized, such nets must be stowed so that they may not readily be used in accordance with the following conditions :

- (a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires or ropes ;
- (b) nets which are on or above deck shall be securely lashed to some part of the superstructure.

TITLE VI

General provisions

Article 14

Detailed rules for implementing Articles 3 to 10 of this Regulation shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 170/83.

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

Done at Brussels, 23 July 1987.

Article 15

This Regulation shall apply without prejudice to any national control measures which go beyond any of its minimum requirements, provided that they comply with Community law and are in conformity with the common fisheries policy.

The national measures referred to in the first subparagraph shall be communicated to the Commission in accordance with Article 2 (2) of Council Regulation (EEC) No 101/76 of 19 January 1976 laying down a common structural policy for the fishing industry⁽¹⁾.

Article 16

1. Regulation (EEC) No. 2057/82 is hereby repealed.
2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation.

Citations and references referring to the Articles of the repealed Regulation should be read in accordance with the correlation table in the Annex.

Article 17

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

For the Council

The President

K.E. TYGESEN

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 19.

*ANNEX***CORRELATION TABLE**

Regulation (EEC) No 2057/82	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 5
Article 4	Article 3
Article 5	Article 4
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 9a	Article 10
Article 10	Article 11
Article 11	Article 13
Article 12	Article 12
Article 13	Article 14
Article 14	Article 15
Article 15	Article 16
Article 16	Article 17
Annex	Article 13 (a) and (b)

COUNCIL REGULATION (EEC) No 2242/87

of 23 July 1987

on action by the Community relating to the environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130S 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, pursuant to Article 2 of the Treaty, the Community has as its task *inter alia* to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an increase in stability;

Whereas action by the Community relating to the environment should have as its objective to preserve, protect and improve the quality of the environment, to contribute towards protecting human health, and to ensure a prudent and rational utilization of natural resources;

Whereas, in order to ensure the full realization of the objectives formulated in the 1973 ⁽⁴⁾ and 1977 ⁽⁵⁾ action programmes of the European Communities on the environment and in the 1983 action ⁽⁶⁾ of which the general guidelines were approved by the Council and the representatives of the Governments of the Member States, it is necessary that the Community should contribute financially towards the carrying out of certain specific measures under this Regulation;

Whereas the development of clean technologies is a particularly appropriate way of ensuring preventive reduction in pollution and a more economic use of natural resources in the most economically rational fashion;

Whereas the development of techniques for recycling and reusing waste, including waste water, is necessary for better management of waste and natural resources;

Whereas a contribution should be made to the development of techniques for locating and restoring sites contaminated by hazardous wastes and/or hazardous substances;

Whereas the development of clean technologies and of improved techniques for the recycling of waste, including waste water, and for the restoration of contaminated sites is likely to have a positive effect on innovation and employment and to be of particular importance for small and medium sized enterprises;

Whereas experience has shown that it is necessary to encourage the development of new techniques and methods for measuring and monitoring the quality of the natural environment;

Whereas more use should be made of certain results of the Community research and development programmes relating to the environment and raw materials;

Whereas it is important that the Community should be able to make a contribution towards the maintenance and re-establishment of seriously threatened biotopes which are the habitat of endangered species, pursuant to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽⁷⁾;

Whereas it is necessary for the Community to be able to make a contribution towards the protection and re-establishment of land threatened or damaged by fire, erosion and desertification;

Whereas it is necessary that the Community should, within the limits of the budget funds available for these purposes, grant financial support for projects relating to clean technologies, to techniques for recycling and reusing waste, including waste water, to techniques for locating and restoring sites contaminated by hazardous wastes and/or hazardous substances, to techniques and methods for measuring and monitoring the quality of the natural environment and to measures to conserve nature protection zones of Community importance, in the context of implementation of Directive 79/409/EEC, and to protect or re-establish land threatened or damaged by fire, erosion and desertification;

Whereas provision should be made for an amount deemed necessary for these projects to be carried out; whereas the Council, acting unanimously on a proposal from the Commission, should be able to review this amount;

Whereas an Advisory Committee should be set up to assist the Commission in implementing this Regulation and in particular in selecting the projects for which financial support may be granted;

⁽¹⁾ OJ No C 18, 24. 1. 1987, p. 5.

⁽²⁾ OJ No C 156, 15. 6. 1987, p. 199.

⁽³⁾ Opinion delivered on 2 July 1987 (not yet published in the Official Journal).

⁽⁴⁾ OJ No C 112, 20. 12. 1973, p. 1.

⁽⁵⁾ OJ No C 139, 13. 6. 1977, p. 1.

⁽⁶⁾ OJ No C 46, 17. 2. 1983, p. 1.

⁽⁷⁾ OJ No L 103, 25. 4. 1979, p. 1.

Whereas application of Council Regulation (EEC) No 1872/84 of 28 June 1984 on action by the Community relating to the environment⁽¹⁾ has demonstrated the benefits of a Community system to support action relating to the environment and the practicability of the procedures introduced under that Regulation;

Whereas the said Regulation should therefore be replaced, taking account of new requirements,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community may grant financial support for:

- (a) demonstration projects aimed at developing new clean technologies, i.e. technologies which cause little or no pollution and which may also be more economical in the use of natural resources;
- (b) demonstration projects aimed at developing techniques for recycling and reusing waste, including waste water;
- (c) demonstration projects aimed at developing techniques for locating and restoring sites contaminated by hazardous wastes and/or hazardous substances;
- (d) demonstration projects aimed at developing techniques and methods for measuring and monitoring the quality of the natural environment;
- (e) projects providing an incentive and aimed at contributing towards the maintenance or re-establishment of seriously threatened biotopes which are the habitat of endangered species and are of particular importance to the Community under Directive 79/409/EEC;
- (f) projects providing an incentive and aimed at contributing towards the protection or re-establishment of land threatened or damaged by fire, erosion and desertification.

Projects covered by (a), (b), (c) and (d) which are eligible for financial support under other Community instruments shall be excluded.

2. The amount estimated necessary for the implementation of the planned projects shall be 24 million ECU.

In the light of the first annual report provided for in Article 12, the Council, acting unanimously on a Commission proposal, may decide to review the amount estimated necessary.

The appropriations shall be entered in the general budget of the European Communities.

3. The financial support may be:

- (i) not more than 30 % of the cost of the projects referred to in paragraph 1 (a), (b) and (c), not more than 50 % of the cost of the projects referred to in (d) and (f) and normally not more than 50 % of the cost of the projects referred to in (e);
- (ii) not more than 75 % in the exceptional case of projects referred to in paragraph 1 (e), provided that they concern biotopes which are the habitat of species threatened with extinction in the Community.

Article 2

1. To be eligible for financial support, a project shall be of interest to the Community and in terms of protection of the environment and/or the management of natural resources.

The level of the Community's contribution shall be determined in accordance with the extent to which it is shown that the project concerned corresponds to such interest.

2. The projects referred to in Article 1 (1) (a), (b) and (c) shall:

- implement innovative technologies or processes for which the research phase may be considered completed but which are still untested or not yet in existence in the Community;
- by their demonstration value, be such as to encourage the creation of other installations or the application of processes of the same type which are capable of noticeably reducing adverse effects on the environment or of improving the management of natural resources;
- first and foremost concern installations or processes which:
 - because of the large amounts or the particularly dangerous nature of their emissions seriously harm the environment, or
 - make it possible to recycle or re-use waste, including waste water, of a nature posing serious environmental problems, or
 - make it possible to locate and/or restore sites contaminated by wastes and/or substances hazardous to human beings and the environment.

3. The projects referred to in Article 1 (1) (d) shall cover first and foremost the major air, water and soil pollutants and contribute towards harmonization of methods of measurement and the compatibility of measurement results obtained within the Community.

4. Financial support for the projects referred to in Article 1 (1) (e) shall be commensurate with the importance of the area to the Community and with the urgency of the need for the financial support in question.

⁽¹⁾ OJ No L 176, 3. 7. 1984, p. 1.

5. Financial support for the projects referred to in Article 1 (1) (f) shall be commensurate with the urgency of the need to implement the measures and of the need for Community financial support and shall take particular account of their incentive effect in the Community.

Article 3

1. Applications for financial support for projects covered by Article 1 (1) (a), (b), (c) and (d) that have been drawn up in response to invitations to submit projects prepared by the Commission and published in the *Official Journal of the European Communities* shall be sent to the Commission, with copies to the competent authorities of the Member State concerned.

2. Applications for financial support for the projects referred to in Article 1 (1) (e) shall be sent to the Commission by the Member States and shall contain the information specified in the Annex.

3. Applications for financial support for the projects referred to in Article 1 (1) (f) shall be sent to the Commission by the Member States and shall contain the information needed to justify action at Community level.

Article 4

1. An Advisory Committee consisting of representatives of the Member States and chaired by a Commission representative is hereby set up. The Committee shall draw up its rules of procedure.

2. The Commission shall consult the Advisory Committee on, *inter alia*:

- (i) the general conditions governing submission of the applications for financial support referred to in Article 3;
- (ii) preparation of the invitations to submit projects referred to in Article 3 (1);
- (iii) any additional criteria to be applied in selecting projects from which applications for financial support have been submitted;
- (iv) the choice of projects for which financial support is to be granted in accordance with Article 5;
- (v) the levels of financial support to be granted to projects;
- (vi) the priorities to be adopted within the scope as defined in Article 1;
- (vii) the need to take into account a balanced allocation as between demonstration projects and incentive projects;
- (viii) the preparation of a framework contract;
- (ix) the arrangements for disseminating the results.

3. The Committee shall deliberate on requests for its opinion from the Commission. When making requests the Commission may set a time limit by which the

opinion is to be given. No vote shall be taken at the end of the Committee's deliberations. However, each Committee member may ask for his opinion to be recorded in the minutes.

Article 5

1. The Commission shall decide whether to grant or refuse financial support for projects after consulting the Advisory Committee referred to in Article 4 and on the basis of the opinions delivered by that Committee.

2. The Commission's decision shall be communicated forthwith to the European Parliament, the Council and its Member States. It shall apply upon expiry of a period of 20 working days, if no Member State has referred the matter to the Council within that period.

3. Where the matter is referred to the Council, the latter shall take a decision on the Commission's decision by a qualified majority in accordance with Article 148 of the Treaty within 40 working days following such referral.

Article 6

The Commission shall negotiate and conclude the necessary contracts.

Article 7

Financial support may be granted to the natural persons, or the legal persons constituted in accordance with the law of the Member States, who are responsible for the project.

If the creation of a legal entity for the purpose of carrying out a project involves additional costs for the participating undertakings, the project may be carried out simply by cooperation between natural or legal persons. In that case, responsibility for complying with the obligations resulting from Community support must be specified in the contract to be concluded with the Commission.

Article 8

Recipients of Community financial support shall send the Commission, each year or in accordance with the provisions of the contract, a report on the fulfilment of the obligations towards the Commission, and in particular on the progress of work on the project and the expenditure incurred in carrying it out.

Article 9

The benefits granted by the Community must not affect conditions of competition in a manner incompatible with the principles embodied in the relevant provisions of the Treaty.

Article 10

In the event of commercial exploitation of the results of a project, the Community may request repayment of its financial contribution in accordance with arrangements to be laid down in the contract.

Article 11

A list of the measures for which Community financial support has been granted shall be published annually in the *Official Journal of the European Communities*.

Article 12

The Commission shall submit an annual report on the implementation of this Regulation to the European Parli-

ament, the Council and the Economic and Social Committee.

Article 13

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

It shall apply for four years.

2. Before the end of the third year of the application period laid down in paragraph 1, the Council, acting unanimously on a proposal from the Commission, shall decide whether to amend this Regulation.

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

Done at Brussels, 23 July 1987.

For the Council

The President

K.E. TYGESEN

*ANNEX***List of particulars to be provided under Article 3 (2)**

- The location of the site in question and, where necessary, a map showing the boundaries of the area covered by the project.
 - The importance of the site to the Community for the conservation of nature and, in appropriate cases, the degree of the risk to the biotopes and species concerned.
 - The nature and extent of the problems which the project is intended to solve, and in particular the nature and gravity of the threat.
 - A detailed description of the project, and in particular of the organization of its management and of the results expected.
 - The timetable for carrying out the project.
 - The cost of the project, its viability and the financing arrangements proposed.
 - The extent to which Community financial support is urgently needed in order to implement the project.
 - Any other evidence in support of the application.
 - The protection provided for the site in question at present and the protection planned.
 - The proposed method of disseminating the results of the project.
-

COUNCIL REGULATION (EEC) No 2243/87

of 23 July 1987

amending Regulation (EEC) No 2245/85 laying down certain technical measures
for the conservation of fish stocks in the Antarctic

THE COUNCIL 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 170/83 of 25 January 1983 establishing a Community system for the conservation and management on fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 2 of Regulation (EEC) No 170/83, the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation are to be formulated in the light of the available scientific advice;

Whereas the Convention on the Conservation of Antarctic Marine Living Resources, hereinafter called 'the Convention', was approved by Decision 81/691/EEC⁽²⁾; whereas it entered into force for the Community on 21 May 1982;

Whereas the Commission for the conservation of Antarctic marine living resources, established by the Convention, adopted, and notified to the Contracting Parties on 29 September 1986, recommendations made by its Scientific Committee that directed fishing for *Notothenia rossii* off the Peninsula and the South Orkneys be prohibited and by-catches taken during fishing for other species be reduced to a minimum, and that detailed rules on measurement of the mesh size of fishing nets be laid down;

Whereas, in the absence of objections from any of the contracting parties to the Convention, the said recommendations became binding on 29 March 1987 under Article IX (6) of the Convention;

Whereas the Community is therefore under an obligation to implement those recommendations as far as its fishermen are concerned;

Whereas Regulation (EEC) No 2245/85⁽³⁾, as amended by Regulation (EEC) No 2296/85⁽⁴⁾, must be amended accordingly,

Article 1

Regulation (EEC) No 2245/85 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

*'Article 2***Prohibition on fishing**

Subject to Article 1:

- (a) all fishing shall be prohibited within 12 nautical miles of the coasts of South Georgia;
- (b) directed fishing for *Notothenia rossii* shall be prohibited:

- in the Peninsular area (FAO Antarctic sub-area 48.1)⁽¹⁾,
- off the South Orkneys (FAO Antarctic sub-area 48.2)⁽¹⁾,
- off South Georgia (FAO Antarctic sub-area 48.3)⁽¹⁾;

in these zones, by-catches of *Notothenia rossii* taken in the course of directed fishing for other species shall be kept at a level that permits optimum stock replenishment.

- (1) The FAO zones mentioned in this Regulation are defined in Commission communication 85/C 335/02 (OJ No C 335, 24. 12. 1985, p. 2).'

2. Article 4 shall be replaced by the following:

*'Article 4***Determination of mesh size**

For nets as referred to in Article 3 the minimum mesh size provided for in the Annex shall be determined in accordance with the following rules:

1. *Description of gauges*

- (a) The gauges to be used for determining mesh size shall be 2 mm thick, flat, of durable material and capable of retaining their shape. They shall have either a series of parallel-edged sides connected by intermediate tapering edges with a taper of one to eight on each side, or only tapering edges with the taper specified above. They shall have a hole at the narrowest extremity.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 252, 5. 9. 1981, p. 26.

⁽³⁾ OJ No L 210, 7. 8. 1985, p. 2.

⁽⁴⁾ OJ No L 201, 24. 7. 1985, p. 2.

- (b) Each gauge shall be inscribed on its face with the width in millimetres both of the parallel-sided section, if any, and of the tapering section. In the case of the latter, the width shall be inscribed at intervals of 1 mm and shall be indicated at regular intervals.

2. Use of the gauge

- (a) The net shall be stretched in the direction of the diagonal of the meshes.
- (b) A gauge as described in point 1 shall be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.
- (c) The gauge shall be inserted into the mesh opening either manually or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

3. Selection of meshes to be measured

- (a) Meshes to be measured shall form a series of 20 consecutive meshes running in the direction of the long axis of the net.
- (b) Meshes less than 50 cm from lacings, ropes or codline shall not be measured. This distance shall be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement. Nor shall any mesh be measured which has been mended or broken or has attachments to the net fixed at that mesh.
- (c) By way of derogation from (a), the meshes to be measured need not be consecutive if the application of (b) prevents it.
- (d) Nets shall be measured only when wet and unfrozen.

4. Measurement of each mesh

The size of each mesh shall be the width of the gauge at the point where the gauge is stopped when it is used in accordance with point 2.

5. Determination of the mesh size of the net

The mesh size of the net shall be the arithmetical mean, in millimetres, of the measurements of the total number of meshes selected and measured as provided for in points 3 and 4, the arithmetical mean being rounded off to the nearest millimetre.

The total number of meshes to be measured is specified in point 6.

6. Sequence of inspection procedure

- (a) The inspector shall measure one series of 20 meshes, selected in accordance with point 3, inserting the gauge manually without using a weight or dynamometer.

The mesh size of the net shall then be determined in accordance with point 5.

If the calculation of the mesh size shows that the mesh size does not appear to comply with the rules in force, two additional series of 20 meshes selected in accordance with point 3 shall be measured.

The mesh size shall then be recalculated in accordance with point 5, taking into account the 60 meshes already measured. Without prejudice to (b), this shall be the mesh size of the net.

- (b) If the skipper of the vessel contests the mesh size determined in accordance with (a), such measurement shall not be considered for the determination of the mesh size and the net shall be remeasured.

A weight or dynamometer attached to the gauge shall be used for remeasurement.

The choice of weight or dynamometer shall be left to the discretion of the inspector.

The weight shall be fixed to the hole in the narrowest extremity of the gauge using a hook. The dynamometer may either be fixed to the hole in the narrowest extremity of the gauge or be applied at the widest extremity of the gauge.

The accuracy of the weight or dynamometer shall be certified by the appropriate national authority.

For nets of a mesh size of 35 mm or less as determined in accordance with (a), a force of 19,61 newtons (equivalent to a mass of two kilograms) shall be applied and for other nets a force of 49,03 newtons (equivalent to a mass of five kilograms).

For the purposes of determining the mesh size in accordance with point 5 when a weight or dynamometer is used, one series of 20 meshes only shall be measured.

Article 2

This Regulation shall enter into force on the third day following that 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, 23 July 1987.

For the Council

The President

K. E. TYGESEN

COUNCIL REGULATION (EEC) No 2244/87

of 23 July 1987

amending Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 170/83 states that the conservation measures necessary to achieve the aims set out in Article 1 of the said Regulation must be formulated in the light of the available scientific advice;

Whereas Regulation (EEC) No 1866/86⁽²⁾ lays down certain technical measures for the conservation of fishery resources found in the waters of the Baltic Sea, the Belts and the Sound;

Whereas, by its letter of 8 December 1986, the International Baltic Sea Fishery Commission, established by

the Baltic Sea Convention, notified the contracting parties of certain recommendations to modify these technical measures as adopted at the twelfth session of the Commission;

Whereas the aforesaid Convention provides that the Community must bring these recommendations into force in the waters of the Baltic Sea and the Belts subject to the objection procedure laid down in Article XI of the Convention,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1866/86 is hereby amended as follows:

1. The entries in the table of Article 2 (1) for salmon (*Salmo salar*) and sea trout (*Salmo trutta*) shall be replaced by the following:

Species	Waters	Period of Prohibition
Salmon (<i>Salmo salar</i>)	subdivision 22 beyond four nautical miles measured from the baselines	15 June to 31 August
	subdivisions 23 to 31 beyond four nautical miles measured from the baselines	15 June to 31 August
	subdivision 32 beyond four nautical miles measured from the baselines	1 July to 31 August
Sea trout (<i>Salmo trutta</i>)	subdivision 22 beyond four nautical miles measured from the baselines	15 June to 31 August
	subdivisions 23 to 31 beyond four nautical miles measured from the baselines	15 June to 31 August
	subdivision 32 beyond four nautical miles measured from the baselines	1 July to 31 August

2. In the footnote to Article 2 (1) '1986' is replaced by '1987'.

3. Article 3 (4) is replaced by the following:

'4. By way of derogation from paragraph 3, undersized cod may be retained on board within a limit of 5 % by weight of the total catch of all species on board.'

4. In Article 9 the phrase 'In the waters referred to in Article 1 (1) except north of the boundaries specified in Annex II' is deleted.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 162, 18. 6. 1986, p. 1.

5. In Annex II 'salmon and sea trout' is deleted and the word 'and' is inserted between 'female flounder' and 'female plaice'.
6. In Annex III the entry for salmon (*Salmo salar*) is replaced by the following:

'Species	Waters	Minimum size
Salmon (<i>Salmo salar</i>)	subdivisions 22 to 32	60 cm'

7. In Annex IV the entry for salmon (*Salmo salar*) is replaced by the following:

'Species	Waters	Type of net	Minimum mesh size Length of long diagonal
Salmon (<i>Salmo salar</i>)	subdivisions 22 to 32	anchored floating nets and drift nets	165 mm (natural fibres) 157 mm (synthetic fibres)

Article 2

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

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

Done at Brussels, 23 July 1987.

For the Council
The President
K. E. TYGESEN

COMMISSION REGULATION (EEC) No 2245/87

of 28 July 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 1900/87⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1944/87⁽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 27 July 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 1944/87 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 29 July 1987.

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

Done at Brussels, 28 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

ANNEX

to the Commission Regulation of 28 July 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	—	181,25
10.01 B II	Durum wheat	31,88	237,88 ⁽¹⁾ ⁽²⁾
10.02	Rye	26,16	154,87 ⁽⁶⁾
10.03	Barley	24,47	171,42
10.04	Oats	80,78	125,98
10.05 B	Maize, other than hybrid maize for sowing	5,29	180,28 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	24,47	112,43
10.07 B	Millet	24,47	105,41 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,71	183,76 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	24,47	27,74 ⁽⁵⁾
11.01 A	Wheat or meslin flour	10,54	266,75
11.01 B	Rye flour	49,63	229,82
11.02 A I a)	Durum wheat groats and meal	62,41	381,66
11.02 A I b)	Common wheat groats and meal	11,39	288,09

⁽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 Council 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 2246/87

of 28 July 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 1900/87 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1945/87 ⁽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 27 July 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 29 July 1987.

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

Done at Brussels, 28 July 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 28 July 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 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	3,97
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	0,63
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	0
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 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 DECISION No 2247/87/ECSC

of 28 July 1987

imposing a provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Mexico

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community ⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Decision,

Whereas :

A. Procedure

- (1) In August 1986 the Commission received a complaint lodged by the European Confederation of Iron and Steel Industries (EUROFER) on behalf of producers whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced by a notice published in the *Official Journal of the European Communities* ⁽²⁾, the initiation of a anti-dumping proceeding concerning imports into the Community of certain sheets and plates of iron or steel falling within Common Customs Tariff subheading 73.13 B I ex a), and corresponding to NIMEXE codes 73.13-17, 19, 21 and 23 originating in Mexico and commenced an investigation.
- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their view in writing and to request a hearing.
- (3) The Mexican producer and one importer known to the Commission made their views known in writing. The Mexican producer/exporter requested a hearing which was granted.

- (4) No submissions were made by or on behalf of Community purchasers or processors of sheets and plates of iron or steel.

- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following companies :

EEC producers :

- Usinor, Paris La Défense, France,
- BSC British Steel, London, United Kingdom,
- Dillinger Hüttenwerke, Dillingen, Federal Republic of Germany,
- Peine-Salzgitter AG, Salzgitter, Federal Republic of Germany,
- Nuova Italsider SpA, Genoa, Italy,
- Forges de Clabecq SA, Tubize, Belgium ;

Non-EEC producers/exporters :

- Sidermex, SA de CV, Mexico D.F., Mexico (holding company),
- Altos Hornos de Mexico SA, Monclova, Mexico (producer/exporter),
- Sidermex International Inc., San Antonio, Texas, USA (exporter) ;

EEC importer

General Steel, Brussels, Belgium.

- (6) The Commission requested and received detailed written submissions from complainant Community producers and one importers and verified the information therein to the extent considered necessary.
- (7) The investigation of dumping covered the period from 1 January to 30 September 1986.

B. Normal value

- (8) Normal value was provisionally determined on the basis of the domestic prices of the producer exporting to the Community who provided sufficient evidence and whose prices were considered to be representative of the domestic market concerned. This was considered appropriate because using the Community's basic price system would have produced a significantly different result. Normal value was calculated on the basis of monthly weighted averages.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 17.

⁽²⁾ OJ No C 308, 2. 12. 1986, p. 2.

C. Export prices

- (9) All exports to the Community taken into consideration were made through Sidermex International Inc., Texas, USA, a fully-owned subsidiary of the Mexican holding company Sidermex SA de CV, Mexico, which also fully owns the producing company Altos Hornos de Mexico SA (AHMSA). Sidermex SA claimed that its subsidiary in the USA performed identical functions to those of a fully-integrated export sales department, being the unit solely responsible for sales to the international market in the group organization. Sidermex International Inc. should therefore be regarded as part of the same corporate entity.
- (10) The Commission accepts that where a subsidiary of a producer established in the same country performs functions identical to those of a fully-integrated export sales department, it would be normal to regard it as part of the same economic entity. In the present case, however, the subsidiary in question is located in a third country. The Commission notes that the question of whether in this case the subsidiary is or is not treated as a fully integrated export sales department is at any rate without decisive influence on the rate of the duty to be applied (see paragraphs 26 and 27). For the purpose of a preliminary determination the Commission has acceded to the request made by Sidermex SA, reserving its final views for the definitive determination. Export prices were therefore provisionally determined on the basis of the prices actually paid or payable to Sidermex International Inc. for the product sold for export to the Community.
- (14) On the basis of the evidence submitted by the exporter the Commission took account of the fact that in the domestic market payments are made with certain delays. In order to calculate the amount of the adjustment to be made, the Commission considered that the real cost instead of the nominal cost of money should be relied upon; to that effect, it took into consideration the money market interest rate in Mexico during the investigation period adjusted by the rate of inflation for the same time span. This approach was considered appropriate because the financial effects of inflation on monetary assets and liabilities are eliminated in the financial accounts of the Mexican exporter to the extent that the inflationary devaluation of monetary assets is compensated for by an equivalent devaluation of the monetary debt. The Commission used the same factors which were applied by the Mexican exporter for its accounting purposes.
- (15) All comparisons were made at the ex-works level.

E. Margins

- (16) The above preliminary determination of the facts shows the existence of dumping, the margins of dumping being equal to the amount by which the normal values as established exceed the prices for export to the Community. Export prices were compared on a transaction by transaction basis with normal values for each month of the investigation period. The weighted average margin amounts to 37,7 %.

D. Comparison

- (11) In comparing normal value with export prices the Commission took account, where appropriate and to the extent of the evidence available, of differences in conditions and terms of sale such as transport, insurance, forwarding and handling costs.
- (12) The Mexican producer claimed in addition adjustments for differences in certain financial costs due to the very high domestic interest rates for borrowing funds, reflecting the highly inflationary situation of the Mexican economy.
- (13) With regard to financing costs for stock keeping at the domestic distribution level, the Commission concluded that these pre-sale warehousing costs should be considered to be overheads not directly related to the sales under consideration and therefore not allowable under Article 2 (10) c) of Decision No 2177/84/ECSC.

F. Injury

- (17) With regard to injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from Mexico of sheets and plates of iron or steel have increased from 13 112 tonnes in 1983 to 92 271 tonnes in 1986. In the first nine months of 1986, covering the investigation period, the imports from Mexico had surged to 78 035 tonnes from 2 537 tonnes in the same period of the preceding year. In terms of market share that of Mexican imports increased from 0,5 % in 1983 to 3,5 % in the first nine months of 1986.
- (18) The evidence available to the Commission also indicates that the prices of these products undercut the published list prices of the Community producers during the investigation period, to a varying degree according to the market and the steel quality concerned, by between 16 % and 46 %. The published list prices which are deposited with the Commission are generally binding for Commu-

nity producers. However, Community producers are entitled under certain conditions to align their prices with low priced offers from third countries, with the exception of those countries with which the Community has concluded a steel arrangement⁽¹⁾, and to notify the Commission of special sectoral rebates in order to maintain their competitiveness with offers not respecting the Community price rules.

As the Commission had relaxed the price regulations as from 1 January 1986 Community producers made increasing use of these possibilities in order to cope with low price competition from non-arrangement countries, in particular from Mexico and Yugoslavia, which were the principal exporters falling into this category in 1986. Thus the notification of special rebates spread through the market and caused progressive price depression.

(19) Community production of sheets and plates started to decrease again in 1986 after a steady rise since the bottoming out of the recession in 1983. On average, production of sheets and plates, measured by deliveries of Community producers, was down in 1986, by 10,3 % against the preceding year.

(20) On 1 January 1986 the Commission made a first move towards liberalization of the steel market by suspending the compulsory minimum price regulations and removing certain products from the quota system. This policy, which will be reinforced in the current year, is designed to remove the crisis measures still in force and to return to a freely competitive steel market in the Community which will also be to the benefit of the trading partners in steel products. This however requires that fair trading conditions be respected by exporters to the Community. The greater flexibility of Community producers to respond to low priced imports makes the price level in the Community also more vulnerable to dumping practices.

(21) Imports of significant quantities of dumped products into the Community also put into question the objectives sought by the external measures adopted within the framework of the Community steel policy. Third countries which have concluded steel trade arrangements with the Community will only respect and renew these arrangements if they see a reasonable chance of selling the quantities provided for at the price levels agreed. In the first nine months of 1986 more than 70 % of all imports of sheets and plates into the Community originated in countries with arrangements on quantitative ceilings and/or prices had been concluded. Under these conditions the sudden arrival of

imports from Mexico, which shot up from practically zero to 72 000 tonnes in less than six months, at prices significantly below the prevailing ECSC prices, had a disproportionately detrimental effect on the market for sheets and plates in the Community.

(22) The consequent impact on the Community industry has been a decrease in production, which fell by 8,9 % in the first nine months of 1986 against the same period of the preceding year. Capacity utilization, which had significantly improved up to 1985 as a result of the restructuring efforts of the industry, remained stable or even fell back despite further shedding of mill capacity in 1986 in the Community.

The price slide, which was accentuated in the second half of 1986 when the effects of the dumped imports had spread through the market, interrupted the return to profitability of the Community industry which was under way and had led the Commission to take first steps towards a gradual relaxation of the price regulations.

(23) The Commission has considered whether injury has been caused by other factors, such as imports of sheets and plates from certain other third countries, and provisionally established that these imports also increased by about the same quantity as those from Mexico. The Commission is, however, satisfied that this increase is mainly attributable to the fact that third countries having arrangements have made fuller use of the agreed tonnages, and to reciprocity of trade with EFTA member countries. This increase is not likely to upset the equilibrium of the market because the countries concerned are bound to observe the Community price rules.

(24) The substantial increase in dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that the effect of the dumped imports of plates and sheets of iron or steel originating in Mexico taken in isolation have to be considered as constituting material injury to the Community industry concerned.

G. Community interest

(25) In view of the particularly serious difficulties facing the Community industry, and in the light of the factors referred to above, the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

⁽¹⁾ Commission Decision No 1031/86/ECSC, OJ No L 95, 10. 4. 1986, p. 14.

H. Rate of duty

- (26) Having regard to the injury caused, the rate of such duty should be less than the dumping margin provisionally established but adequate to remove the injury.
- (27) Taking into account the fact that it is necessary for the Community industry to achieve satisfactory prices for sheets and plates in order to generate a sufficient flow of earnings to cope with restructuring and to keep the impact on employment within acceptable limits, the rate of the duty should be less than the dumping margin but sufficient to prevent the undermining of the Community's basic price system, the prices of which have recently been revised and published by the Commission⁽¹⁾ in order to take account of changes in steel production costs and market conditions. On this basis the duty should be expressed as an amount in ECU to be paid on each tonne imported into the Community. This form of duty appears more appropriate in the light of the specific circumstances of the market of the relevant products.
- (28) A period should be fixed within which the parties concerned may make their views known and request a hearing.

HAS ADOPTED THIS DECISION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of certain sheets and plates of iron or steel,

not further worked than hot rolled, of a thickness of 3 mm or more, falling within Common Customs Tariff subheading 73.13 B 1 ex a, corresponding to NIMEXE codes 73.13-17, 19, 21 and 23 and originating in Mexico.

2. The amount of the duty shall be equal to 92 ECU per 1 000 kilograms.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Decision No 2177/84/ECSC, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Decision.

Article 3

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

Subject to Articles 11, 12 and 14 of Decision No 2177/84/ECSC, it shall apply for a period of four months, unless the Commission adopts definitive measures before the expiry of that period.

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

Done at Brussels, 28 July 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No C 119, 5. 5. 1987, p. 3.

COMMISSION REGULATION (EEC) No 2248/87

of 28 July 1987

amending Regulation (EEC) No 4109/86 fixing, for the 1987 fishing year, the annual import quotas for the products subject to the rules for the application by Spain and Portugal of quantitative restrictions on fishery products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 2 (3) of Regulation (EEC) No 360/86 provides for the possibility of revising during the course of the year the quantity of the quotas, as well as their quarterly instalments, as laid down in Commission Regulation (EEC) No 4109/86⁽³⁾;

Whereas Portugal has made a request for an increase of 1 500 tonnes in the quota level for frozen hake for the 1987 fishing year; Whereas it is therefore necessary to modify the quota level in question as well as the quarterly instalments;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Part B of the Annex to Regulation (EEC) No 4109/86, the figures for frozen hake falling within Common Customs Tariff subheading 03.01 B I t) 2 are hereby replaced by the following figures:

'Annual quota of import	Quarterly instalments			
	1	2	3	4
10 500	3 000	3 000	3 000	1 500'

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, 28 July 1987.

For the Commission

Antonio CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 43, 20. 2. 1986, p. 8.

⁽²⁾ OJ No L 371, 31. 12. 1986, p. 8.

⁽³⁾ OJ No L 379, 31. 12. 1986, p. 28.

COMMISSION REGULATION (EEC) No 2249/87

of 28 July 1987

amending Regulation (EEC) No 2707/86 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1972/87 ⁽²⁾, and in particular Article 72 (5) thereof,

Whereas Council Regulation (EEC) No 3309/85 ⁽³⁾, as last amended by Regulation (EEC) No 538/87 ⁽⁴⁾, lays down general rules for the description and presentation of sparkling wines and aerated sparkling wines; whereas the detailed rules for applying the principles laid down in Regulation (EEC) No 3309/85 are laid down in Commission Regulation (EEC) No 2707/86 ⁽⁵⁾, as amended by Regulation (EEC) No 3378/86 ⁽⁶⁾;

Whereas, in the light of experience, it should be made clear that the name of the vendor, where the latter is a person other than the producer, is required only if the sparkling or aerated sparkling wine is held in the name of the vendor with a view to placing it on the market for the purposes of final consumption;

Whereas the term 'producer' and its translation in certain official Community languages are inappropriate for describing sparkling wines; whereas it should therefore be provided that the name or business name of the producer may be preceded not by the words 'producer' or 'produced by' but by an equivalent term;

Whereas Regulation (EEC) No 3309/85 was amended by Regulation (EEC) No 538/87 as regards the use of the expression 'quality sparkling wine' to describe sparkling wines originating in a third country; whereas those amendments should be reflected in Regulation (EEC) No 2707/86;

Whereas the rules governing the production of sparkling wines in the Union of Soviet Socialist Republics and in Romania are such that they may be recognized as equivalent to those referred to in Title III of Council Regulation

(EEC) No 358/79 ⁽⁷⁾, as last amended by Regulation (EEC) No 3805/85 ⁽⁸⁾; whereas a reference to imported sparkling wines produced in accordance with those rules should therefore be added to Annex II to Regulation (EEC) No 2707/86;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2707/86 is hereby amended as follows:

1. In Article 3:

- (a) the second indent of paragraph 1 is replaced by the following:

— to the vendor, the latter being any natural or legal person not covered by the definition of the "producer" who holds in his own name sparkling wines or aerated sparkling wines with a view to placing them on the market for the purposes of consumption. This shall also apply to associations of the abovementioned natural or legal persons;

- (b) the first indent of the first subparagraph of paragraph 2 is replaced by the following:

— by the words "producer": or "produced by" or by another equivalent term.

2. Article 7 (2) is replaced by the following:

'2. The sparkling wines originating in a third country where the conditions governing their production have been recognized as equivalent to those referred to in Title III of Regulation (EEC) No 358/79 are listed in Annex II to this Regulation.'

3. In Article 10 (3), '31 August 1987' is replaced by '31 December 1987'.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 26.

⁽³⁾ OJ No L 320, 29. 11. 1985, p. 9.

⁽⁴⁾ OJ No L 55, 25. 2. 1987, p. 4.

⁽⁵⁾ OJ No L 246, 30. 8. 1986, p. 71.

⁽⁶⁾ OJ No L 310, 5. 11. 1986, p. 5.

⁽⁷⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽⁸⁾ OJ No L 387, 31. 12. 1985, p. 39.

4. The following is added to Annex II:

'6. Sparkling wines originating in the Union of Soviet Socialist Republics where the competent official body has noted on Document V I 1 that the sparkling wine in question meets Soviet requirements as regards the basic materials which may be used for the production thereof and as regards the quality of the finished product.

7. Sparkling wines originating in Romania where the official body has noted on Document V I 1 that the sparkling wine in question meets the Roma-

nian requirements as regards the basic materials which may be used for the production thereof and as regards the quality of the finished product.'

Article 2

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

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

Done at Brussels, 28 July 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 2250/87

of 28 July 1987

amending for the second time Regulation (EEC) No 2085/87 introducing a countervailing charge on aubergines 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 1926/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2085/87⁽³⁾, as amended by Regulation (EEC) No 2173/87⁽⁴⁾, introduced a countervailing charge on aubergines 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 aubergines 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 2085/87 '21,38 ECU' is hereby replaced by '35,20 ECU'.

Article 2

This Regulation shall enter into force on 29 July 1987.

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

Done at Brussels, 28 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 24.

⁽³⁾ OJ No L 195, 16. 7. 1987, p. 21.

⁽⁴⁾ OJ No L 202, 23. 7. 1987, p. 59.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 2251/87**of 28 July 1987****amending Regulation (EEC) No 2073/87 introducing a countervailing charge on
fresh lemons originating in Uruguay**

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 1926/87 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2073/87 ⁽³⁾, introduced a countervailing charge on fresh lemons originating in Uruguay;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced 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 fresh lemons originating in Uruguay must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2073/87, '19,53 ECU' is hereby replaced by '34,02 ECU'.

Article 2

This Regulation shall enter into force on 29 July 1987.

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

Done at Brussels, 28 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 24.

⁽³⁾ OJ No L 194, 15. 7. 1987, p. 22.

COMMISSION REGULATION (EEC) No 2252/87
of 28 July 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 2054/87⁽³⁾, as last amended by Regulation (EEC) No 2239/87⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 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 29 July 1987.

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

Done at Brussels, 28 July 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 192, 11. 7. 1987, p. 38.

⁽⁴⁾ OJ No L 206, 28. 7. 1987, p. 32.

ANNEX

to the Commission Regulation of 28 July 1987 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	(ECU/100 kg) Levy
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	53,31 45,32 ⁽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.