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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 2879/87**

**of 28 September 1987**

**amending Regulation (EEC) No 1826/84 imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in Canada**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

- (1) In July 1983 the Commission initiated an anti-dumping proceeding concerning vinyl acetate monomer originating in Canada<sup>(3)</sup>. A provisional duty was imposed in February 1984<sup>(4)</sup>. In June 1984, by Regulation (EEC) No 1826/84<sup>(5)</sup>, the Council imposed a definitive anti-dumping duty on imports of vinyl acetate monomer originating in Canada. The amount of the duty imposed was equal to the amount by which the free-at-Community-frontier net price, before duty, was less than 647 ECU per 1 000 kilogrammes.
- (2) Before that, in May 1981, as regards imports of vinyl acetate monomer originating in the USA, a definitive anti-dumping duty had been imposed and an undertaking had been accepted. These measures were due to expire in 1986. In November and December 1985 the Commission gave notice of the impending expiry of the undertaking<sup>(6)</sup> and the duty<sup>(7)</sup> concerning vinyl acetate monomer imports originating in the USA, pursuant to Article 15 of Regulation (EEC) No 2176/84.

Subsequently, the Commission received a review request from the Conseil Européen des Fédérations de l'Industrie Chimique (CEFIC) representing the totality of Community production of the product concerned.

In July 1986 the Commission, having decided that there was sufficient evidence to warrant a review, published a notice of re-opening<sup>(8)</sup> of the anti-dumping proceeding concerning imports of vinyl acetate monomer falling within subheading ex 29.14 A II c) 1 of the Common Customs Tariff, corresponding to NIMEXE code 29.14-32, originating in the United States of America, and commenced an investigation.

- (3) This investigation of dumping and prices on the Community market covered the period 1 January to 30 June 1986.

It was established that there was still dumping and that this led to injury to the Community industry. Subsequently, anti-dumping duties were imposed on vinyl acetate monomer originating in the United States of America<sup>(9)</sup>.

- (4) In the meantime, in June 1986, Celanese Canada requested a review of the anti-dumping measures currently in force with respect to vinyl acetate monomer originating in Canada on the grounds of changed circumstances within the meaning of Article 14 (1) of Regulation (EEC) No 2176/84. Celanese Canada argued that the costs of making these products had declined significantly since the duty was imposed; as the floor price for the duty against Canadian vinyl acetate monomer was based on the market price needed by Community producers to cover full cost plus profit, Celanese took the view that it should be reduced to correspond to the present cost situation.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No C 180, 7. 7. 1983, p. 3.

<sup>(4)</sup> OJ No L 58, 29. 2. 1984, p. 17.

<sup>(5)</sup> OJ No L 170, 29. 6. 1984, p. 70.

<sup>(6)</sup> OJ No C 300, 23. 11. 1985, p. 4.

<sup>(7)</sup> OJ No C 385, 31. 12. 1985, p. 6.

<sup>(8)</sup> OJ No C 164, 2. 7. 1986, p. 2.

<sup>(9)</sup> OJ No L 213, 4. 8. 1987, p. 32.

Celanese Canada neither questioned nor sought a review of the dumping margin established in the earlier proceeding.

- (5) The Commission has accordingly proceeded to a limited review of the anti-dumping measure in force *vis-à-vis* the exporter concerned without a re-opening of the investigation in accordance with Article 14 (3) of Regulation (EEC) No 2176/84. The data available from the injury investigation concerning vinyl acetate monomer originating in the United States of America have been used; the conclusions drawn from these data as to injury caused by imports of vinyl acetate monomer originating in the United States apply to the case of imports from Canada.

It was established that due to developments in costs, a downward adjustment of the minimum price was warranted.

Having compared the Community producers' weighted average prices and costs, taking into account their profit situation, with the sole impor-

ter's costs and profit, it has been concluded that the definitive anti-dumping duty should be the amount by which the free-at-Community-frontier net price, before duty, is less than 525 ECU per 1 000 kilograms for vinyl acetate monomer,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 (2) of Regulation (EEC) No 1826/84, '647 ECU per 1 000 kilograms' shall be replaced by '525 ECU per 1 000 kilograms'.

*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 September 1987.

*For the Council*

*The President*

B. HAARDER

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## COMMISSION REGULATION (EEC) No 2880/87

of 28 September 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 25 September 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 September 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(5)</sup> OJ No L 185, 4. 7. 1987, p. 38.

## ANNEX

## to the Commission Regulation of 28 September 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CCT heading No | Description                                         | Levies   |                                                     |
|----------------|-----------------------------------------------------|----------|-----------------------------------------------------|
|                |                                                     | Portugal | Third country                                       |
| 10.01 B I      | Common wheat, and meslin                            | —        | 180,69                                              |
| 10.01 B II     | Durum wheat                                         | 38,47    | 240,53 <sup>(1)</sup> <sup>(2)</sup>                |
| 10.02          | Rye                                                 | 28,04    | 155,96 <sup>(3)</sup>                               |
| 10.03          | Barley                                              | 15,50    | 179,22                                              |
| 10.04          | Oats                                                | 80,51    | 132,89                                              |
| 10.05 B        | Maize, other than hybrid maize for sowing           | 6,48     | 181,55 <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup> |
| 10.07 A        | Buckwheat                                           | 15,50    | 117,64                                              |
| 10.07 B        | Millet                                              | 15,50    | 111,88 <sup>(4)</sup>                               |
| 10.07 C II     | Grain sorghum, other than hybrid sorghum for sowing | 30,90    | 185,32 <sup>(4)</sup> <sup>(5)</sup>                |
| 10.07 D I      | Triticale                                           | (7)      | (7)                                                 |
| 10.07 D II     | Canary seed; other cereals                          | 15,50    | 34,79 <sup>(5)</sup>                                |
| 11.01 A        | Wheat or meslin flour                               | —        | 267,12                                              |
| 11.01 B        | Rye flour                                           | 52,70    | 230,91                                              |
| 11.02 A I a)   | Durum wheat groats and meal                         | 72,79    | 385,82                                              |
| 11.02 A I b)   | Common wheat groats and meal                        | —        | 287,24                                              |

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

<sup>(2)</sup> 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'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

<sup>(8)</sup> 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 2881/87

of 28 September 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 25 September 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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 September 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 185, 4. 7. 1987, p. 41.

## ANNEX

to the Commission Regulation of 28 September 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

## A. Cereals and flour

| (ECU/tonne)    |                                                     |              |                  |                  |                  |
|----------------|-----------------------------------------------------|--------------|------------------|------------------|------------------|
| CCT heading No | Description                                         | Current<br>9 | 1st period<br>10 | 2nd period<br>11 | 3rd period<br>12 |
| 10.01 B I      | Common wheat, and meslin                            | 0            | 8,52             | 8,52             | 8,52             |
| 10.01 B II     | Durum wheat                                         | 0            | 0                | 0                | 0                |
| 10.02          | Rye                                                 | 0            | 1,56             | 1,56             | 1,56             |
| 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            | 8,57             | 8,56             | 8,57             |
| 10.07 C II     | Grain sorghum, other than hybrid sorghum for sowing | 0            | 0                | 0                | 0                |
| 10.07 D        | Other cereals                                       | 0            | 0                | 0                | 0                |
| 11.01 A        | Wheat or meslin flour                               | 0            | 11,93            | 11,93            | 11,93            |

## B. Malt

| (ECU/tonne)    |                                                                                      |              |                  |                  |                  |                 |
|----------------|--------------------------------------------------------------------------------------|--------------|------------------|------------------|------------------|-----------------|
| CCT heading No | Description                                                                          | Current<br>9 | 1st period<br>10 | 2nd period<br>11 | 3rd period<br>12 | 4th period<br>1 |
| 11.07 A I a)   | Unroasted malt, obtained from wheat, in the form of flour                            | 0            | 15,17            | 15,17            | 15,17            | 15,17           |
| 11.07 A I b)   | Unroasted malt, obtained from wheat, other than in the form of flour                 | 0            | 11,33            | 11,33            | 11,33            | 11,33           |
| 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 2882/87

of 28 September 1987

on the supply of refined rapeseed oil to non-governmental organizations (NGOs)  
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 3972/86 of 22 December 1986 on food-aid management<sup>(1)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management<sup>(2)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decision of 30 June 1987 on the supply of food aid to NGOs the Commission allocated to the latter organizations 300 tonnes of refined rapeseed oil to be supplied free at port of shipment;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid<sup>(3)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rapeseed oil to NGOs in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1 and corrigendum OJ No L 42, 12. 2. 1987, p. 54.

<sup>(2)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(3)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX

1. **Operation No<sup>(1)</sup>:** 897/87
2. **Programme:** 1987
3. **Recipient<sup>(2)</sup>:** NGO (Euronaid, PO box 77, NL-2340 DB Oegstgeest (telex 30223))
4. **Representative of the recipient<sup>(3)</sup>:** see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination:** Ethiopia
6. **Product to be mobilized:** refined rapeseed oil
7. **Characteristics and quality of the goods<sup>(4)</sup>:**  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III A 1)
8. **Total quantity:** 300 tonnes net
9. **Number of lots:** 1
10. **Packaging and marking:**  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III B)
  - metal cans of 5 or 10 litres or 5 or 10 kilograms
  - The cans must carry the following wording:  
'ACTION No 897/87 / VEGETABLE OIL / ETHIOPIA / CATHWEL / 70129 / MASSAWA / FOR  
FREE DISTRIBUTION / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY'
11. **Method of mobilization:** Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 11 November to 9 December 1987
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 13 October 1987 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 14 October 1987
21. **In the case of a second invitation to tender:**
  - (a) deadline for the submission of tenders: 27 October 1987 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 28 October 1987
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25 November to 23 December 1987
  - (c) deadline for the supply: —
22. **Amount of the tendering security:** 15 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders<sup>(5)</sup>:**  
Bureau de l'aide alimentaire,  
à l'attention de Monsieur N. Arend,  
bâtiment Berlaymont, bureau 6/73,  
200, rue de la Loi,  
B-1049 Bruxelles  
Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer:** —

*Notes :*

- (<sup>1</sup>) The operation number is to be quoted in all correspondence.
- (<sup>2</sup>) The supplier should send a duplicate of the original invoice to :  
MM De Keyzer & Schütz BV,  
Postbus 1438,  
Blaak 16,  
NL-3000 BK Rotterdam.
- (<sup>3</sup>) Commission delegate to contact by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (<sup>4</sup>) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (<sup>5</sup>) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
  - either by porter at the Office referred to in point 24 of this Annex,
  - or by telecopier on one of the following numbers in Brussels :
    - 235 01 32
    - 236 10 97
    - 235 01 30
    - 236 20 05.

## COMMISSION REGULATION (EEC) No 2883/87

of 28 September 1987

on the supply of common wheat flour to the World Food Programme (WFP) 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 3972/86 of 22 December 1986 on food-aid management <sup>(1)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management <sup>(2)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decision of 15 April 1987 on the supply of food aid to WFP, the Commission allocated to the latter organization 2 466 tonnes of cereals to be supplied free at port of shipment;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid <sup>(3)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat flour to WFP in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexes hereto.

*Article 2*

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

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1 and corrigendum OJ No L 42, 12. 2. 1987, p. 54.

<sup>(2)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(3)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX I

1. **Operation No<sup>(1)</sup>:** 851/87
2. **Programme :** 1986
3. **Recipient :** WFP
4. **Representative of the recipient<sup>(2)</sup> :** see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination :** Burundi
6. **Product to be mobilized :** common wheat flour
7. **Characteristics and quality of the goods<sup>(3)</sup> :**  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II. A 6) Specific characteristics: Hagberg falling number of at least 160.
8. **Total quantity :** 1 200 tonnes (1 644 tonnes of cereals)
9. **Number of lots :** 1
10. **Packaging and marking<sup>(4)</sup> :**  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.2.a). To be delivered on standard pallets :  
— marking on the bags :  
a black cross 30 × 30 cm followed by, in letters at least 3 cm high :  
'ACTION No 851/87 / DAR ES SALAAM IN TRANSIT TO BURUNDI / BRD 0 30 47 00 D / ACTION OF THE WORLD FOOD PROGRAMME / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY'
11. **Method of mobilization :** the Community market
12. **Stage of supply :** free at port of shipment
13. **Port of shipment :** —
14. **Port of landing specified by the recipient :** Dar es Salaam
15. **Port of landing :** —
16. **Address of the warehouse and, if appropriate, port of landing :** —
17. **Period for making the goods available at the port of shipment :** 1 to 15 November 1987
18. **Deadline for the supply :** 15 December 1987
19. **Procedure for determining the costs of supply :** Tendering
20. **Date of expiry of the period allowed for submission of tenders :** 12 noon on 13 October 1987
21. **In the case of a second invitation to tender :**
  - (a) deadline for the submission of tenders : 20 October 1987 at 12 noon
  - (b) period for making the goods available at the port of shipment : 15 to 30 November 1987
  - (c) deadline for the supply : 31 December 1987
22. **Amount of the tendering security :** 5 ECU/tonne
23. **Amount of the delivery security :** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders<sup>(5)</sup> :**  
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B-1049 Bruxelles, Telex : AGREC 22037 B.
25. **Refund payable on request by the successful tenderer<sup>(6)</sup> :**  
Refund applicable on 19 September 1987 fixed by Regulation (EEC) No 2645/87 in *Official Journal of the European Communities* No L 248 of 1 September 1987, p. 63.

*Notes:*

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to contact by the successful tenderer:  
Extelcoms House, 9th Floor, Samora Ave, PO Box 9514 Dar es Salaam, Telex 41353 DELCOMEUR — Dar es Salaam.
- (3) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.  
The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
  - certificate of origin,
  - phytosanitary certificate.
- (4) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (5) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
  - either by porter at the Office referred to in point 24 of this Annex,
  - or by telecopier on one of the following numbers in Brussels:
    - 235 01 32
    - 236 10 97
    - 235 01 30
    - 236 20 05
- (6) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

## ANNEX II

1. **Operation No (1):** 858/87
2. **Programme:** 1986
3. **Recipient:** World Food Programme, Via delle Terme di Caracalla, I-00100 Rome, telex 626675 WFP
4. **Representative of the recipient (2):** see *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination:** Burundi
6. **Product to be mobilized:** common wheat flour
7. **Characteristics and quality of the goods (3):**  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II. A. 6) Specific characteristics: Hagberg falling number of at least 160
8. **Total quantity:** 600 tonnes (822 tonnes of cereals)
9. **Number of lots:** 1
10. **Packaging and marking (4):**  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II. B. 2. a). To be delivered on standard pallets:
  - marking on the bags:  
a block dot at least 30 cm in diameter followed by, in letters at least 3 cm high:  
'ACTION No 858/87 / BURUNDI 0051802 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / DAR ES SALAAM IN TRANSIT TO BURUNDI'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** Dar es Salaam
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 1 to 15 November 1987
18. **Deadline for the supply:** 15 December 1987
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon on 13 October 1987
21. **In the case of a second invitation to tender:**
  - (a) deadline for the submission of tenders: 20 October 1987 at 12 noon
  - (b) period for making the goods available at the port of shipment: 15 to 30 November 1987
  - (c) deadline for the supply: 31 December 1987
22. **Amount of the tendering security:** 5 ECU/tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ECU
24. **Address for submission of tenders (5):**  
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B-1049 Bruxelles, Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer (6):**  
Refund applicable on 19 September 1987 fixed by Regulation (EEC) No 2645/87 in *Official Journal of the European Communities* No L 248 of 1 September 1987, p. 63

*Notes:*

- (<sup>1</sup>) The operation number is to be quoted in all correspondence.
- (<sup>2</sup>) Commission delegate to contact by the successful tenderer:  
Mr Wallner, Avenue du 13 octobre, BP 13, Bujumbura, Telex 5031 FED BDI BUJUMBURA.
- (<sup>3</sup>) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- certificate of origin,
  - phytosanitary certificate.
- (<sup>4</sup>) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (<sup>5</sup>) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the Office referred to in point 24 of this Annex,
  - or by telecopier on one of the following numbers in Brussels:
- 235 01 32  
236 10 97  
235 01 30  
236 20 05
- (<sup>6</sup>) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

## COMMISSION REGULATION (EEC) No 2884/87

of 28 September 1987

on the supply of refined rapeseed oil to the the United Nations High  
Commissioner for Refugees (UNHCR) 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 3972/86 of 22 December 1986 on food-aid management <sup>(1)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management <sup>(2)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decision of 5 September 1987 on the supply of food aid to UNHCR, the Commission allocated to the latter organization 150 tonnes of refined rapeseed oil to be supplied free at port of landing — landed;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid <sup>(3)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rapeseed oil to UNHCR in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1 and corrigendum OJ No L 42, 12. 2. 1987, p. 54.

<sup>(2)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(3)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX

1. **Operation No** <sup>(1)</sup>: 866/87
2. **Programme**: 1987
3. **Recipient**: UNHCR
4. **Representative of the recipient** <sup>(2)</sup>: M. Coosemans, Palais des Nations, CH-211 Genève 10 — Telex - 27492
5. **Place or country of destination**: Mexico
6. **Product to be mobilized**: refined rapeseed oil
7. **Characteristics and quality of the goods** <sup>(3)</sup>:  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.1)
8. **Total quantity**: 150 tonnes net
9. **Number of lots**: 1
10. **Packaging and marking**:  
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
  - metal cans of 5 litres or 5 kilograms,
  - The cans must carry the following wording:  
'ACCIÓN N° 866/87 / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA PARA DISTRIBUCIÓN GRATUITA POR EL ALTO COMISARIADO PARA REFUGIADOS DE LAS NACIONES UNIDAS / PUERTO COATZACOALCOS'
11. **Method of mobilization**: Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Puerto Coatzacoalcos
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 27 October to 10 November 1987
18. **Deadline for the supply**: 22 December 1987
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 13 October 1987 not later than 12 noon. Tenders shall be valid until 12 midnight on 14 October 1987
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 27 October 1987 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 28 October 1987
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 10 to 24 November 1987
  - (c) deadline for the supply: 5 January 1988
22. **Amount of the tendering security**: 15 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** <sup>(4)</sup>:  
Bureau de l'aide alimentaire,  
à l'attention de Monsieur N. Arend,  
bâtiment Berlaymont, bureau 6/73,  
200, rue de la Loi,  
B-1049 Bruxelles  
Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer**: —

*Notes :*

- (<sup>1</sup>) The operation number is to be quoted in all correspondence.
  - (<sup>2</sup>) Commission delegate to contact by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
  - (<sup>3</sup>) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
  - (<sup>4</sup>) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
    - either by porter at the Office referred to in point 24 of this Annex,
    - or by telecopier on one of the following numbers in Brussels :
      - 235 01 32
      - 236 10 97
      - 235 01 30
      - 236 20 05
-

## COMMISSION REGULATION (EEC) No 2885/87

of 28 September 1987

on the issuing of a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat held by the German intervention agency

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87 <sup>(2)</sup>, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals <sup>(3)</sup> provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2418/87 <sup>(5)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat held by the German intervention agency should be issued;

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*

The German intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 25 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 13 October 1987.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 November 1987.

3. Tenders must be lodged with the German intervention agency:

Bundesanstalt für landwirtschaftliche Marktordnung  
BALM,  
Adickesallee 40,  
D-6000 Frankfurt am Main,  
(telex: 4-11475, 4-16044).

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the German intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.

<sup>(3)</sup> OJ No L 139, 24. 5. 1986, p. 36.

<sup>(4)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(5)</sup> OJ No L 223, 11. 8. 1987, p. 5.

## COMMISSION REGULATION (EEC) No 2886/87

of 28 September 1987

on the issuing of a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat held by the intervention agency of the United Kingdom

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87<sup>(2)</sup>, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals<sup>(3)</sup> provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82<sup>(4)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(5)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat held by the intervention agency of the United Kingdom should be issued;

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*

The intervention agency of the United Kingdom shall issue a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 13 October 1987.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 November 1987.
3. Tenders must be lodged with the intervention agency of the United Kingdom:

Intervention Board for Agricultural Produce,  
Fountain House,  
2 Queens Walk,  
UK-Reading RG1 7QW Berks,  
(Télex 848 302).

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the intervention agency of the United Kingdom shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.

<sup>(3)</sup> OJ No L 139, 24. 5. 1986, p. 36.

<sup>(4)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(5)</sup> OJ No L 223, 11. 8. 1987, p. 5.

## COMMISSION REGULATION (EEC) No 2887/87

of 28 September 1987

amending Regulation (EEC) No 2386/87 fixing the maximum moisture content of cereals offered for intervention in certain Member States during the 1987/88 marketing year

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87 <sup>(2)</sup>, and in particular Article 7 (7) thereof,

Whereas Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat <sup>(3)</sup>, as last amended by Regulation (EEC) No 2094/87 <sup>(4)</sup>, fixed, *inter alia*, the maximum moisture content of cereals other than durum wheat at 14 %; whereas, under Commission Regulation (EEC) No 1569/77 of 11 July 1977 fixing the procedure and conditions for the taking over of cereals by intervention agencies <sup>(5)</sup>, as last amended by Regulation (EEC) No 2280/87 <sup>(6)</sup>, the maximum moisture content was fixed at 14,5 %; whereas Article 2 (4) of the said Regulation also provides that the Member States may be authorized, on request and under certain conditions, to apply a higher moisture content; whereas the list of Member States making use of this option was published in Regulation (EEC) No 2386/87 <sup>(7)</sup>;

Whereas the United Kingdom and Ireland have requested authorization to apply the maximum moisture content because of the exceptional summer weather in 1987; whereas the Annex to Regulation (EEC) No 2386/87 should therefore be modified;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 2386/87 is replaced by the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 28 september 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 22.

<sup>(4)</sup> OJ No L 196, 17. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 174, 14. 7. 1977, p. 15.

<sup>(6)</sup> OJ No L 209, 31. 7. 1987, p. 13.

<sup>(7)</sup> OJ No L 218, 7. 8. 1987, p. 14.

## ANNEX

## ANNEX

**Maximum moisture content for cereals offered for intervention during the 1987/88 marketing year**

| Member State   | Maximum content | Type of cereal |
|----------------|-----------------|----------------|
| Belgium        | 15,5 %          | All            |
| Denmark        | 15,5 %          | All            |
| Germany        | 15,5 %          | All            |
| France         | 15,0 %          | All            |
| Ireland        | 15,5 %          | All            |
| Luxembourg     | 15,5 %          | All            |
| Netherlands    | 15,5 %          | All            |
| United Kingdom | 15,5 %          | All            |

**COMMISSION REGULATION (EEC) No 2888/87****of 28 September 1987****amending Regulation (EEC) No 756/70 on granting aid for skimmed milk processed into casein and caseinates**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 773/87 <sup>(2)</sup>, and in particular Article 11 (3) thereof,

Whereas the amount of aid for 100 kilograms of skimmed milk processed into casein or caseinates was fixed at 9,30 ECU by Article 2 (1) of Commission Regulation (EEC) No 756/70 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3915/86 <sup>(4)</sup>; whereas the amount of aid must be adjusted to take account of the movement of prices for caseins in international trade;

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 Article 2 (1) of Regulation (EEC) No 756/70, '9,30 ECU' is replaced by '8,85 ECU'.

*Article 2*

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

It shall apply with effect from 1 October 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 78, 20. 3. 1987, p. 1.

<sup>(3)</sup> OJ No L 91, 25. 4. 1970, p. 28.

<sup>(4)</sup> OJ No L 364, 23. 12. 1986, p. 37.

## COMMISSION REGULATION (EEC) No 2889/87

of 28 September 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2036/82 of 19 July 1982 laying down special measures for peas, field beans and sweet lupins<sup>(3)</sup>, as last amended by Regulation (EEC) No 1958/87<sup>(4)</sup>, and in particular Article 12a (4) thereof,

Having regard to Council Regulation (EEC) No 1958/87 of 2 July 1987 amending Regulation (EEC) No 2036/82 laying down special measures for peas, field beans and sweet lupins, and in particular Article 2 thereof,

Whereas Article 12a of Regulation (EEC) No 2036/82 provides for the application of differential amounts to the amounts of the aid for the products in question; whereas use should be made in this connection of the neutral margin provided for in Article 12a (2) of Regulation (EEC) No 2036/82;

Whereas the methods for calculating these differential amounts should be defined and Commission Regulation (EEC) No 3540/85<sup>(5)</sup>, as last amended by Regulation (EEC) No 2137/87<sup>(6)</sup>, should be adapted accordingly; whereas the methods of calculation should take account of the correcting factor referred to in Article 6 of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture<sup>(7)</sup>, as last amended by Regulation (EEC) No 1889/87<sup>(8)</sup>, and of the specific characteristics of the market, in particular of the various uses to which the products in question are put;

Whereas the introduction of the system of differential amounts means that the amount of aid to be granted in national currency differs according to the Member State in which the products are harvested and used; whereas an intra-Community trade control system should therefore

be introduced and the control copy referred to in Article 1 of Commission Regulation (EEC) No 223/77 of 22 December 1976 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure<sup>(9)</sup>, as last amended by Regulation (EEC) No 2823/87<sup>(10)</sup>, should be used for that purpose; whereas use of the control copy should be accompanied by the giving of a security lodged in accordance with Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products<sup>(11)</sup>, as last amended by Regulation (EEC) No 1181/87<sup>(12)</sup>; whereas in order to ensure the administrative supervision of the entitlement to aid Article 17 of Regulation (EEC) No 3540/85 should be amended accordingly;

Whereas it is necessary to introduce transitional measures in order to enable the Member States to switch from the system in force at present to that provided for by this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3540/85 is hereby amended as follows:

1. The following indent is added to Article 17 (2):

— the name of the Member State in which the products were harvested.

2. The following Article 26a is inserted:

*Article 26a*

1. The gross aid expressed in ECU that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State.

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(2)</sup> OJ No L 292, 16. 10. 1986, p. 1.

<sup>(3)</sup> OJ No L 219, 28. 7. 1982, p. 1.

<sup>(4)</sup> OJ No L 184, 3. 7. 1987, p. 3.

<sup>(5)</sup> OJ No L 342, 19. 12. 1985, p. 1.

<sup>(6)</sup> OJ No L 200, 21. 7. 1987, p. 8.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(8)</sup> OJ No L 182, 2. 7. 1987, p. 1.

<sup>(9)</sup> OJ No L 38, 9. 2. 1977, p. 20.

<sup>(10)</sup> OJ No L 270, 23. 9. 1987, p. 1.

<sup>(11)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(12)</sup> OJ No L 113, 30. 4. 1987, p. 31.

The differential amount for peas and field beans shall be equal to the monetary correcting factor referred to in paragraph 2 for the currency of the Member State in which the products are harvested, multiplied by 94 % of the guide price reduced by the amount of the aid.

The differential amount for sweet lupins shall be calculated in accordance with the second subparagraph, the guide price for peas and field beans being replaced by the minimum price for sweet lupins plus the difference between the guide price and the minimum price for peas.

However, in the case of the aid referred to in Article 3 (1) of Regulation (EEC) No 1431/82, the differential amount calculated in accordance with the second subparagraph as regards peas and field beans, and with the third subparagraph as regards sweet lupins, shall be corrected by an amount that takes account of the incidence on the aid of the price of barley in the currencies of the Member States in which the products are harvested and used. The intervention price for barley to be used shall be that applicable in Member States other than Spain at the beginning of the marketing year, and the percentage of it shall in the case of peas and field beans be 55 and in the case of sweet lupins 40.

If the differential amount applied to the amount of the aid results in a negative final aid no aid shall be granted.

2. The monetary correcting factor shall be equal to the monetary gap referred to in Article 12a (2) (a) or, where appropriate, (b) of Regulation (EEC) No 2036/82.

However, the monetary correcting factor shall be subject to a neutral margin of five points.

3. The spot market rates referred to in Article 12a (2) (b), second indent of Regulation (EEC) No 2036/82 shall be derived from the ECU rates established daily by the Commission for the currencies concerned and published in the *Official Journal of the European Communities* 'C' series. The period during which the spot market rates are recorded shall run from the Wednesday of one week to the Tuesday of the following week prior to the date on which the aid is fixed.

4. Where the amount of the aid is fixed in advance, the forward amount of the aid shall be modified by a differential amount calculated in accordance with paragraphs 1 and 2.

It shall however be adjusted, where appropriate, to take account of the corrective amount referred to in Article 25 and of the minimum price, the activating threshold price, the guide price and the intervention price for barley specified in the fourth subparagraph of paragraph 1 that are valid in the month of identification.

5. Where the products are harvested in one Member State and used in another Member State, the amount of

aid to be granted shall be the amount of the final aid expressed in the currency of the producer Member State, converted into the currency of the user Member State on the basis of the bilateral exchange rate referred to in paragraph 6 valid on the day of identification or, where appropriate, the day on which the application for a certificate of advance fixing of the aid is lodged.

6. The bilateral exchange rate to be used in the case referred to in paragraph 5 shall be derived from:

- the central rate, for the currencies of those Member States that maintain their currencies in relation to each other at any given moment within a band of 2,25 %,
- the average of the rates resulting from the ratio of the average spot market rates for the currency concerned against each of the currencies of the Member States referred to in the first indent recorded during the period referred to in paragraph 3 to the central rate of each of those currencies, for the other currencies.

7. The differential amounts shall be fixed at the same time as the aid specified in Article 3 (1) of Regulation (EEC) No 1431/82, and the Commission shall publish in the *Official Journal of the European Communities*, 'L' series, as soon as they have been fixed:

- the amount of the gross aid, expressed in ECU, to be granted for 100 kilograms of products,
- the amount in the currency of the Member State in which the products are harvested, resulting from the conversion into national currency of the gross aid weighted by the differential amount calculated in accordance with the second subparagraph of paragraph 1 in the case of peas and field beans and with the third subparagraph in the case of sweet lupins,
- where appropriate, the amount in the currency of the Member State in which the products are harvested of any correcting amount as indicated in the fourth subparagraph of paragraph 1,
- the exchange rates of the ECU against the national currencies indicated in paragraph 6.

3. The following Article 31a is inserted:

*Article 31a*

1. When peas, field beans and sweet lupins harvested in the Community, other than those products which are:

- recognized by the law of the Member State of origin as being seeds for sowing,
- or
- have definitely been used as defined in Article 9 (b) and (d), first indent,

are the subject of trade between Member States, there shall be drawn up in the Member State where the products have been harvested, after they have been weighed, the control copy referred to in Article 10 of Regulation (EEC) No 223/77, section 41 of which shall contain, in addition to the description of the goods, one of the following endorsements:

- cosechado en ...
- høstet i ...
- geerntet in ...
- έχει συγκομισθεί στ. ...
- harvested in ...
- récolté en ...
- raccolto in ...
- geoogst in ...
- colhido em ...

2. The following sections of the control copy shall be completed:

- (a) section 103;
- (b) section 104 by deleting those entries which are not applicable and by inserting one of the following:

- Destinado a ser utilizado con arreglo al artículo 9 del Reglamento (CEE) nº 3540/85 o a ser exportado hacia terceros países
- Bestemt til anvendelse som omhandlet i artikel 9 i forordning (EØF) nr. 3540/85 eller til udførsel til tredjelande
- Bestimmt zur Verwendung nach Artikel 9 der Verordnung (EWG) Nr. 3540/85 oder zur Ausfuhr nach Drittländern
- Προορίζεται να χρησιμοποιηθεί κατά την έννοια του άρθρου 9 του κανονισμού (ΕΟΚ) αριθ. 3540/85 ή να εξαχθεί προς τρίτες χώρες
- To be used as defined in Article 9 of Regulation (EEC) No 3540/85 or to be exported from the Community to third countries
- Destiné à être utilisé au sens de l'article 9 du règlement (CEE) nº 3540/85 ou à être exporté vers les pays tiers
- Destinado ad essere utilizzato ai sensi dell'articolo 9 del regolamento (CEE) n. 3540/85 o ad essere esportato versi i paesi terzi
- Bestemd voor gebruik in de zin van artikel 9 van Verordening (EEG) nr. 3540/85 of voor uitvoer naar derde landen
- Destinado a ser utilizado de acordo com o estipulado no artigo 9º do regulamento (CEE) nº 3540/85, ou a ser exportado para um país terceiro.

The net weight of the inspected product shall be inserted in the 'Control of use and/or destination' section on the back of the copy under 'Remarks'.

3. Authorities checking the destination of products traded within the Community shall, if necessary for the purposes of granting the final aid, send a copy or photocopy of the control copy referred to in Article 10 of Regulation (EEC) No 223/77 to the agency responsible for granting the aid.

4. The control copy provided for in Article 10 of Regulation (EEC) No 223/77 shall be accompanied by a security of 4 ECU per 100 kilograms net to guarantee compliance with the obligation to assign to the products in question one of the destinations referred to in paragraph 2.

The primary requirement referred to in Article 20 of Regulation (EEC) No 2220/85 shall be the furnishing of evidence that the obligation referred to in the first subparagraph has been fulfilled. This evidence may be given only by producing the control copy in question, completed, in accordance with paragraph 2 for a quantity which is equal to at least 98 % of the quantity indicated in section 103 of the control copy.

Where the primary requirement is met for a quantity which exceeds by more than 2 % the quantity indicated in section 103 of the control copy, the additional quantity shall be treated as being imported from third countries.

Evidence of compliance with the primary requirement shall be furnished within 12 months at the latest of the month following the month in which the security was lodged.

#### Article 2

Until 31 December 1987 for the purpose of determining the amount of aid to be paid to the user the Member State in which the products were harvested may be considered to be the Member State that issued the certificate of purchase at the minimum price mentioned at the first indent of Article 28 (2) of Regulation (EEC) No 3540/85.

#### Article 3

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

It shall apply to peas, field beans and sweet lupins identified from 1 October 1987 onwards, except where such products have been subjected to advance fixing of the aid before 1 August 1987.

Article 1 (3) shall however apply from 1 November 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## COMMISSION REGULATION (EEC) No 2890/87

of 28 September 1987

re-establishing the levying of customs duties on zinc and zinc oxide falling within heading No 28.19 of the Common Customs Tariff originating in Mexico to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

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

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, and in particular Article 15 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3924/86 duties on the products listed in Annex II originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 14;

Whereas, as provided for in Article 14 where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 5 % of the

total importations into the Community, originating from third countries in 1984;

Whereas, in the case of zinc and zinc oxide falling within heading No 28.19 of the Common Customs Tariff, the reference base is fixed at 372 000 ECU; whereas, on 18 September 1987, imports of these products into the Community originating in Mexico reached the reference base in question after being charged thereagainst; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against Mexico,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 2 October 1987, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in Mexico:

| Order No | CCT heading No and NIMEXE code | Description                  |
|----------|--------------------------------|------------------------------|
| 30.0270  | 28.19                          | Zinc oxide and zinc peroxide |

*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 September 1987.

For the Commission

COCKFIELD

Vice-President

<sup>(1)</sup> OJ No L 373, 31. 12. 1986, p. 1.

## COMMISSION REGULATION (EEC) No 2891/87

of 28 September 1987

fixing the refunds applicable for October 1987 to cereal and rice sector products  
supplied as Community and national 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 2727/73 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 1907/87<sup>(4)</sup>, and in particular Article 11 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid<sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas Article 3 of Council Regulation (EEC) No 2746/75<sup>(6)</sup> and Article 6 of Council Regulation (EEC) No 2744/75<sup>(7)</sup>, as last amended by Regulation (EEC) No 1906/87<sup>(8)</sup>, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76<sup>(9)</sup>;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations the refunds applicable for October 1987 to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

*Article 3*

This Regulation shall enter into force on 1 October 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 182, 3. 7. 1987, p. 51.

<sup>(5)</sup> OJ No L 288, 25. 10. 1974, p. 1.

<sup>(6)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(8)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(9)</sup> OJ No L 166, 25. 6. 1976, p. 36.

## ANNEX

to the Commission Regulation of 28 September 1987 fixing the refunds applicable for October 1987 to cereal and rice sector products supplied as Community and national food aid

| (ECU/tonne)     |        |
|-----------------|--------|
| CCT heading No  | Refund |
| 10.01 B I       | 113,00 |
| 10.01 B II      | 155,48 |
| 10.02           | 25,00  |
| 10.03           | 110,00 |
| 10.04           | 95,00  |
| 10.05 B         | 110,00 |
| 10.06 B I b) 1  | 237,72 |
| 10.06 B I b) 2  | 237,72 |
| 10.06 B II a) 1 | —      |
| 10.06 B II a) 2 | —      |
| 10.06 B II b) 1 | 297,15 |
| 10.06 B II b) 2 | 297,15 |
| 10.07 C II      | 110,00 |
| 11.01 A         | 139,00 |
| 11.01 C         | 172,83 |
| 11.01 E I       | 168,40 |
| 11.01 F         | —      |
| 11.02 A I a)    | 241,00 |
| 11.02 A I b)    | 156,00 |
| 11.02 A V a) 2  | 216,52 |
| 11.02 A VI      | —      |
| 11.02 C III     | 230,44 |
| 11.02 E I b) 2  | 236,78 |

## COMMISSION REGULATION (EEC) No 2892/87

of 28 September 1987

on the issuing of a standing invitation to tender for the resale on the internal market of 20 000 tonnes of common wheat held by the Danish intervention agency

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87<sup>(2)</sup>, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals<sup>(3)</sup> provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82<sup>(4)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(5)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 20 000 tonnes of common wheat held by the Danish intervention agency should be issued;

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*

The Danish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 20 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 13 October 1987.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 November 1987.
3. Tenders must be lodged with the Danish intervention agency:

Direktoratet for Markedsordningerne,  
EF-Direktoratet,  
Frederiksborggade 18,  
DK-1360 København K,  
Tel. (01) 92 70 00, telex 151 37 DK.

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the Danish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

(<sup>1</sup>) OJ No L 281, 1. 11. 1975, p. 1.  
(<sup>2</sup>) OJ No L 182, 3. 7. 1987, p. 40.  
(<sup>3</sup>) OJ No L 139, 24. 5. 1986, p. 36.  
(<sup>4</sup>) OJ No L 202, 9. 7. 1982, p. 23.  
(<sup>5</sup>) OJ No L 223, 11. 8. 1987, p. 5.

**COMMISSION REGULATION (EEC) No 2893/87****of 28 September 1987****abolishing the countervailing charge on fresh lemons 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2275/87<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2739/87<sup>(3)</sup>, as amended by Regulation (EEC) No 2838/87<sup>(4)</sup> introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74<sup>(5)</sup>, as last amended by Regulation (EEC) No 3811/85<sup>(6)</sup>, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal<sup>(7)</sup>, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2739/87 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 29 September 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 209, 31. 7. 1987, p. 4.

<sup>(3)</sup> OJ No L 262, 12. 9. 1987, p. 18.

<sup>(4)</sup> OJ No L 271, 24. 9. 1987, p. 11.

<sup>(5)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 1.

<sup>(7)</sup> OJ No L 302, 15. 11. 1985, p. 9.

**COMMISSION REGULATION (EEC) No 2894/87**  
**of 28 September 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 229/87<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2858/87<sup>(4)</sup>;

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 September 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 25, 28. 1. 1987, p. 1.

<sup>(3)</sup> OJ No L 192, 11. 7. 1987, p. 38.

<sup>(4)</sup> OJ No L 272, 25. 9. 1987, p. 36.

**ANNEX**

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

| (ECU/100 kg)         |                                             |                      |
|----------------------|---------------------------------------------|----------------------|
| CCT<br>heading<br>No | Description                                 | Levy                 |
| 17.01                | Beet sugar and cane sugar, in solid form:   |                      |
|                      | A. White sugar: flavoured or coloured sugar | 52,44                |
|                      | B. Raw sugar                                | 44,87 <sup>(1)</sup> |

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

## COMMISSION REGULATION (EEC) No 2895/87

of 28 September 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1900/87 <sup>(2)</sup>, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Regulation (EEC) No 2856/87 <sup>(3)</sup>,

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 2856/87 to the information known to the Commission that the

export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2856/87 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

*Article 2*

This Regulation shall enter into force on 29 September 1987.

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

Done at Brussels, 28 September 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 40.

<sup>(3)</sup> OJ No L 272, 25. 9. 1987, p. 30.

## ANNEX

to the Commission Regulation of 28 September 1987 altering the export refunds on cereals  
and on wheat or rye flour, groats and meal

(ECU/tonne)

| CCT<br>heading<br>No | Description                                                                                                                                                                                                                                                                                                                                                                                 | Refund                                                                                           |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 10.01 B I            | Common wheat and meslin<br>for exports to :<br>— Switzerland, Austria and Liechtenstein<br>— zone II b)<br>— zones I, II a), III, V, VI and VII<br>— zone IV<br>— Ceuta and Melilla<br>— other third countries                                                                                                                                                                              | <br><br>103,00<br>108,00<br>20,00<br>25,00<br>120,00<br>15,00                                    |
| 10.01 B II           | Durum wheat                                                                                                                                                                                                                                                                                                                                                                                 | 25,00 <sup>(3)</sup>                                                                             |
| 10.02                | Rye<br>for exports to :<br>— Switzerland, Austria and Liechtenstein<br>— other third countries                                                                                                                                                                                                                                                                                              | <br>10,00<br>25,00                                                                               |
| 10.03                | Barley<br>for exports to :<br>— Switzerland, Austria and Liechtenstein<br>— zone II b)<br>— other third countries                                                                                                                                                                                                                                                                           | <br>100,00<br>105,00<br>25,00                                                                    |
| 10.04                | Oats<br>for exports to :<br>— Switzerland, Austria and Liechtenstein<br>— other third countries                                                                                                                                                                                                                                                                                             | <br>85,00<br>95,00                                                                               |
| 10.05 B              | Maize, other than hybrid maize for sowing<br>for exports to :<br>— Switzerland, Austria and Liechtenstein<br>— Canary Islands<br>— other third countries                                                                                                                                                                                                                                    | <br>0<br>0<br>0                                                                                  |
| 10.07 B              | Millet                                                                                                                                                                                                                                                                                                                                                                                      | —                                                                                                |
| 10.07 C II           | Grain sorghum, other than hybrid sorghum for sowing                                                                                                                                                                                                                                                                                                                                         | —                                                                                                |
| ex 11.01 A           | Wheat flour :<br>— of an ash content of 0 to 520<br>for exports to :<br>— Zaire and Egypt<br>— other third countries<br>— of an ash content of 521 to 600<br>for exports to :<br>— Zaire and Egypt<br>— other third countries<br>— of an ash content of 601 to 900<br>— of an ash content of 901 to 1 100<br>— of an ash content of 1 101 to 1 650<br>— of an ash content of 1 651 to 1 900 | <br><br><br>171,00<br>156,00<br><br><br>171,00<br>156,00<br>139,00<br>130,00<br>121,00<br>110,00 |

| CCT<br>heading<br>No | Description                                                                                                                                                                                                        | Refund<br>(ECU/tonne)                                                                            |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| ex 11.01 B           | Rye flour :<br>— of an ash content of 0 to 700<br>— of an ash content of 701 to 1 150<br>— of an ash content of 1 151 to 1 600<br>— of an ash content of 1 601 to 2 000                                            | 156,00<br>156,00<br>156,00<br>156,00                                                             |
| 11.02 A I a)         | Durum wheat groats and meal<br>— of an ash content of 0 to 1 300 <sup>(1)</sup><br>— of an ash content of 0 to 1 300 <sup>(2)</sup><br>— of an ash content of 0 to 1 300<br>— of an ash content of more than 1 300 | 286,00 <sup>(3)</sup><br>270,00 <sup>(3)</sup><br>241,00 <sup>(3)</sup><br>228,00 <sup>(3)</sup> |
| ex 11.02 A I b)      | Common wheat groats and meal :<br>— of an ash content of 0 to 520                                                                                                                                                  | 156,00                                                                                           |

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

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

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

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 1548/87 (OJ No L 144, 4. 6. 1987).

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 7 August 1987

concerning the conclusion of the Settlement in the form of an Exchange of Letters between the European Economic Community and the United States of America on Community exports of pasta products to the United States of America

(87/482/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the Agreement in the form of an Exchange of Letters between the European Economic Community and the United States of America on the Mediterranean preferences, citrus and pasta <sup>(1)</sup>, approved by the Council on 3 November 1986, provides that both parties agree to proceed in good faith in seeking a prompt solution to their dispute over Community pasta export refunds;

Whereas on 5 August 1987 both sides reached an agreement on the settlement of the issue and this Settlement should therefore be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Settlement in the form of an Exchange of Letters between the European Economic Community and the

United States of America on Community exports of pasta products to the United States is hereby approved on behalf of the Community.

The text of the Settlement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the person empowered to sign the Settlement in order to bind the Community.

Done at Brussels, 7 August 1987.

*For the Council*

*The President*

K. E. TYGESEN

<sup>(1)</sup> OJ No L 62, 5. 3. 1987, p. 23.

**SETTLEMENT**

**in the form of an Exchange of Letters between the European Economic Community and the United States of America on Community exports of pasta products to the United States**

*A. Letter from the Community*

Brussels, ....

Sir,

I hereby enclose the text and the Annex of Settlement reached between our two sides on the pasta issue pursuant to paragraph D of the United States/European Communities Agreement of 10 August 1986 and subject to the conditions thereof.

I confirm the acceptance of this Settlement by the Community.

I would be grateful if you would confirm acceptance of the Settlement in the same terms by the Government of the United States of America.

*On behalf of  
the Council of the European Communities*

*B. Letter from the United States of America*

.....,

Sir,

I acknowledge receipt of your letter of 5 August 1987, to which you annexed the text of the Settlement on pasta, of which the text is as follows:

'I hereby enclose the text and the Annex of the Settlement reached between our two sides on the pasta issue pursuant to paragraph D of the United States/European Communities Agreement of 10 August 1986 and subject to the conditions thereof.

I confirm the acceptance of this Settlement by the Community.

I would be grateful if you would confirm acceptance of the Settlement in the same terms by the Government of the United States of America.'

I hereby confirm acceptance of the Settlement in the same terms by the Government of the United States of America.

*For the Government  
of the United States of America*

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5 August, 1987

**UNITED STATES/EUROPEAN COMMUNITIES PASTA SETTLEMENT**

In order to avoid new conflict between the United States of America and the European Communities at a particularly critical moment for the world trading system, the United States of America and the European Communities have agreed to the following Settlement of the United States of America/European Communities dispute regarding European Communities export refunds on pasta products<sup>(1)</sup> exported to the United States of America.

1. The export refund for pasta exported from the European Communities to the United States of America will be reduced. The initial reduction will be 27,5 % of the prevailing level of the general refund for pasta exports.
2. Inward Processing Relief (IPR) with equivalent compensation will be permitted for exports of pasta products from the European Communities to the United States of America in conformity with Regulation (EEC) No 3677/86. Under IPR, durum wheat will be available for Community producers at world market prices and therefore exports of pasta products for the equivalent thereof shall not qualify for export refunds.
3. Neither the method of calculating the general refund for pasta exports nor the regulations on IPR as they existed on 1 August 1987 will be altered in a manner which would undermine the effects of this Settlement.
4. The actions referred to in paragraphs 1 and 2 above are intended to result in 50 % of such exports taking place under IPR (hereinafter referred to as the 'agreed level') throughout this Settlement.
5. The two sides shall monitor the evolution of European Communities' pasta exports to the United States of America both under the IPR system and through the use of export refunds. The European Communities shall report bi-annually on exports in each six month reference period, extending from August through January and from February through July of each year, within 45 days of the end of the period concerned.
6. (a) In the event that European Communities' pasta exports to the United States of America under the IPR system fail to reach the agreed level in any six month reference period, the percentage reduction in the export referred to in paragraph 1 above will be increased so as to achieve the agreed level, as it may be modified pursuant to subparagraph (c);
- (b) In the event that European Communities' pasta exports to the United States of America under the IPR system exceed the agreed level in any six-month reference period, the percentage reduction in the export refund referred to in paragraph 1 above will be reduced so as to achieve the agreed level, as it may be modified pursuant to subparagraph (c);
- (c) Starting in 1989, the European Communities and the United States of America agree to examine jointly during March and September whether during the preceding six-month reference period the actual level of pasta exports from the European Communities to the United States of America utilizing IPR has differed from the agreed level. The resulting shortfall or surplus, if any, shall be added to or subtracted from the agreed level in the subsequent six-month period;
- (d) The adjustments referred to in subparagraphs (a) and (b) above shall take effect on the first day of the month following the 45-day periods referred to in paragraph 5.
7. For the duration of this Settlement, the European Communities shall not introduce any new export incentives for pasta exported to the United States of America. Should any new export incentives for pasta exported from the European Communities to the United States of America be introduced which undermine the operation of this Settlement, the United States of America will have the right to pursue re-negotiation of this Settlement or to terminate it.
8. For the duration of this Settlement, the US administration shall refrain from unilateral action against pasta imports from the European Communities and shall not seek redress in the GATT Subsidies Code Case on pasta. Should any administrative or legislative measures be taken against pasta imports from the European Communities, the European Communities will have the right to pursue renegotiation of this Settlement or to terminate it.

<sup>(1)</sup> Falling within CCT heading No 19.03 and, with effect from 1 January 1988, HS Codes 1902.11 and 1902.19.

9. The parties shall consult as agreed in the Annex to this Settlement. In addition, consultations will be held at any time at the request of either party regarding the operation of this Settlement or any matter pertaining thereto. Such consultations will be held within 10 working days of the request by either party.
10. The provisions of this Settlement are without prejudice to the legal positions of either party regarding the consistency with GATT of the use of export subsidies or export refunds for any product processed from primary agricultural products. Both parties agree to seek resolution of the pasta export refund issue on a definitive basis in the Uruguay round of Multilateral Trade Negotiations as quickly as possible.
11. Should either party take any action which would undermine the effects or operation of this Settlement, or fail to take appropriate action to implement this Settlement, the other party will have the right to terminate the Settlement.
12. The Annex to this Settlement shall constitute an integral part of this Settlement. The provisions of this Settlement and Annex shall take effect provisionally on 1 October 1987. The Settlement and Annex shall take effect definitively simultaneously with the implementation of parts A and B of the Annex to the Agreement of 10 August 1986.

## ANNEX

- A. In order to promote early and accurate adjustment to the agreed level of IPR utilization referred to in paragraph 4 of the Settlement to which this Annex is attached ('agreed level'), the United States of America and the European Communities agree to a series of four initial reviews of the functioning of this Settlement.
1. The first review shall take place in the first half of December 1987 to examine the trade which has taken place during October 1987. On the basis of this review, the European Communities shall, in accordance with paragraph B below, alter the percentage reduction in the export refund referred to in paragraph 1 of the Settlement to which this Annex is attached, either upward or downward so as to achieve the agreed level. This change shall take effect from 1 January 1988.
  2. A second review shall take place during the first half of March 1988 to examine the trade which has taken place from November through January. On the basis of this second review, the European Communities shall, in accordance with paragraph B below, alter the percentage reduction in the export refund applied between 1 January and 31 March 1988, either upward or downward so as to achieve the agreed level. This change shall take effect from 1 April 1988.
  3. A third review shall take place during the first half of June 1988 to examine the trade which has taken place from February through April. On the basis of this third review, the European Communities shall, in accordance with paragraph B below, alter the percentage reduction in the export refund applied between 1 April and 30 June 1988, either upward or downward so as to achieve the agreed level. This change shall take effect from 1 July 1988.
  4. A fourth review shall take place during the first half of September 1988 to examine the trade which has taken place from May through July. On the basis of this fourth review, the European Communities shall, in accordance with paragraph B below, alter the percentage reduction in the export refund applied between 1 July and 30 September 1988, either upward or downward so as to achieve the agreed level. This change shall take effect from 1 October 1988.
- B. The magnitude of the changes to be made to the percentage reduction in the export refund referred to in paragraph 1 of the Settlement to which this Annex is attached as a result of each review referred to in paragraph A shall be designed to achieve the agreed level in the following period. If the rate of IPR utilization in any period is more than or equal to plus or minus 10 percentage points from the agreed level, the alteration resulting from that review shall be a minimum of five per cent of the general refund, unless otherwise agreed. If the rate of utilization of IPR is less than plus or minus 10 percentage points from the agreed level, the alteration shall be a minimum of one per cent of the general refund, unless otherwise agreed. If the rate of utilization is at the agreed level, no alteration shall be required.
- C. At the time of the fourth review mentioned above, the European Communities and the United States of America agree to examine the amount by which the actual level of pasta exports from the European Communities to the United States of America utilizing IPR has differed from the agreed level during the period from November 1987 through July 1988. Any resulting shortfall or surplus shall be added to, or subtracted from, the agreed level for the six-month period beginning 1 October 1988.
- D. Following the initial review periods, i.e., beginning with the six-month period August 1988 through January 1989, in anticipation that European Communities pasta exports to the United States of America will be at or near the agreed level, reviews and changes in the rate of adjustment to the general refund level will take place as provided for in paragraph 6 of the Settlement to which this Annex is attached.
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**Side letter from the European Communities to the United States of America**

Sir,

With reference to paragraph A 1 of the Annex to the Settlement (first review), and taking due account of the technical delays involved for the operation of the IPR system as well as the lack of representativity resulting from a one-month period, I understand that both sides, while committed to an early implementation of the Settlement, are conscious of the difficulties for European Communities exporters to adapt, in so short a period of time, to the agreed level of trade under the IPR system. Consequently, the results of the first review should be treated with caution.

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**Information regarding the signing of the Settlement between the European Communities and the United States of America on Community exports of pasta products to the United States of America**

The English version of the Settlement in the form of an Exchange of Letters between the European Communities and the United States of America on Community exports of pasta products to the United States of America<sup>(1)</sup> was signed by the plenipotentiaries of the two Parties (Mr Willy De Clercq on behalf of the Council of the European Communities and Mr Clayton Yeutter for the Government of the United States of America) in Brussels and Washington respectively on 12 August and 15 September 1987.

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<sup>(1)</sup> See page 37 of this Official Journal.