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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 428/88 of 16 February 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 429/88 of 16 February 1988 fixing the premiums to be added to the import levies on cereals, flour and malt	3
* Commission Regulation (EEC) No 430/88 of 16 February 1988 amending for the 19th time Regulation (EEC) No 1371/84 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68	5
Commission Regulation (EEC) No 431/88 of 16 February 1988 concerning applications for STM licences for cereals submitted during the first 10 days of February 1988	7
Commission Regulation (EEC) No 432/88 of 16 February 1988 altering the export refunds on cereals and on wheat or rye flour, groats and meal	8

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 428/88

of 16 February 1988

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) 3989/87⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 4047/87⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 15 February 1988;

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 4047/87 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 17 February 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

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

Done at Brussels, 16 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 16 February 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	10,36	167,15
0712 90 19	10,36	167,15
1001 10 10	65,54	250,45 ⁽¹⁾ ⁽²⁾
1001 10 90	65,54	250,45 ⁽¹⁾ ⁽²⁾
1001 90 91	5,23	184,26
1001 90 99	5,23	184,26
1002 00 00	45,58	162,40 ⁽³⁾
1003 00 10	39,26	177,71
1003 00 90	39,26	177,71
1004 00 10	95,79	139,85
1004 00 90	95,79	139,85
1005 10 90	10,36	167,15 ⁽²⁾ ⁽³⁾
1005 90 00	10,36	167,15 ⁽²⁾ ⁽³⁾
1007 00 90	33,88	175,96 ⁽⁴⁾
1008 10 00	39,26	96,58
1008 20 00	39,26	105,99 ⁽⁵⁾
1008 30 00	39,26	56,14 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	39,26	56,14
1101 00 00	21,87	272,51
1102 10 00	78,36	240,94
1103 11 10	115,18	401,79
1103 11 90	21,93	292,62

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

⁽²⁾ In accordance with Council Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 429/88

of 16 February 1988

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3989/87⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 4048/87⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 15 February 1988;

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 17 February 1988.

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

Done at Brussels, 16 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 102.

ANNEX

to the Commission Regulation of 16 February 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	1,45
1001 10 90	0	0	0	1,45
1001 90 91	0	0	0	3,49
1001 90 99	0	0	0	3,49
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	4,88

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	6,21	6,21
1107 10 19	0	0	0	4,64	4,64
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 430/88

of 16 February 1988

amending for the 19th time Regulation (EEC) No 1371/84 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 2998/87⁽²⁾, and in particular Article 5c (7) thereof,

Article 1

Regulation (EEC) No 1371/84 is hereby amended as follows:

1. In Article 9:

— in the second subparagraph of paragraph 1, the second indent is replaced by the following:

‘— in the case of producers or purchasers whose deliveries or purchases of milk were interrupted, or the fat content of whose delivered or purchased milk fell during the period referred to in the preceding subparagraph, the Member State may decide, at the request of the party concerned, that the fat content considered as representative is to be the average content recorded during the first period of application of the supplementary levy arrangements. The Member States shall notify the Commission of the measures which they adopt for the application of the abovementioned provisions.’

— in the first and second subparagraphs of paragraph 2, ‘0,21’ is replaced by ‘0,18’.

2. Article 10 is replaced by the following:

Article 10

For the purposes of applying Articles 9 and 10 of Regulation (EEC) No 857/84:

1. Member States may replace the 12-month period by a 52-week period. Should they do so:

— the first 52-week period shall begin on the Sunday or Monday following 2 April 1984,

Whereas Commission Regulation (EEC) No 1371/84⁽³⁾, as last amended by Regulation (EEC) No 3331/87⁽⁴⁾, lays down detailed rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68; whereas Article 9 thereof provides for an increase in the quantities of milk used as a basis for calculating the levy where there is an increase in the fat content of milk delivered or purchased during a given period of application of the quota system as compared with the 1985/86 period; whereas, in certain exceptional cases, the 1984/85 period may nevertheless be referred to; whereas for administrative reasons references to the 1984/85 period should be authorized seeing that the fat content of milk delivered or purchased in the 1985/86 period was down; whereas, in addition, experience gained during the first periods of application of the levy system has shown that the coefficient used as a basis to calculate the levy where there is an increase in the fat content should be adjusted from the second six months of the third period of application of the supplementary levy;

Whereas the fourth period of application of the supplementary levy system covers a leap year; whereas as a consequence there cannot be any equivalence between the reference quantities, calculated on the basis of 365 days, and the quantities actually delivered, purchased or sold during that period; whereas, in order to re-establish that equivalence, the quantities likely to be subject to the supplementary levy should therefore be reduced by one day in the month of February 1988;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 285, 8. 10. 1987, p. 1.

⁽³⁾ OJ No L 132, 18. 5. 1984, p. 11.

⁽⁴⁾ OJ No L 316, 6. 11. 1987, p. 18.

- the guaranteed total quantity referred to in Article 5c (3) of Regulation (EEC) No 804/68 and the guaranteed total quantity referred to in the Annex to Regulation (EEC) No 857/84 shall, where appropriate, be reduced accordingly;
- 2. in the case of a 12-month accounting period, the quantities of milk or milk equivalent delivered, purchased or sold directly during the fourth period of application of the supplementary levy shall be reduced by a quantity corresponding to one 60th of

the quantities delivered, purchased or sold directly during the months of February and March 1988.'

Article 2

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

However, the second indent of Article 1 subparagraph 1 shall apply from the second six months of the third period of application of the supplementary levy arrangements.

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

Done at Brussels, 16 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 431/88
of 16 February 1988
concerning applications for STM licences for cereals submitted during the first
10 days of February 1988

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 Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽¹⁾, as last amended by Regulation (EEC) No 2159/87⁽²⁾, and in particular Article 6 (4) thereof,

Whereas Commission Regulation (EEC) No 598/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of common wheat of bread-making quality from the Community as constituted at 31 December 1985⁽³⁾, as amended by Regulation (EEC) No 3592/86⁽⁴⁾, lays down that STM licences issued during any one month may not be issued for quantities totalling more than 50 % of the guide quantity;

Whereas, pursuant to Article 6 (3) of Regulation (EEC) No 574/86, the Commission has been notified of the admis-

sible applications for STM licences for imports of common wheat of bread-making quality into Spain during the first 10 days of February 1988; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences for common wheat of bread-making quality falling within subheading 1001 90 99 of the combined nomenclature submitted during the first 10 days of February 1988 and notified to the Commission shall be accepted for the tonnages applied for adjusted by a coefficient of 0,39465.

Article 2

This Regulation shall enter into force on 17 February 1988.

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

Done at Brussels, 16 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 16.

⁽⁴⁾ OJ No L 334, 27. 11. 1986, p. 19.

COMMISSION REGULATION (EEC) No 432/88**of 16 February 1988****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 ⁽¹⁾, as last amended by Regulation (EEC)
No 3989/87 ⁽²⁾, 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 398/88 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Commission Regulation (EEC) No 398/88 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 398/88 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 17 February
1988.

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

Done at Brussels, 16 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 39, 12. 2. 1988, p. 25.

ANNEX

to the Commission Regulation of 16 February 1988 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	80,00
1001 10 90 000	04	30,00 (?)
	05	25,00 (?)
	02	20,00 (?)
1001 90 91 000	01	80,00
1001 90 99 000	03	88,00
	02	0
	08	98,00
	10	100,00
1002 00 00 000	03	88,00
	06	20,00
	07	15,00
	02	25,00
	09	95,00
1003 00 10 000	01	80,00
1003 00 90 000	03	90,00
	02	25,00
1004 00 10 000	01	50,00
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	100,00
	02	0
	10	110,00
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	140,00
1101 00 00 120	01	140,00
1101 00 00 130	01	121,00
1101 00 00 150	01	112,00
1101 00 00 170	01	103,00
1101 00 00 180	01	92,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	140,00
1102 10 00 200	01	140,00
1102 10 00 300	01	140,00
1102 10 00 500	01	140,00
1102 10 00 900	—	—
1103 11 10 100	01	292,00
1103 11 10 200	01	276,00
1103 11 10 500	01	246,00
1103 11 10 900	01	232,00
1103 11 90 100	01	140,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Zones II and III,
- 05 Algeria,
- 06 Japan,
- 07 South Korea,
- 08 Ceuta and Melilla,
- 09 Zone II (b),
- 10 Zone VIII.

(²) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Regulation (EEC) No 1569/77 with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis) ; 7 % maximum of which 5 % of soft wheat or other cereals.

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 296/88 (OJ No L 30, 2. 2. 1988).