

Official Journal

of the European Communities

ISSN 0378-6978

L 49

Volume 31

23 February 1988

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 476/88

of 22 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 19 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 23 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, 22 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 22 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	181,95
1001 90 99	5,23	181,95
1002 00 00	45,58	161,49 ⁽³⁾
1003 00 10	39,26	172,21
1003 00 90	39,26	172,21
1004 00 10	95,79	138,36
1004 00 90	95,79	138,36
1005 10 90	10,36	167,15 ⁽²⁾ ⁽²⁾
1005 90 00	10,36	167,15 ⁽²⁾ ⁽²⁾
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 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	39,26	56,14
1101 00 00	21,87	269,27
1102 10 00	78,36	239,78
1103 11 10	115,18	402,52
1103 11 90	21,93	289,12

⁽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 477/88**of 22 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 19 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 23 February 1988.

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

Done at Brussels, 22 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 22 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	0,75
0712 90 19	0	0	0	0,75
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
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	0,75
1005 90 00	0	0	0	0,75
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	0

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	0	0
1107 10 19	0	0	0	0	0
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 478/88

of 22 February 1988

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 3908/87⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1860/86⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 25 January 1988, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas Council Regulation (EEC) No 2658/87⁽⁵⁾ introduced from 1 January 1988 a new combined nomenclature meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 25 January 1988, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 25 January 1988, the level of the premium is fixed at 166,920 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 25 January 1988, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

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 with effect from 25 January 1988.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 16.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

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

Done at Brussels, 22 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Amount to be charged for products leaving region 5 during the week commencing 25 January 1988

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	78,452	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	166,920	0
0204 21 00	166,920	0
0204 50 11		0
0204 22 10	116,844	
0204 22 30	183,612	
0204 22 50	216,996	
0204 22 90	216,996	
0204 23 00	303,794	
0204 30 00	125,190	
0204 41 00	125,190	
0204 42 10	87,633	
0204 42 30	137,709	
0204 42 50	162,747	
0204 42 90	162,747	
0204 43 00	227,846	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	216,996	
0210 90 19	303,794	
1602 90 71		
— unboned (bone-in)	216,996	
— boned or boneless	303,794	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 479/88

of 22 February 1988

setting operating rules for an annual Community tariff quota of 2 500 tonnes of unroasted malt of combined nomenclature code 1107 10 99 originating in, and consigned from, Finland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4081/87 of 21 December 1987 opening an annual Community tariff quota for unroasted malt of subheading 1107 10 99 of the combined nomenclature, originating in, and coming from, Finland⁽¹⁾, and in particular Article 2 thereof,

Whereas all Community importers should be ensured access to the annual quota of 2 500 tonnes of malt and the 100 ECU per tonne import levy reduction should be granted without interruption until the quota has been used up;

Whereas this method of management requires close cooperation between the Member States and the Commission, which must, in particular, be able to monitor the state of exhaustion of the tariff quota and inform the Member States thereof;

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

This Regulation sets operating rules for an annual Community tariff quota, opened from 1 January 1988 by Council Regulation (EEC) No 4081/87, of 2 500 tonnes of unroasted malt of combined nomenclature code 1107 10 99 originating in, and consigned from, Finland on which an import levy reduction of 100 ECU per tonne is to be applied.

Article 2

1. Applications for licences, which must be accompanied by an application for advance fixing of the levy with a reduction of 100 ECU per tonne, may be submitted to the competent authority until the last Monday of each month, at 1 p.m.

2. The applications referred to in paragraph 1 shall be admissible only if they are accompanied by a specimen of the Finnish export licence. This licence must make reference to Regulation (EEC) No 4081/87.

Article 3

After 1 p.m. on the last Monday of each month, Member States shall notify the Commission of applications for licences submitted pursuant to Article 2.

Article 4

1. Within four working days, the Commission shall decide:

- to accept the applications for licences that have been submitted, provided that the cumulative total for the year does not exceed 2 500 tonnes,
- to announce the closing of the quota, if the quantity of 2 500 tonnes is exhausted,

and shall inform the competent authorities accordingly.

2. The competent authority shall immediately inform all parties concerned of the Commission's decision.

Article 5

1. The competent authority shall issue import licences on the basis of the decision taken by the Commission pursuant to the first indent of Article 4 (1).

2. Import licences shall be valid from their actual date of issue until the end of the third month following. The final date of validity of the licence may not be later than 31 December of the current year.

3. Applications for licences and the import licences themselves shall include the following indications:

- in box 12, 'licence issued pursuant to Regulation (EEC) No 4081/87',
- in box 13 'Finland',
- in box 14 'Finland'.

The licence shall carry an obligation to import products originating in, and consigned from, Finland.

Article 6

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

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 1.

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

Done at Brussels, 22 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION No 480/88/ECSC

of 22 February 1988

fixing the rates of abatement for the second quarter of 1988 in accordance with Decision No 194/88/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 194/88/ECSC of 6 January 1988 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾, and in particular Articles 8 (1) and (2) thereof,

Whereas the rates of abatement in respect of certain products must be fixed for the second quarter of 1988 on the basis of studies carried out with undertakings and associations of undertakings,

HAS ADOPTED THIS DECISION:

Article 1

The rates of abatement for the establishment of production quotas for the second quarter of 1988 shall be as follows:

category I a: — 48 %,
category I b: — 47 %,
category II: — 37 %,
category III: — 44 %.

The rates of abatement for the establishment of the part of the production quotas which may be delivered in the common market shall be as follows:

category I a: — 53 %,
category I b: — 52 %,
category II: — 53 %,
category III: — 55 %.

Article 2

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

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

Done at Brussels, 22 February 1988.

For the Commission

Karl-Heinz NARJES

Vice-President

⁽¹⁾ OJ No L 25, 29. 1. 1988, p. 1.

COMMISSION REGULATION (EEC) No 481/88

of 22 February 1988

on the sale by invitation to tender of certain boned beef held by certain intervention agencies and intended for export to Venezuela

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3905/87⁽²⁾, and in particular Article 7 (3) thereof,

Whereas certain intervention agencies hold substantial stocks of boned intervention meat; whereas an extension of the period of storage of such meat should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question; whereas, subject to the provisions of this Regulation, that meat should be offered for sale pursuant to Commission Regulation (EEC) No 2173/79⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, and in particular Articles 6 to 12 thereof, and Regulation (EEC) No 2824/85⁽⁵⁾;

Whereas in order to ensure that the products concerned reach the specific destination, provision should be made for each tender to be accompanied by a certificate guaranteeing import into the country concerned; whereas, furthermore, provision should be made for the lodging of a security to guarantee import into Venezuela of the meat sold;

Whereas a time limit must be laid down for the export of such meat; whereas that time limit should be fixed taking account of Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁶⁾, as last amended by Regulation (EEC) No 3988/87⁽⁷⁾;

Whereas it should be specified that exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector; whereas, for the same reason, additional code 7034 in Part 3 of Annex I to Commission Regulation (EEC) No 3938/87 of 23 December 1987 fixing the monetary compensatory amounts applicable in

the agricultural sector and certain coefficients and rates required for their application⁽⁸⁾, as last amended by Regulation (EEC) No 400/88⁽⁹⁾, should be made applicable;

Whereas Article 2 (1) of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts⁽¹⁰⁾, as amended by Regulation (EEC) No 1002/86⁽¹¹⁾, stipulates that monetary compensatory amounts may be fixed in advance only if the export refund is fixed in advance; whereas the absence of refunds for the meat offered for sale means that this requirement cannot be met; whereas, however, for the sake of impartiality, derogations should be made for the cuts concerned so that advance fixing of the monetary compensatory amounts can be permitted;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 1687/76⁽¹²⁾, as last amended by Regulation (EEC) No 165/88⁽¹³⁾; whereas Annex I to that Regulation setting out the entries to be made in control copies should be expanded;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under the conditions laid down in this Regulation, 6 000 tonnes of boned beef held by intervention agencies and taken over by those agencies before 1 October 1987 shall be sold by periodical invitations to tender. The cuts put up for sale shall be as listed in Annex I.

2. The meat shall be sold for export to Venezuela.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2173/79, and in particular Articles 6 to 12 thereof, and Regulation (EEC) No 2824/85.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁸⁾ OJ No L 372, 31. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 41, 15. 2. 1988, p. 1.

⁽¹⁰⁾ OJ No L 310, 21. 11. 1985, p. 22.

⁽¹¹⁾ OJ No L 93, 8. 4. 1986, p. 8.

⁽¹²⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽¹³⁾ OJ No L 18, 22. 1. 1988, p. 40.

4. The intervention agencies shall first sell the products which have been in storage for the longest period.

Article 2

1. The intervention agencies shall, during the period of validity of the standing invitation to tender, organize individual invitations to tender in respect of any boned beef still available.

The intervention agencies shall draw up a notice of invitation to tender for the individual sale indicating in particular:

- (a) the quantities of boned beef offered for sale;
- (b) the deadline and place for submitting tenders.

The deadline for the submission of tenders for each of the individual invitations to tender shall be 12 noon on the second Tuesday of each month. If that day is not a working day, that deadline shall be 12 noon on the first following working day.

2. By way of derogation from Articles 6 and 7 of Regulation (EEC) No 2173/79, the provisions of and Annexes to this Regulation shall serve as a general notice of invitation to tender for sales held from time to time.

3. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II. The intervention agencies shall also display the notices referred to in paragraph 1 at their head offices and may also publish them elsewhere.

4. By way of derogation from Article 8 of Regulation (EEC) No 2173/79, tenders shall not indicate at which cold store or stores the products are held.

Article 3

1. The tenders shall be valid only if accompanied by a certificate issued by the competent authorities in Venezuela permitting the import of the meat concerned into that country.

2. On expiry of the deadline for the submission of tenders, operators shall forward by telex copies of their tenders to the Commission of the European Communities, Division VI-D-2, Rue de la Loi 200, B-1049 Brussels (telex 22037 B AGREC).

3. After the tenders received in respect of each individual invitation to tender have been examined, either one or more minimum selling prices shall be fixed or the sale shall not be proceeded with.

4. The time limit specified in Article 11 of Regulation (EEC) No 2173/79 shall be three working days instead of five working days.

Article 4

1. By way of derogation from Article 15 (1) of Regulation (EEC) No 2173/79, the amount of the security shall be 15 ECU per 100 kilograms.

2. A security to guarantee import into Venezuela shall be lodged by the purchaser before taking over the

products. The amount of that security shall be 350 ECU per 100 kilograms.

3. Article 3 (3), (4) and (5) of Commission Regulation (EEC) No 985/81⁽¹⁾ shall apply as regards the security provided for in paragraph 2.

Article 5

1. The purchaser shall take over the meat sold to him within three months of the date of conclusion of the sales contract.

2. Customs export formalities for the meat must be completed within one month from the day on which the meat is taken over.

Article 6

For the meat listed in Annex I and sold pursuant to this Regulation:

- (a) no export refund shall be granted;
- (b) additional code 7034 in Part 3 of Annex I to Regulation (EEC) No 3938/87 shall apply, and
- (c) by way of derogation from Article 2 (1) of Regulation (EEC) No 3155/85, the monetary compensatory amount may be fixed in advance.

Where use is made of the possibility set out in (c):

- the application for advance fixing must be submitted at the same time as the application for an export licence,
- the application for advance fixing must be accompanied by the sales contract concerned,
- the export licence may be used only for intervention meat,
- section 18 (a) of the export licence shall indicate the following in one of the languages of the Community:
 - Válido únicamente para carnes de intervención vendidas con arreglo al Reglamento (CEE) nº 481/88
 - Kun gyldig for interventionskød solgt i henhold til forordning (EØF) nr. 481/88
 - Nur gültig für Interventionsfleisch — Verkauf gemäß der Verordnung (EWG) Nr. 481/88
 - Ισχύει μόνο για τα κρέατα παρέμβασης που πωλούνται βάσει του κανονισμού (ΕΟΚ) αριθ. 481/88
 - Valid only for intervention meat sold under Regulation (EEC) No 481/88
 - Seulement valable pour les viandes d'intervention vendues sous règlement (CEE) n° 481/88
 - Valido esclusivamente per carni di intervento vendute a norma del regolamento (CEE) n. 481/88
 - Uitsluitend geldig voor vlees uit de interventievoorraden dat wordt verkocht in het kader van Verordening (EEG) nr. 481/88
 - Apenas válido para carne de intervenção vendida nos termos do Regulamento (CEE) nº 481/88.

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

Article 7

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

- '41. Commission Regulation (EEC) No 481/88 of 22 February 1988 on the sale by invitation to tender of certain boned beef held by certain intervention agencies and intended for export to Venezuela ⁽⁴¹⁾.

⁽⁴¹⁾ OJ No L 49, 23. 2. 1988, p. 11.'

Article 8

Member States shall notify the Commission without delay of:

- tenders received,
- the quantities:
 - for which there is a sales contract,
 - which have been taken over,

pursuant to this Regulation.

Article 9

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

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

Done at Brussels, 22 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I*

Carne deshuesada puesta a la venta — Udbenet kød, der udbydes til salg — Zum Verkauf angebotenes Fleisch ohne Knochen — Κρέας χωρίς κόκαλα που τίθεται σε πώληση — Boned meat offered for sale — Viande désossée mise en vente — Carni disossate messe in vendita — Verkoop rundvlees zonder been — Carne desossada colocada à venda

1. DANMARK

Bryst og slag
Øvrigt kød af forfjerdinger
Skank og muskel sammenhængende

2. FRANCE

Caisse B
Jarret
Caisse C
Boule de macreuse
Caisse A
Bavette
Boule de gîte

3. IRELAND

Shins and shanks
Shanks
Shins
Plates and flanks
Forequarters
Flanks
Plates
Briskets
Shanks and/or shins
Flanks and/or plates

4. UNITED KINGDOM

Hindquarter skirts
Shins and shanks
Clod and sticking
Ponies
Pony parts
Striploin flank-edge
Thin flanks
Forequarter flanks
Briskets
Foreribs

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção

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

FRANCE: OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 45 38 84 00, télex 26 06 43

IRELAND: Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and -5118

UNITED KINGDOM: Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berks.
Tel. (0734) 58 36 26
Telex 848 302

COMMISSION REGULATION (EEC) No 482/88

of 22 February 1988

abolishing the countervailing charge on artichokes originating in Egypt

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 223/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 215/88⁽³⁾, as last amended by Regulation (EEC) No 413/88⁽⁴⁾, introduced a countervailing charge on artichokes originating in Egypt;

Whereas the present trend of prices for products originating in Egypt on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, recorded or calculated

in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; 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 Egypt can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 215/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 23 February 1988.

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

Done at Brussels, 22 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 1.

⁽³⁾ OJ No L 21, 27. 1. 1988, p. 17.

⁽⁴⁾ OJ No L 40, 13. 2. 1988, p. 29.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 483/88

of 22 February 1988

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 1 to 7 February 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 467/87 ⁽²⁾,Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁴⁾ introduces from 1 January 1988 a new combined nomenclature

meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 1 to 7 February 1988 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 1 to 7 February 1988 shall be those set out in the Annex.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 February 1988.

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

Done at Brussels, 22 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during
the week 1 to 7 February 1988

(ECU/100 kg net weight)	
CN code	Amount
0201 10 10	26,26474
0201 10 90	26,26474
0201 20 11	26,26474
0201 20 19	26,26474
0201 20 31	21,01179
0201 20 39	21,01179
0201 20 51	31,51769
0201 20 59	31,51769
0201 20 90	21,01179
0201 30	35,98269
0202 10 00	26,26474
0202 20 10	26,26474
0202 20 30	21,01179
0202 20 50	31,51769
0202 20 90	21,01179
0202 30 10	35,98269
0202 30 50	35,98269
0202 30 90	35,98269
0206 10 95	35,98269
0206 29 91	35,98269
0210 20 10	21,01179
0210 20 90	29,94180
0210 90 41	29,94180
1602 50 10 ⁽¹⁾	29,94180
1602 90 61 ⁽²⁾	21,01179

⁽¹⁾ Containing 80 % or more by weight of beef meat.

⁽²⁾ Other.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 December 1987

relating to a proceeding under Article 85 of the EEC Treaty
(IV/31.017 — Fisher-Price/Quaker Oats Ltd — Toyco)

(Only the English text is authentic)

(88/86/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas :

Having regard to the Treaty establishing the European Economic Community,

I. THE FACTS

Having regard to Council Regulation No 17 of 6 February 1962 : First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 3 and 15 thereof,

- (1) The case concerns restrictions on parallel imports of Fisher-Price toys from the United Kingdom to Ireland between 1982 and 1985.

Having regard to the application made to the Commission by Duffy Group Ltd, Orwell Shopping Centre, Wellington Road, Templeogue, IRL-Dublin 12, on 12 August 1983, alleging infringements of competition rules by Quaker Oats Ltd,

A. THE UNDERTAKINGS

(a) *Quaker Oats/Fisher-Price*

Having regard to the Commission's decision of 11 July 1986 to initiate proceedings in this case,

- (2) Quaker Oats Company Inc. of Chicago, United States of America, specializes in the manufacture and sale of grocery products and toys. In 1983 the toys business represented about 20 % of the total group sales. In 1986, that proportion had diminished to approximately 13 %. It has subsidiaries in many countries in the world and in most Member States of the European Communities.

Having given the undertakings concerned an opportunity to reply to the objections raised against them, in accordance with Article 19 (1) of Regulation No 17 and with Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Articles 19 (1) and (2) of Regulation No 17 ⁽²⁾,

- (3) Fisher-Price is a division of the Quaker Oats Company Inc. It manufactures and sells toys. There is a local Fisher-Price division operating as part of the local Quaker Oats subsidiary in most Member States. The Quaker Oats subsidiary in the United Kingdom is Quaker Oats Ltd.

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

- (4) The European operations of Fisher-Price are coordinated by Fisher-Price Europe which is, in legal and fiscal terms, a division of Quaker Oats Ltd.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

- (5) A further division of Quaker Oats Ltd, Fisher-Price UK, is in charge of sales in the United Kingdom where it sells mostly direct to retailers, and in Ireland where it has appointed a local exclusive distributor, Macaulay. Furthermore, Fisher-Price UK is responsible for sales in Denmark.

- (6) Turnover for Fisher-Price products in the Community (excluding Spain and Portugal) in 1983 (fiscal year) was US\$ 67 411 000.

In 1984 (fiscal year), the turnover was US\$ 59 779 000. The net profit after tax of Fisher-Price Europe for the year ending 30 June 1984 was US\$ 4 157 000 as compared with US\$ 5 333 000 in 1983, US\$ 3 831 000 in 1982 and US\$ 10 664 000 in 1981.

The turnover of Quaker Oats Inc. was US\$ 3 670 million for the world in 1986 and US\$ 3 520 million in 1985.

(b) *Toyco*

- (7) Toyco Ltd (hereinafter called 'Toyco') is a buying group located in Northern Ireland (United Kingdom), specializing in trade in toys. Toyco is a member of Toymaster Ltd, a central buying group in the United Kingdom. In early 1983, Toyco had 22 members, three of which were Irish, namely, Duffy Group, Tony Duffy and Duffy Furlong.

Toyco's turnover in 1984 amounted to £ 2 200 000, of which Fisher-Price products accounted for £ 130 000.

Toyco has various types of activities. In some cases, it acts as an agent. It transmits the orders of its members and deliveries and payments are made direct by suppliers and retailers, respectively.

In other cases, it acts as a wholesaler. The retail members place their orders with the buying group — the goods ordered are then delivered to the buying group which dispatches them to the retailers, invoices the retailers in its own name and pays the suppliers.

As far as the orders of the Irish members for Fisher-Price products are concerned, Toyco acted as a wholesaler. The goods were delivered to Toyco and resold to the Irish retailers. The invoices were then issued by Toyco, sent to the Irish retailers and paid by them to Toyco. Fisher-Price did not recognize the three Irish members as clients. Consequently, no direct delivery or payment could be made from Fisher-Price to the three Irish members

but only from Fisher-Price to Toyco who then delivered the goods and received payment.

(c) *The Duffy Group*

- (8) The Duffy Group Ltd of Dublin is an Irish company specializing in trade in toys. It has six outlets in the Dublin area.

Duffy Group's turnover in 1984 amounted to £ Irl 656 000 of which Fisher-Price accounted for £ Irl 39 000.

- (9) In 1979, this company created a subsidiary in Northern Ireland (United Kingdom) called Duffy Group NI Ltd, whose aim was to purchase toys in the United Kingdom to export them to Ireland. For this purpose, Duffy Group NI became a member of the Toyco buying group and so could buy Fisher-Price products at a considerable saving.

These products were then dispatched to Duffy Group Ltd in Dublin. The system applied until Fisher-Price refused to deliver goods to Toyco as long as any of its members exported them to Ireland.

B. The product and the market

- (10) Fisher-Price manufactures and distributes a wide range of toys. However, the company is particularly represented in the pre-school toy market, i.e. products aimed at children in the nought to five age bracket.

- (11) The share of Fisher-Price in the total toys market in the EEC (excluding Spain and Portugal) is approximately 3 %. This share differs from one Member State to another and from one (sub) market to another. In the United Kingdom and Ireland, the share of Fisher-Price in the total toy market in 1984 was 3 %. Fisher-Price is among the leading brands, especially for pre-school toys. On this sub-market, its share in the United Kingdom and Ireland amounts to 9 %.

- (12) Prices for Fisher-Price products have differed between Member States. In particular, the difference between United Kingdom prices and those charged by Macaulay in Ireland was wide enough between 1981 and 1985 to encourage Irish dealers to purchase in the United Kingdom, and especially in Northern Ireland, although the benefit of this trade was progressively diminishing.

With reference to the 20 best-selling Fisher-Price products in Ireland, the difference was, depending on the products, as high as + 35 % in 1981, + 24 % in 1982, + 30 % in 1983, + 24 % in 1984 and + 18 % in 1985.

C. The measures taken against parallel imports

- (13) In a letter dated 28 April 1981, the Fisher-Price UK territory manager for Northern Ireland made it clear to Toyco that 'it is an express condition of (our) agreements with buying groups that orders are delivered direct to the retail outlets concerned, and invoices sent to the buying group's head office for payment.' Fisher-Price, being represented in Ireland by an exclusive distributor, suggested in the same letter that the Duffy Group Ltd, located in Ireland, 'contact (our) agents in Eire, W.D. Macaulay of Dublin, so that he (Mr Duffy) can purchase direct from them.'
- (14) In a letter of 25 November 1982, Toymaster Ltd assured Fisher-Price UK of having put pressure on Toyco to cut off orders from its Irish members. According to this letter, Toymaster Ltd received from the director of Toyco his 'unqualified assurance that no further products will be shipped to any of the people (you) mention — (the three Irish members).'
- (15) In a letter to the director of Toyco, dated 23 November 1982, Fisher-Price UK warned that 'in the absence of a concrete assurance from you (Toyco) that you will not supply Toyco members in Southern Ireland, I (Fisher-Price general sales manager) shall have no alternative but to close the Toyco buying group account.'

From November 1982 to August 1985, Toyco, under increased pressure from Fisher-Price UK, was no longer prepared to accept any orders from its Irish members for Fisher-Price toys.

- (16) It seems that the restrictions on exports between the United Kingdom and Ireland came to an end following a letter from Fisher-Price Europe to Toyco, dated 5 August 1985, informing it that Fisher-Price 'will never again refuse to supply any customer, be they a buying group or otherwise, who in turn wishes to supply retailers or wholesalers in Southern Ireland or any other EEC country.'

Furthermore, a memo, dated 19 August 1985, was sent by Fisher-Price Europe to all 'sales force, key account managers, sales managers, telesales, sales administration, credit management...' to explain to them the Fisher-Price commercial policy within the Community *vis-à-vis* the EEG competition laws.

- (17) Consequently, restrictions on trade of Fisher-Price products between the United Kingdom and Ireland seem to have occurred over at least the period November 1982 to August 1985.

Having regard to the persisting price differences in the period under consideration it may be

concluded that parallel exports from the United Kingdom to Ireland would have been substantially higher had it not been for the aforesaid restrictive practices.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (18) Both Quaker Oats Ltd and Toyco are undertakings within the meaning of Article 85 (1). As far as Toyco is concerned, its activities with the Irish members were those of a wholesaler and not of a buying agent. This is clear from the following facts:
- the invoices were made out and the goods delivered by Toyco to the Irish members,
 - Toyco had a buying-group account at Fisher-Price which was different from the individual members' accounts. This group account was mentioned in the letter from Fisher-Price to Toyco dated 23 November 1982.

However ambiguous Toyco's activities may be, it is not necessary to analyse in more detail whether, as Quaker Oats Ltd put forward in the hearing, Toyco acted as an agent because, in any case, as far as the Irish members were concerned, Toyco clearly acted as a wholesaler.

Although these facts are confirmed by copies of invoices which are in the possession of the Commission, they are implicitly confirmed by Quaker Oats Ltd. If Toyco were not a wholesaler, Quaker Oats Ltd would have delivered directly to the buying group's members. In the case of the three Irish members, Quaker Oats Ltd would then have simply refused to supply these three retailers in order to protect Macaulays, its exclusive distributor in Ireland. It would not have needed to threaten Toyco to 'close its account' as it did.

- (19) The Commission concludes that the conduct of Quaker Oats Ltd on the one hand, and Toyco on the other, constituted an agreement under Article 85 (1) relating to the toy market. Faced with the alternative of ceasing to deal in Fisher-Price products or ceasing to supply its Irish members, Toyco agreed to Quaker Oats Ltd's proposal. The fact that Toyco consented under strong pressure and even against its own economic interest is not an obstacle to a finding of an agreement (see the Commission Decision of 25 November 1980, *Johnson and Johnson*⁽¹⁾ and the Judgment of the Court of Justice in joined Cases 32/78 and 36-82/78 — *BMW Belgium*⁽²⁾).

⁽¹⁾ OJ No L 377, 30. 12. 1980, p. 16.

⁽²⁾ (1979) ECR, p. 2435.

- (20) Being the equivalent of an export ban, the agreement had as its object and its effect the restriction and the distortion of competition within the common market to an appreciable degree, as it was designed and implemented so as to prevent Irish dealers from importing Fisher-Price products from another Member State.
- (21) Quaker Oats Ltd is a major manufacturer of toys. The three Irish members of Toyco cut off from their regular Fisher-Price supplies in the United Kingdom represent a non-negligible part of the Irish market. Moreover, the agreement in question, beyond its direct effects on the three distributors, must have had also a general persuasive effect on other potential parallel importers and placed real and severe obstacles in the way of trade between the United Kingdom and Ireland. It had a direct and actual influence on trade between Member States. It is therefore concluded that Article 85 (1) applies.

B. Article 85 (3)

- (22) Under Article 85 (3) of the EEC Treaty, the Commission may, under specific conditions, grant undertakings an exemption from the prohibition laid down in Article 85 (1). The said exemption, however, may be granted only if the Commission has been duly notified of the agreement reached between undertakings. The agreement between Quaker Oats Ltd and Toyco was not so notified and does not fall under Article 4 (2) (1) of Regulation No 17 because it relates to exports between Member States.
- (23) In any case, the agreement in question would not have qualified for an exemption since it imposes a most serious restriction which is not at all indispensable to a proper sales system and is clearly likely to be detrimental to consumers in a substantial part of the common market.

C. Article 15 (2) of Regulation No 17

- (24) By virtue of Article 15 (2) of Regulation No 17, the Commission may impose fines, within the limits set by that Article, where, either intentionally or negligently, the undertakings have infringed Article 85 (1). In assessing any fine, the Commission must take into account all relevant factors, and in particular the gravity of the infringement and its duration.
- (25) The Fisher-Price management in Quaker Oats Ltd acted intentionally. The infringement involved straightforward actions to separate one national market from another within the Community. It lasted a considerable time. It started in November

1982 and was only brought to an end in August 1985.

The Commission, therefore, considers that a fine should be imposed on Quaker Oats Ltd

- (26) Toyco, on the other hand, was reluctant to restrict its business trade with Ireland for evident economic reasons. It agreed to stop supplies to its Irish members only after having been put under strong pressure by an ultimatum from Quaker Oats Ltd. Having due regard to these considerations and to the fact that Toyco is a small business probably handicapped by the loss of the Duffy Group membership and by the loss of the Fisher-Price trade with Ireland, the Commission considers that no fine should be imposed on Toyco.
- (27) As far as the gravity of the infringement is concerned, the following factors have been taken into account in evaluating the size of the fine to be imposed on Quaker Oats Ltd. The export ban has to be considered as a serious infringement and the Commission has to take into account the considerable period of time of its existence, although its effects have been progressively reduced. On the other hand, the Commission has taken into account the implementation by Quaker Oats Ltd of a compliance programme for the whole of the European Economic Community, although only following Commission inspections in June 1985,

HAS ADOPTED THIS DECISION :

Article 1

The agreement between Quaker Oats Ltd and Toyco Ltd, aimed at restricting parallel imports from the United Kingdom to Ireland, constituted an infringement of Article 85 (1) of the Treaty establishing the European Economic Community.

Article 2

A fine of 300 000 ECU is hereby imposed on Quaker Oats Ltd. The fine shall be paid into :

- (a) account No 59000204, Commission of the European Communities, Brussels (for payment in ECU), Lloyds Bank plc, The Manager Payments Section, Overseas Centre, Birmingham, PO Box 63, 38a Paradise Street, UK-Birmingham B1 2AB ;
- (b) account No 108.63.41, Commission of the European Communities (for payment in pounds sterling), Lloyds Bank plc, Overseas Dept., PO Box 19, 6 Eastcheap, UK-London EC3P 3AB,

within three months from the date of notification of this Decision to Quaker Oats Ltd. After three months, interest shall automatically be payable at the rate charged by the

European Monetary Cooperation Fund on its ECU operations on the first working day of the month in which this Decision was adopted plus 3,5 percentage points, i.e. 10,25 %.

Should payment be made in pounds sterling, the exchange rate applicable shall be that prevailing on the day preceding payment.

Article 3

This Decision is addressed to:

— Quaker Oats Ltd,
Bridge Road,
Southall,
UK-Middlesex UB2 4AG,

— Toyco Ltd,
38 Main Street,
Larne,
County Antrim,
Northern Ireland.

This Decision is enforceable pursuant to Article 192 of the EEC Treaty.

Done at Brussels, 18 December 1987.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Commission Decision No 303/88/ECSC of 1 February 1988 fixing the amended rates of abatement for the first quarter of 1988 in accordance with Decision No 194/88/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

(Official Journal of the European Communities No L 30 of 2 February 1988)

On page 22, in Article 1 (1), for category I b:

for: '— 48 %',

read: '— 43 %'.
