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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1081/88**of 26 April 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 25 April 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 27 April 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, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 26 April 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	14,54	173,08
0712 90 19	14,54	173,08
1001 10 10	71,19	253,57 ⁽¹⁾ ⁽²⁾
1001 10 90	71,19	253,57 ⁽¹⁾ ⁽²⁾
1001 90 91	9,43	191,66
1001 90 99	9,43	191,66
1002 00 00	49,73	168,57 ⁽⁴⁾
1003 00 10	43,41	175,62
1003 00 90	43,41	175,62
1004 00 10	99,87	147,88
1004 00 90	99,87	147,88
1005 10 90	14,54	173,08 ⁽²⁾ ⁽³⁾
1005 90 00	14,54	173,08 ⁽²⁾ ⁽³⁾
1007 00 90	38,03	184,34 ⁽⁴⁾
1008 10 00	43,41	101,09
1008 20 00	43,41	144,98 ⁽⁴⁾
1008 30 00	43,41	64,05 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	43,41	64,05
1101 00 00	28,19	282,37
1102 10 00	84,61	250,17
1103 11 10	124,11	406,79
1103 11 90	28,27	303,03

⁽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 1082/88

of 26 April 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 25 April 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 27 April 1988.

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

Done at Brussels, 26 April 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 26 April 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
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
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	12,22	12,22	12,22
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	<i>(ECU/tonne)</i>				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
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 1083/88

of 26 April 1988

fixing the import levies on live cattle and on beef and veal other than frozen

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 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 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 10, 0201 10 90, 0201 20 11 and 0201 20 19, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾;

Whereas the guide prices for adult bovine animals to be applied from 6 July 1987 were fixed by Council Regulation (EEC) No 1891/87 ⁽⁵⁾; whereas Council Regulation (EEC) No 1060/88 of 19 April 1988 ⁽⁶⁾ has extended the 1987/88 marketing year for beef and veal;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

⁽¹⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽²⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽³⁾ OJ No L 182, 3. 7. 1987.

⁽⁴⁾ OJ No L 104, 23. 4. 1988, p. 5.

⁽⁵⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁶⁾ OJ No L 370, 30. 12. 1987, p. 7.

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77 of 18 March 1977⁽¹⁾, as amended by Regulation (EEC) No 925/77⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least 1,21 ECU per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on

the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the appropriate coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers, under Regulation (EEC) No 1347/86⁽³⁾, as last amended by Regulation (EEC) No 467/87⁽⁴⁾; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽⁵⁾, as last amended by Regulation (EEC) No 3003/87⁽⁶⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 109, 30. 4. 1977, p. 1.

⁽³⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽⁴⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽⁵⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁶⁾ OJ No L 285, 8. 10. 1987, p. 11.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas levies must be fixed having regard to the obligations arising from international agreements concluded by the Community ; whereas account should also be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and of Council Decision 87/605/EEC of 21 December 1987 on the conclusion of the additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽²⁾, anticipating a reduction in the levy applicable on imports into the Community of certain products in the beef and veal sector originating in and coming from Yugoslavia ;

Whereas Council Regulation (EEC) No 486/85⁽³⁾, last amended by Regulation (EEC) No 1821/87⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77 ;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first

Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets ;

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁵⁾, as last amended by Regulation (EEC) No 1058/88⁽⁶⁾, introduces, with effect from 1 January 1988, a new combined nomenclature which meets the requirements of both the Common customs Tariff and the Community's statistics on foreign trade and which replaces the previous nomenclature ;

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 coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient ;

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 2 May 1988.

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽²⁾ OJ No L 389, 31. 12. 1987, p. 72.

⁽³⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁴⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 104, 23. 4. 1988, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 26 April 1988 fixing the import levies on live cattle and on beef and veal other than frozen ⁽¹⁾

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	27,564	131,237
0102 90 31	23,024	27,564	131,237
0102 90 33	23,024	27,564	131,237
0102 90 35	23,024	27,564	131,237
0102 90 37	23,024	27,564	131,237
— Net weight —			
0201 10 10	—	52,372	249,350
0201 10 90	43,746	52,372	249,350
0201 20 11	43,746	52,372	249,350
0201 20 19	43,746	52,372	249,350
0201 20 31	34,996	41,897	199,479
0201 20 39	34,996	41,897	199,479
0201 20 51	52,495	62,846	299,220
0201 20 59	52,495	62,846	299,220
0201 20 90	—	78,557	374,025
0201 30	—	89,859	427,832
0206 10 95	—	89,859	427,832
0210 20 10	—	78,557	374,025
0210 20 90	—	89,859	427,832
0210 90 41	—	89,859	427,832
0210 90 90	—	89,859	427,832
1602 50 10	—	89,859	427,832
1602 90 61	—	89,859	427,832

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, 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.

⁽²⁾ This levy is applicable only to products complying with the provisions of Regulation (EEC) No 4129/87 (OJ No L 397, 31. 12. 1987, p. 9).

COMMISSION REGULATION (EEC) No 1084/88

of 26 April 1988

fixing the import levies on frozen beef and veal

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 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 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at 6,65 ECU;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 6 July 1987 have been fixed by Council Regulation (EEC) No 1891/87 ⁽⁵⁾; whereas Council Regulation (EEC) No 1060/88 of 19 April 1988 ⁽⁶⁾ has extended the 1987/88 marketing year for beef and veal;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard coef-

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 182, 3. 7. 1987.

⁽⁶⁾ OJ No L 104, 23. 4. 1988, p. 5.

ficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the relevant coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage ; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86 ⁽¹⁾, as last amended by Regulation (EEC) No 467/87 ⁽²⁾ ; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽³⁾, as last amended by Regulation (EEC) No 3003/87 ⁽⁴⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several

times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 486/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1821/87 ⁽⁶⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 285, 8. 10. 1987, p. 11.

⁽⁵⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁶⁾ OJ No L 172, 30. 6. 1987, p. 102.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets ;

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as last amended by Regulation (EEC) No 1058/88 ⁽²⁾, introduces, with effect from 1 January 1988, a new combined nomenclature which meets the requirements of both the Common Customs Tariff and the Community's statistics on foreign trade and which replaces the previous nomenclature ;

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 Council Regulation (EEC) No 1676/85 ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾,

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

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 2 May 1988.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.
⁽²⁾ OJ No L 104, 23. 4. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 26 April 1988 fixing the import levies on frozen beef and veal ⁽¹⁾

<i>(ECU/100 kg)</i>	
CN code	Levy
	— Net weight —
0202 10 00	247,875
0202 20 10	247,875
0202 20 30	198,300
0202 20 50	309,844
0202 20 90	371,812
0202 30 10	309,844
0202 30 50	309,844
0202 30 90	426,344
0206 29 91	426,344

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, 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.

COMMISSION REGULATION (EEC) No 1085/88**of 26 April 1988****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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 3939/87 ⁽²⁾, and in particular the
first paragraph of Article 11 thereof,

Whereas the import levies on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat were
fixed by Commission Regulation (EEC) No 3917/87 ⁽³⁾, as
last amended by Regulation (EEC) No 800/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3917/87 to the quota-

tions and other information 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 on live sheep and goats and on sheep-
meat and goatmeat other than frozen meat shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 May 1988.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 369, 29. 12. 1987, p. 8.

⁽⁴⁾ OJ No L 81, 26. 3. 1988, p. 46.

ANNEX

to the Commission Regulation of 26 April 1988 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 18 from 2 to 8 May 1988	Week No 19 from 9 to 15 May 1988	Week No 20 from 16 to 22 May 1988	Week No 21 from 23 to 29 May 1988	Week No 22 from 30 May to 5 June 1988
0104 10 90 ⁽¹⁾	141,385	139,491	136,432	133,377	127,483
0104 20 90 ⁽¹⁾	141,385	139,491	136,432	133,377	127,483
0204 10 00 ⁽²⁾	300,820	296,790	290,280	283,780	271,240
0204 21 00 ⁽²⁾	300,820	296,790	290,280	283,780	271,240
0204 22 10 ⁽²⁾	210,574	207,753	203,196	198,646	189,868
0204 22 30 ⁽²⁾	330,902	326,469	319,308	312,158	298,364
0204 22 50 ⁽²⁾	391,066	385,827	377,364	368,914	352,612
0204 22 90 ⁽²⁾	391,066	385,827	377,364	368,914	352,612
0204 23 00 ⁽²⁾	547,492	540,158	528,310	516,480	493,657
0204 50 11 ⁽²⁾	300,820	296,790	290,280	283,780	271,240
0204 50 13 ⁽²⁾	210,574	207,753	203,196	198,646	189,868
0204 50 15 ⁽²⁾	330,902	326,469	319,308	312,158	298,364
0204 50 19 ⁽²⁾	391,066	385,827	377,364	368,914	352,612
0204 50 31 ⁽²⁾	391,066	385,827	377,364	368,914	352,612
0204 50 39 ⁽²⁾	547,492	540,158	528,310	516,480	493,657
0210 90 11 ⁽³⁾	391,066	385,827	377,364	368,914	352,612
0210 90 19 ⁽³⁾	547,492	540,158	528,310	516,480	493,657

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 1086/88**of 26 April 1988****fixing the import levies on frozen sheepmeat and goatmeat**

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 3939/87 ⁽²⁾, and in particular the first paragraph of Article 11 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3918/87 ⁽³⁾, as last amended by Regulation (EEC) No 801/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3918/87 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 May 1988.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 369, 29. 12. 1987, p. 11.

⁽⁴⁾ OJ No L 81, 26. 3. 1988, p. 48.

ANNEX

to the Commission Regulation of 26 April 1988 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾

(ECU/100 kg)

CN code	Week No 18 from 2 to 8 May 1988	Week No 19 from 9 to 15 May 1988	Week No 20 from 16 to 22 May 1988	Week No 21 from 23 to 29 May 1988	Week No 22 from 30 May to 5 June 1988
0204 30 00	223,865	220,843	215,960	211,085	201,680
0204 41 00	223,865	220,843	215,960	211,085	201,680
0204 42 10	156,706	154,590	151,172	147,760	141,176
0204 42 30	246,252	242,927	237,556	232,194	221,848
0204 42 50	291,025	287,096	280,748	274,411	262,184
0204 42 90	291,025	287,096	280,748	274,411	262,184
0204 43 00	407,434	401,934	393,047	384,175	367,058
0204 50 51	223,865	220,843	215,960	211,085	201,680
0204 50 53	156,706	154,590	151,172	147,760	141,176
0204 50 55	246,252	242,927	237,556	232,194	221,848
0204 50 59	291,025	287,096	280,748	274,411	262,184
0204 50 71	291,025	287,096	280,748	274,411	262,184
0204 50 79	407,434	401,934	393,047	384,175	367,058

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 1087/88
of 26 April 1988

**amending Regulations (EEC) No 1372/87, (EEC) No 1705/87, (EEC) No 2497/87
and (EEC) No 3208/87 on the opening of invitations to tender for the refund for
the export of cereals**

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

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

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

Whereas Commission Regulations (EEC) No 1372/87⁽⁴⁾,
(EEC) No 1705/87⁽⁵⁾, (EEC) No 2497/87⁽⁶⁾ and (EEC) No
3208/87⁽⁷⁾ opened invitations to tender for the refund for
the export of cereals;

Whereas, in the present situation, it is appropriate to
extend the period during which these invitations to
tender remain open;

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

Article 1 (3) of Regulations (EEC) No 1372/87, (EEC) No
1705/87, (EEC) No 2497/87 and (EEC) No 3208/87 is
hereby amended as follows:

'3. The invitation shall remain open until 26 May
1988.'

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, 26 April 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 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 130, 20. 5. 1987, p. 12.
⁽⁵⁾ OJ No L 159, 19. 6. 1987, p. 12.
⁽⁶⁾ OJ No L 232, 19. 8. 1987, p. 9.
⁽⁷⁾ OJ No L 306, 28. 10. 1987, p. 15.

COMMISSION REGULATION (EEC) No 1088/88

of 26 April 1988

amending Regulations (EEC) No 3150/87, (EEC) No 3519/87 and (EEC) No 379/88
opening standing invitations to tender for the export of cereals held by the
intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 3989/87 ⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No
1836/82 of 7 July 1982 laying down the procedure and
conditions for the disposal of cereals held by the
intervention agencies ⁽³⁾, as last amended by Regulation
(EEC) No 2418/87 ⁽⁴⁾,

Whereas the last partial invitation to tender under
Regulations (EEC) No 3150/87 ⁽⁵⁾, (EEC) No 3519/87 ⁽⁶⁾
and (EEC) No 379/88 ⁽⁷⁾, should be postponed;

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

Article 4 (3) of Regulations (EEC) No 3150/87, (EEC) No
3519/87 and (EEC) No 379/88 is hereby replaced by the
following:

'3. The last partial invitation to tender shall expire on
25 May 1988'.

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, 26 April 1988.

For the Commission,

Frans ANDRIESSEN

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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 300, 23. 10. 1987, p. 13.

⁽⁶⁾ OJ No L 335, 25. 11. 1987, p. 5.

⁽⁷⁾ OJ No L 38, 11. 2. 1988, p. 8.

COMMISSION REGULATION (EEC) No 1089/88**of 26 April 1988****amending Regulation (EEC) No 633/88 on the opening of an invitation to tender
for the refund for the export of common wheat of bread making quality**

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

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

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

Whereas Commission Regulation (EEC) No 633/88 ⁽⁴⁾
opened an invitation to tender for the refund for the
export of common wheat of bread-making quality;

Whereas, in the present situation, it is appropriate to
extend the period during which this invitation to tender
remains open;

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

Article 2 (3) of Regulation (EEC) No 633/88 is hereby
amended as follows:

'3. The invitation shall remain open until 26 May
1988.'

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, 26 April 1988.

For the Commission

Frans ANDRIESSEN

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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 63, 9. 3. 1988, p. 9.

COMMISSION REGULATION (EEC) No 1090/88

of 26 April 1988

laying down precautionary measures in the fruit and vegetables sector, with respect to cauliflowers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 155 thereof,

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 824/88⁽²⁾,

Whereas, pursuant to Article 16 (1) of Regulation (EEC) No 1035/72, a basic price and a buying-in price must be fixed for each marketing year for each of the products listed in Annex II to the said Regulation; whereas the products in question, harvested in a given production year, are marketed, as regards cauliflowers, from May to April of the following year; whereas, in the particular case of cauliflowers, the Council has not yet adopted the basic price and the buying-in price applicable from 1 May 1988; whereas the Commission, by virtue of the powers conferred on it by the Treaty, must take the necessary precautionary measures to ensure that the common agricultural policy continues to operate in the fruit and vegetables sector in question; whereas these measures are adopted as a precaution and without prejudice to the Council's price decisions for 1988/89;

Whereas, under these precautionary measures, the continuity of the intervention arrangements provided for in Articles 15 and 19 of the abovementioned Regulation (EEC) No 1035/72 must be ensured; whereas, for those purposes, the amounts to be used in calculating the prices at which the abovementioned intervention operations take place should be fixed for May 1988; whereas the amounts to be used correspond to the basic and buying-in prices fixed for the 1987/88 marketing year;

Whereas Spain during the first phase and Portugal during the first stage are authorized to maintain, in the fruit and vegetables sector, the rules in force under the previous national arrangements for the organization of their domestic agricultural markets, under the conditions laid down in Articles 133 to 135 and 262 to 265, respectively, of the Act of Accession; whereas, therefore, the amounts fixed in this Regulation are applicable only in the Community as constituted at 31 December 1985,

HAS ADOPTED THIS REGULATION:

Article 1

The intervention operations provided for in Articles 15 and 19 of Regulation (EEC) No 1035/72 shall be carried out, as regards cauliflowers, during May 1988 at prices determined on the basis of the following amounts:

- basic price: 30,96 ECU/100 kg net,
- buying-in price: 13,47 ECU/100 kg net.

These amounts refer to trimmed cauliflowers of quality grade I, packaged.

Those amounts do not take account of the cost of the packaging in which the product is presented.

Article 2

This Regulation shall enter into force on 1 May 1988.

The provisions of this Regulation shall apply without prejudice to the decisions to be adopted by the Council in accordance with Article 16 (1) of Regulation (EEC) No 1035/72.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 85, 30. 3. 1988, p. 5.

COMMISSION REGULATION (EEC) No 1091/88**of 26 April 1988****abolishing the countervailing charge on tomatoes originating in the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 824/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 927/88⁽³⁾ as amended by Regulation (EEC) No 988/88⁽⁴⁾, introduced a countervailing charge on tomatoes originating in the Canary Islands;

Whereas for these products originating in the Canary Islands there were no prices for six consecutive working

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of tomatoes originating in the Canary Islands can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 927/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 27 April 1988.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 85, 30. 3. 1988, p. 5.

⁽³⁾ OJ No L 91, 8. 4. 1988, p. 11.

⁽⁴⁾ OJ No L 98, 15. 4. 1988, p. 43.

COMMISSION REGULATION (EEC) No 1092/88
of 26 April 1988
altering the export refunds on milk and milk products

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 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 744/88⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the export refunds on milk and milk products were fixed by Commission Regulation (EEC) No 977/88⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 977/88 to the information known to the Commission that the export

refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EEC) No 977/88 amended are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 27 April 1988.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 23. 3. 1988, p. 1.

⁽³⁾ OJ No L 98, 15. 4. 1988, p. 10.

ANNEX

to the Commission Regulation of 26 April 1988 altering the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination	Amount of refund
0402 10 11 000		80,00
0402 10 19 000		80,00
0402 10 91 000		0,8000
0402 10 99 000		0,8000
0402 21 11 200		80,00
0402 21 17 000		80,00
0402 29 15 200		0,8000
0402 29 19 200		0,8000
0403 90 11 000		80,00
0403 90 13 000		80,00
0403 90 31 000		0,8000
0403 90 33 000		0,8000
0404 90 11 100		80,00
0404 90 13 120		80,00
0404 90 31 100		80,00
0404 90 33 120		80,00
0404 90 51 100		0,8000
0404 90 53 110		0,8000
0404 90 91 100		0,8000
0404 90 93 110		0,8000
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		24,00
2309 10 70 200		32,00
2309 10 70 300		40,00
2309 10 70 500		48,00
2309 10 70 600		56,00
2309 10 70 700		64,00
2309 10 70 800		70,40

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination	Amount of refund
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		24,00
2309 90 70 200		32,00
2309 90 70 300		40,00
2309 90 70 500		48,00
2309 90 70 600		56,00
2309 90 70 700		64,00
2309 90 70 800		70,40
2309 90 70 900		—

COMMISSION REGULATION (EEC) No 1093/88**of 26 April 1988****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3993/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 1080/88 ⁽⁴⁾;

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 it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the information 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 27 April 1988.

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

Done at Brussels, 26 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 23.

⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.

⁽⁴⁾ OJ No L 105, 26. 4. 1988, p. 9.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 26 April 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,61 ⁽¹⁾
1701 11 90	40,61 ⁽¹⁾
1701 12 10	40,61 ⁽¹⁾
1701 12 90	40,61 ⁽¹⁾
1701 91 00	49,17
1701 99 10	49,17
1701 99 90	49,17

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

COUNCIL REGULATION (EEC) No 1094/88**of 25 April 1988****amending Regulations (EEC) No 797/85 and (EEC) No 1760/87 as regards the set-aside of arable land and the extensification and conversion of production**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the situation of agricultural markets has changed, and will change further, as a result of the new direction imposed on the common agricultural policy by the need to secure a gradual drop in output in those sectors where there is a surplus;

Whereas, in this context, structural policy must be used to help farmers adapt to this new situation and to cushion the effects that the new markets and prices policy is likely to have on agricultural incomes in particular;

Whereas, in order that the objectives of the structural policy may be attained, the common measure introduced by Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽⁴⁾, as last amended by Regulation (EEC) No 1760/87 ⁽⁵⁾, should be adjusted and amplified;

Whereas arrangements for the set-aside of arable land may assist the various sectors, and in particular those with surplus production, to adjust to market requirements;

Whereas the set-aside arrangements should cover all arable land, since from one year to another the use made of such land varies with the rotation of crops; whereas, however, land so far used for crops not subject to a common organization of the market should be excluded from the scheme; whereas, to achieve tangible results in terms of the stabilization of supply, it should be stipulated

that at least 20 % of a farmer's arable land must be set aside for a period of at least five years, with provision for him to terminate his commitments after three years;

Whereas, given the greater need to protect the environment and to maintain the countryside, Member States should take the necessary measures, if necessary to be defrayed by the beneficiary, to keep set-aside land in good agricultural condition;

Whereas, in the interests of making efficient use of the Community's farming resources, Member States should be allowed, for a three-year experimental period, to authorize land which has been set aside to be used for grazing for extensive live-stock farming or for growing lentils, chick-peas or vetches; whereas, in both cases, the amount of the aid should allow for the reduction in the loss of income;

Whereas it should be left to Member States to set the amount of the aid per hectare of land set aside, in the light of the income losses actually sustained and in accordance with criteria to be laid down within the framework of the detailed rules for applying these arrangements; whereas, on the one hand, the level of aid must be fixed so that it is sufficiently high to provide farmers with a real incentive to set aside some of their land; whereas, on the other hand, the aid should not exceed the level necessary to offset the loss of income resulting from the set-aside of the land; whereas, to this end, a farmework should be laid down for setting minimum and maximum amounts;

Whereas, to provide an additional incentive to those farmers who set aside large areas, that is, at least 30 % of their arable land, such farmers should be exempted, in respect of a quantity of 20 tonnes, from the co-responsibility levy provided for in Article 4 and the additional co-responsibility levy provided for in Article 4 b (2) of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽⁶⁾, as last amended by Regulation (EEC) No 3989/87 ⁽⁷⁾;

⁽¹⁾ OJ No C 51, 23. 2. 1988, p. 6.

⁽²⁾ OJ No C 94, 11. 4. 1988.

⁽³⁾ OJ No C 95, 11. 4. 1988, p. 7.

⁽⁴⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁵⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁷⁾ OJ No L 377, 31. 12. 1987, p. 1.

Whereas, to take account of the different situations obtaining in the various regions of the Community, provision should be made for the adjustment, by successive amounts, of the rate of reimbursement from the European Agricultural Guidance and Guarantee Fund;

Whereas the introduction of set-aside arrangements necessitates certain changes in the aid arrangements for conversion and extensification as introduced by Regulation (EEC) No 1760/87; whereas, for the sake of clarity, adjustments should be made to the provisions currently in force without altering in any essential respect the existing aid arrangements for conversion and extensification;

Whereas, although the scheme for set-aside falls within the common measure for improving the efficiency of agricultural structures provided for in Regulation (EEC) No 797/85, its main aim is nonetheless to help in re-establishing the balance between output and the market's capacity to absorb it;

Whereas the scheme is thus intended to supplement measures adopted by the Council under the various market organizations in order to stabilize those markets; whereas it should therefore be laid down that the scheme for set-aside is to be considered as a common measure within the meaning of Article 6 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 3183/87⁽²⁾, and as intervention within the meaning of Article 3 of that Regulation and is thus to be financed in equal parts from the Guarantee and Guidance Sections of the European Agricultural Guidance and Guarantee Fund; whereas, however, in order to facilitate the administrative and financial management of the scheme and by way of exception, the financial methods applying to the Guarantee Section should be applied for expenditure financed by the Guidance Section,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 797/85 is hereby amended as follows:

1. In Article 1:

- (a) the following subparagraph shall be added to paragraph 1:

'The common measure shall include measures considered to be intervention within the meaning of Article 3 of Regulation (EEC) No 729/70.'

- (b) the following subparagraph shall be added to paragraph 2:

'In accordance with Title VIII, the Guidance and Guarantee Sections of the Fund shall make equal contributions to the common measure referred to in paragraph 1 concerning the scheme for encouraging set-aside of land; with regard to that part of expenditure financed by the Guidance Section Fund, the financial procedures for applying the common measure shall, by way of exception, be those which apply to the Guarantee Section.'

2. Title 01, 'Conversion and extensification of production', is replaced by the following Titles:

'TITLE 01

Set-aside of arable land

Article 1a

1. Member States shall introduce an aid scheme designed to encourage the set-aside of arable land.

2. Aid for set-aside may be granted for all arable land, irrespective of the crops grown, provided that the land has in fact been cultivated for a reference period to be determined. Land growing crops not covered by a common market organization are excluded from the said scheme.

3. The arable land withdrawn from production must represent at least 20 % of the arable land referred to in paragraph 2 on the farm concerned. For a period of at least five years, with the possibility of termination after three years, such land must be withdrawn from cultivation that is:

- left fallow with rotation possibilities,
- wooded, or
- used for non-agricultural purposes.

Member States shall take the necessary measures to keep the land in good agricultural condition. These measures may include an obligation on the farmer to ensure that the agricultural land withdrawn from production is maintained with a view to protecting the environment and natural resources.

Member States may, within all or some of their territory, authorize the use of set-aside arable land for:

- (a) grazing for extensive live-stock farming,
- (b) growing lentils, chick-peas and vetches.

Authorization by the Member States as provided for in the third subparagraph shall be limited to three years from 30 April 1988. By then the Commission shall have reported to the Council on the results of such authorization.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 304, 27. 10. 1987, p. 1.

4. Member States shall determine :

- (a) the amount of the aid to be paid per hectare of land set aside, on the basis of the loss of income resulting from the land being set aside, whilst ensuring that the amount of the aid is sufficient to make it effective, on the one hand, and that it does not provide excessive compensation, on the other. They shall also determine the way in which that aid is to be paid. The maximum amount of aid to be paid shall be set at 600 ECU per hectare, per annum, and the minimum amount shall be set at 100 ECU per hectare, per annum. The Commission can, in exceptional cases in accordance with the procedure laid down in Article 25, set the maximum amount at 700 ECU per hectare, per annum.

In the case of authorization, as provided for in the third subparagraph of paragraph 3, the amount of the aid shall be adjusted to take account of the reduction in the loss of income ;

- (b) the reference period referred to in paragraph 2 ;
- (c) the undertaking to be given by the beneficiary for the purposes in particular of verifying that, throughout the entire farm, the area farmed has in fact been reduced.

5. Producers who, for the land set aside, receive aid within the meaning of this Title may not receive aid within the meaning of Titles 02 or 03 for such land.

6. Producers who set aside at least 30 % of their arable land shall be exempted, in respect of a quantity of 20 tonnes, from the co-responsibility levy referred to in Article 4 of Regulation (EEC) No 2727/75 and from the additional co-responsibility levy provided for in Article 4 b (2) of Regulation (EEC) No 2727/75.

Detailed rules for applying this exemption shall be adopted in accordance with the procedure laid down in Article 4 and 4b of Regulation (EEC) No 2727/75.

7. The Commission, acting in accordance with the procedure laid down in Article 25, shall, before 30 April 1988, adopt detailed rules for applying this Title, specifying in particular :

- the minimum area to be set aside,
- in the case of authorization so provided for in the third subparagraph of paragraph 3, the maximum stocking rate per hectare of grazing and the rate by which the aid is to be reduced in accordance with the second subparagraph of paragraph 4 (a),

- the criteria to be complied with by the Member States when fixing the aid,
- the criteria for defining the beneficiary and for determining the reference period referred to in paragraph 2.

TITLE 02

Extensification of production

Article 1b

1. Member States shall introduce an aid scheme to promote extensification for surplus products. Surplus products shall be defined as products for which there are consistently, at Community level, no normal unsubsidized outlets.

Until 31 December 1989, Member States may restrict the scheme to beef, veal and wine.

2. Extensification shall be defined as a reduction of at least 20 %, for a period of at least five years, in the output of the product concerned without any increase in other surplus production capacity. However, such an increase shall be permitted in proportion to any increase in the utilized agricultural area of the farm.

3. Member States shall determine :

- (a) the conditions for granting the aid, including those for reducing output of the various products. In the case of beef and veal, it may be stipulated that, in order to achieve the reduction in output referred to in paragraph 2, the number of livestock units must be reduced by at least 20 %. In the case of wine, it may be stipulated that the yield per hectare must be reduced by at least 20 % ;
- (b) the amount of the aid, on the basis of the undertaking given by the beneficiary and the loss of income incurred, and the way in which it is to be paid ;
- (c) the reference period for the product concerned, for the purposes of calculating the reduction ;
- (d) the undertaking to be given by the beneficiary for the purposes of, in particular, verifying that production has in fact been reduced.

4. Where the scheme is applied in the milk sector, the reduction in output shall be calculated on the basis of the reference quantity allocated under Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 773/87 ⁽²⁾. Reference quantities suspended pursuant to this paragraph may not be reused or reallocated for the duration of the suspension.

The eligible amount of the compensation paid under Council Regulation (EEC) No 775/87 of 16 March 1987 temporarily withdrawing a proportion of the reference quantities mentioned in Article 5c (1) of Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products⁽³⁾ shall be deducted from the eligible amount of the aid.

5. Producers who receive aid within the meaning of this Title may not receive aid within the meaning of Titles 01 or 03 for the land affected by extensification.

6. The Commission, acting in accordance with the procedure laid down in Article 25, shall lay down detailed rules for applying this Title, specifying in particular the maximum amounts of yearly aid eligible under the Fund.

TITLE 03

Conversion of production

Article 1c

1. Member States shall introduce an aid scheme designed to encourage the conversion of production towards non-surplus products.

2. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt a list of products towards which production may be converted and shall lay down the conditions and procedures for the granting of the aid.

3. Producers who receive aid within the meaning of this Title may not receive aid within the meaning of Titles 01 or 02 for the land in question.

4. The Commission, acting in accordance with the procedure laid down in Article 25, shall adopt detailed rules for applying this Title.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 98, 20. 3. 1987, p. 5.

3. In the second subparagraph of Article 20 (1), the words 'the extensification aid provided for in Article 1a' are replaced by 'the aids to the set-aside of arable land and extensification established in Articles 1a and 1b'.

4. In Article 26,

(a) paragraph 1 is replaced by the following:

'1. The expenditure incurred by Member States in connection with the measures provided for in Articles 1b, 1c, 3 to 7, 9 to 17 and 19 to 21 shall be eligible for aid from the Guidance Section of the Fund. The expenditure incurred by Member States in connection with the measures provided for in

Article 1a shall be eligible for aid from the Guarantee and Guidance Section of the Fund.'

(b) in paragraph 2 the first sentence is replaced by the following:

'The Fund shall reimburse to Member States 25 % of their eligible expenditure on the measures provided for in Article 1b, 1c, 3 to 7, 13 to 17, and 19 and 20.'

(c) the following subparagraph is added to paragraph 2:

'The Fund shall reimburse to Member States the eligible expenditure on the measures provided for in Article 1a. The following rates shall apply:

- 50 % for that portion of the aid which does not exceed 200 ECU per hectare, per annum,
- 25 % for that portion of the aid between 200 and 400 ECU per hectare, per annum,
- 15 % for that portion of the aid between 400 and 600 ECU per hectare, per annum,

and in the case of authorization as provided for in the third subparagraph of Article 1a(3):

- 50 % for that portion of the aid which does not exceed 100 ECU per hectare, per annum,
- 25 % for that portion of the aid between 100 and 200 ECU per hectare, per annum,
- 15 % for that portion of the aid between 200 and 300 ECU per hectare, per annum.'

5. In Article 31 (1) and (2), the words 'by Articles 3 to 6' are replaced by 'by Articles 1a, 3 to 6'.

6. In Article 32 (1) the following subparagraphs are inserted after the first subparagraph:

'Where Title 01 is concerned, Member States shall bring into force the measures necessary to comply with this Regulation within two months of the entry into force of the procedures for applying these schemes, as referred to in Article 1a(7).

Where Titles 02 and 03 are concerned, Member States shall bring into force the measures necessary to comply with this Regulation by 1 January 1989.'

7. The following Article shall be inserted:

Article 32a

1. On receipt of a reasoned application, the Commission, acting in accordance with the procedure laid down in Article 25, may authorize a Member State not to apply the aid schemes provided for in Titles 01, 02 and 03 in those regions or areas where, because of natural conditions or the threat of depopulation, production should not be reduced. In the case of Spain, the Commission may also take account of the particular socio-economic situations of certain regions or areas.

The Commission, acting in accordance with the procedure laid down in Article 25, shall adopt the criteria for defining the regions or areas referred to in the first subparagraph.

2. The Portuguese Republic is hereby authorized not to apply the schemes referred to in paragraph 1 until 31 December 1994.

Article 2

Article 5 of Regulation (EEC) No 1760/87 is hereby repealed.

Article 3

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

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

Done at Luxembourg, 25 April 1988.

For the Council

The President

H.-D. GENSCHER

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 April 1988

authorizing the French Republic to apply in its overseas departments and in metropolitan France, by way of derogation from Article 95 of the Treaty, a reduced rate of the revenue duty imposed on the consumption of 'traditional' rum produced in those departments

(88/245/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 227 (2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas it is incumbent upon the institutions of the Community to see that the economic and social development of the French overseas departments is made possible;

Whereas the Treaty and secondary legislation are applicable to the French overseas departments, subject to decisions by the Community institutions adopting specific measures commensurate with the economic and social conditions of those departments;

Whereas, for reasons connected with the geographic, economic and social situation of the French overseas departments, the French Republic should be authorized to apply, by way of derogation from Article 95 of the Treaty, a reduced rate of the revenue duty imposed on the consumption of 'traditional' rum produced in those departments;

Whereas this derogation should be limited in terms of its duration, the quantities which can benefit from it and the level of reduction of the duty;

Whereas a limit should be proposed to the period of application of this Decision, in accordance with the timetable for the approximation of laws in the Community and the harmonization of excise duties;

Whereas the Commission is currently preparing an action programme for the French overseas departments, comprising specific measures for the adaptation of Community policies and new action designed to ease the economic recovery of these regions,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is hereby authorized to apply, by way of derogation from Article 95 of the Treaty, in its overseas departments and in metropolitan France, to the consumption of 'traditional' rum produced in those departments, a rate of revenue duty lower than the full rate of that duty applicable to spirits falling within CN codes 2208 20 to 2208 90.

Article 2

The derogation referred to in Article 1 shall be limited to the product obtained exclusively by distillation, after fermentation, of sugar cane juice, sugar cane syrup or sugar cane molasses in the sugar cane producing areas of the French overseas departments, obtained from local raw materials. This product must have a volatile element content, excluding ethyl alcohol, in excess of 225 g/hl at 100 % vol. and must be produced at a pure alcoholic strength by volume of less than 80 % vol.

⁽¹⁾ OJ No C 107, 28. 4. 1982, p. 6.

⁽²⁾ OJ No C 96, 11. 4. 1983, p. 109.

Article 3

1. In metropolitan France the reduced fiscal duty applicable to the product referred to in Article 2 shall be applied to the following annual quotas :

- in 1988 : 99 000 hl of pure alcohol,
- in 1989 : 97 000 hl of pure alcohol,
- in 1990 : 95 000 hl of pure alcohol,
- in 1991 : 92 000 hl of pure alcohol,
- in 1992 : 90 000 hl of pure alcohol.

2. The ratio, expressed in percentage terms, between the reduced rate of consumption tax applied in metropolitan France to 'traditional' rum and the full rate applied to spirits may not be less than the ratio between

those two rates obtaining in metropolitan France when this Decision enters into force.

3. This Decision shall apply until 31 December 1992.

Article 4

This Decision is addressed to the French Republic.

Done at Luxembourg, 19 April 1988.

For the Council

The President

I. KIECHLE

COMMISSION

COMMISSION DECISION

of 22 March 1988

authorizing the French Republic to permit temporarily the marketing of durum wheat seed not satisfying the requirements of Council Directive 66/402/EEC

(88/246/EEC)

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

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽¹⁾, as last amended by Commission Directive 87/120/EEC⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by the French Republic,

Whereas in France the production of seed of varieties of durum wheat satisfying the requirements of Directive 66/402/EEC has been insufficient in 1987 and therefore is not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas the French Republic should therefore be authorized to permit for a period expiring on 30 April 1988, the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States, which are able to supply France with such seed not satisfying the requirements of the Directive should be authorized to permit the marketing of such seed provided it is intended for France;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized to permit, for a period expiring on 30 April 1988, the marketing in its territory

of a maximum of 5 000 tonnes of seed of durum wheat (*Triticum durum* Desf.) of the category 'certified seed' which does not satisfy the requirements laid down in Annex II to Directive 66/402/EEC with regard to the minimum germination capacity, provided that the following requirements are satisfied:

- (a) the germination capacity is at least 80 % of pure seed;
- (b) the official label shall bear the following endorsements:
 - 'minimum germination capacity 80 %',
 - 'intended exclusively for France'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a maximum of 5 000 tonnes of durum wheat seed provided that it is intended exclusively for France. The official label shall bear the endorsements referred to in Article 1 (b).

Article 3

Member States shall notify the Commission before 30 June 1988 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽²⁾ OJ No L 49, 18. 2. 1987, p. 39.

COMMISSION DECISION

of 22 March 1988

authorizing the Kingdom of Belgium, the Federal Republic of Germany, the French Republic and the Kingdom of the Netherlands to permit temporarily the marketing of flax seed not satisfying the requirements of Council Directive 69/208/EEC

(88/247/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽¹⁾, as last amended by Commission Directive 87/480/EEC⁽²⁾, and in particular Article 16 thereof,

Having regard to the requests submitted by the Kingdom of Belgium, the Federal Republic of Germany, the French Republic and the Kingdom of the Netherlands,

Whereas in Belgium, the Federal Republic of Germany, France and the Netherlands the production of flax seed satisfying the requirements of Directive 69/208/EEC has been insufficient in 1987 and therefore is not adequate to meet the needs of those countries;

Whereas it is not possible to cover these needs satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas Belgium, the Federal Republic of Germany, France and the Netherlands should therefore be authorized to permit for a period expiring on 31 May 1988, the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States, which are able to supply Belgium, the Federal Republic of Germany, France and the Netherlands with such seed not satisfying the requirements of the Directive should be authorized to permit the marketing of such seed provided it is intended for those Member States;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Federal Republic of Germany, the French Republic and the Kingdom of the Netherlands are authorized to permit, for a period

expiring on the 31 May 1988, the marketing in their territories of a maximum of 2 000 tonnes of seed of flax (*Linum usitatissimum* L.) of the categories 'certified seed, first generation', 'certified seed, second generation' or 'certified seed, third generation', which does not satisfy the requirements laid down in Annex II to Directive 69/208/EEC with regard to the minimum germination capacity. This maximum applies to all four Member States taken together.

The following requirements shall be satisfied:

- (a) the germination capacity shall be at least 88 % of pure seed;
- (b) the official label shall bear the endorsements:
 - 'minimum germination capacity 88 %',
 - 'intended exclusively for Belgium, the Federal Republic of Germany, France or the Netherlands.'

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1 the marketing in their territories of a maximum of 2 000 tonnes of flax seed provided that it is intended exclusively for Belgium, the Federal Republic of Germany, France or the Netherlands. The official label shall bear the endorsements referred to in Article 1, second paragraph, point (b).

Article 3

Member States shall notify the Commission, at the end of each month until 31 May 1988, of the quantities of seed certified and marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽²⁾ OJ No L 273, 26. 9. 1987, p. 43.

COMMISSION DECISION

of 22 March 1988

authorizing Denmark to permit temporarily the marketing of field pea seed not satisfying the requirements of Council Directive 66/401/EEC

(88/248/EEC)

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

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Commission Directive 87/480/EEC⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by Denmark,

Whereas in Denmark the production of seed of field pea of the early ripening, short growth type, with a low tannin content, satisfying the requirements laid down in Directive 66/401/EEC, was insufficient in 1987 and is not adequate to supply the needs of that country;

Whereas it has not been possible to cover those needs satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas Denmark should therefore be authorized to permit, for a period expiring on 31 May 1988 the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas other Member States which are able to supply Denmark with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed, provided that it is intended for Denmark;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Denmark is hereby authorized to permit, until 31 May 1988, the marketing in its territory of a maximum of

24 900 tonnes of field pea seed (*Pisum sativum L. partim*) of the early ripening, short growth type, with a low tannin content, of the category 'certified seed', which does not satisfy the requirements relating to minimum germination capacity laid down in Annex II to Directive 66/401/EEC, provided that the following requirements are satisfied:

- (a) the germination capacity shall be at least 70 % of pure seed;
- (b) the official label shall bear the following endorsements:
 - 'minimum germination capacity 70 %',
 - 'intended exclusively for Denmark'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territories of a maximum of 24 900 tonnes of field pea seed, provided that it is intended exclusively for Denmark.

The official label shall bear the endorsements referred to in Article 1 (b).

Article 3

The Member States shall notify the Commission before 31 July 1988 of the quantities of seed marketed in their territories pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Brussels, 22 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 273, 26. 9. 1987, p. 43.

COMMISSION DECISION**of 25 March 1988****amending Decision 85/331/EEC on the sale in the Isle of Man of butter in intervention storage in the United Kingdom****(Only the English text is authentic)****(88/249/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968, on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3904/87⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Decision 85/331/EEC⁽³⁾, amended by Decision 87/444/EEC⁽⁴⁾, provides for butter in intervention storage in the United Kingdom to be sold at a reduced price in the Isle of Man for the manufacture of pastry products, ice-cream and other foodstuffs;

Whereas Article 1 (2) of Decision 85/331/EEC provides for the sale of a total quantity of 100 tonnes of butter during the period from 1 April 1985 to 31 March 1988; whereas that period should, in the light of the quantities which remain to be sold, be extended by 12 months;

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 (2) of Decision 85/331/EEC, '31 March 1988' is hereby replaced by '31 March 1989'.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 25 March 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 1.

⁽³⁾ OJ No L 173, 3. 7. 1985, p. 24.

⁽⁴⁾ OJ No L 240, 22. 8. 1987, p. 33.

COMMISSION DECISION**of 28 March 1988****approving a second programme for eggs and poultrymeat notified by the British Government pursuant to Council Regulation (EEC) No 355/77****(Only the English text is authentic)****(88/250/EEC)**

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

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 560/87⁽²⁾, and in particular Article 5 thereof,

Whereas on 18 May 1987 the British Government forwarded a second programme following the programme approved by Commission Decision 85/27/EEC⁽³⁾, for eggs and poultrymeat for which it submitted additional information on 4 and 12 November 1987,

Whereas the aim of this second programme is to rationalize and adapt the processing and marketing of eggs and poultrymeat so as to increase the competitiveness of the sector and add value to its production; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas approval of this second programme cannot apply to investments concerning products not listed in Annex II to the Treaty;

Whereas approval of this second programme is without prejudice to the decisions as to the granting of aid from the Fund provided for in Article 14 of Regulation (EEC) No 355/77, in particular with a view to ascertaining whether the requirements of Article 9 (1) are met;

Whereas this second programme contains sufficient information, as required in Article 3 of Regulation (EEC)

No 355/77, to show that the objectives of Article 1 of Regulation can be achieved in the eggs and poultrymeat sector;

Whereas the estimated time required for execution of this second programme does not exceed the limits laid down in Article 3 (1) (g) of the Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The second programme relating to eggs and poultrymeat forwarded by the British Government on 18 May 1987 and for which additional information was submitted on 4 and 12 November 1987 pursuant to Regulation (EEC) No 355/77 is hereby approved with the exception of investments relating to products not covered by Annex II to the Treaty.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 28 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 57, 27. 2. 1987, p. 6.

⁽³⁾ OJ No L 13, 16. 1. 1985, p. 26.

COMMISSION DECISION**of 28 March 1988****on improving the efficiency of agricultural structures in the United Kingdom
pursuant to Council Regulation (EEC) No 797/85****(Only the English text is authentic)****(88/251/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 1760/87 ⁽²⁾, and in particular Article 25 (3) thereof,

Whereas on 12 January 1988 the Government of the United Kingdom has forwarded, pursuant to Article 24 (4) of Regulation (EEC) No 797/85, the administrative provisions relating to the fixation of the reference income for 1988 ;

Whereas, pursuant to Article 25 (3) of Regulation (EEC) No 797/85, the Commission must decide whether, having regard to the compliance of the abovementioned provisions with the aforementioned Regulation and taking into account the objectives of the latter and the need for a proper connection between the various measures, the conditions for a financial contribution by the Community are satisfied ;

Whereas the fixation of the reference income for 1988 satisfies the conditions of Article 2 (3) of Regulation (EEC) No 797/85 ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION :

Article 1

Taking into account the provisions relating to the fixation of the reference income for 1988, the measures adopted by the United Kingdom pursuant to Regulation (EEC) No 797/85 continue to meet the conditions for a financial contribution from the Community to the common measure provided for in Article 1 of Regulation (EEC) No 797/85.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 28 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

COMMISSION DECISION**of 28 March 1988****on improving the efficiency of agricultural structures in Belgium pursuant to
Council Regulation (EEC) No 797/85****(Only the French and Dutch texts are authentic)****(88/252/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 1760/87 ⁽²⁾, and in particular Article 25 (3) thereof,

Whereas on 26 November 1987 the Belgian Government has forwarded, pursuant to Article 24 (4) of Regulation (EEC) No 797/85, the administrative provisions relating to the fixation of the reference income for 1987;

Whereas, pursuant to Article 25 (3) of Regulation (EEC) No 797/85, the Commission must decide whether, having regard to the compliance of the abovementioned provisions with the aforementioned Regulation and taking into account the objectives of the latter and the need for a proper connection between the various measures, the conditions for a financial contribution by the Community are satisfied;

Whereas the fixation of the reference income for 1987 satisfies the conditions of Article 2 (3) of Regulation (EEC) No 797/85;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

Taking into account the provisions relating to the fixation of the reference income for 1987, the measures adopted in Belgium pursuant to Regulation (EEC) No 797/85 continue to meet the conditions for a financial contribution from the Community to the common measures provided for in Article 1 of Regulation (EEC) No 797/85.

Article 2

This Decision is addressed to Belgium.

Done at Brussels, 28 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

COMMISSION DECISION**of 28 March 1988****approving the fourth amendment to the plan for the accelerated eradication of classical swine fever, submitted by Greece****(Only the Greek text is authentic)****(88/253/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 80/1095/EEC of 11 November 1980 laying down conditions designed to render and keep the territory of the Community free from classical swine fever⁽¹⁾, as last amended by Directive 87/487/EEC⁽²⁾, and in particular Article 6 (4) thereof,

Having regard to Council Decision 80/1096/EEC of 11 November 1980 introducing Community financial measures for the eradication of classical swine fever⁽³⁾, as last amended by Decision 87/488/EEC⁽⁴⁾ and in particular Article 5 thereof,

Whereas by Decision 83/484/EEC⁽⁵⁾, the Commission approved the plan for the accelerated eradication of classical swine fever submitted by Greece;

Whereas by Decisions 85/179/EEC⁽⁶⁾, 86/51/EEC⁽⁷⁾ and 87/202/EEC⁽⁸⁾, the Commission approved a first, second and third amendment to the initial plan;

Whereas by telex dated 22 December 1987, the Greek authorities informed the Commission of amendments to the plan to take account of the evolution of classical swine fever in Greece;

Whereas the amended plan has been examined and found to comply with Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for control of classical swine fever⁽⁹⁾ and with Directive

80/1095/EEC; whereas the conditions for financial participation by the Community continue therefore to be met;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The fourth amendment to the plan for accelerated eradication of classical swine fever, submitted by Greece, is hereby approved.

Article 2

The amendment of the plan referred to in Article 1 shall take effect on 1 January 1988.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 28 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 325, 1. 12. 1980, p. 1.
⁽²⁾ OJ No L 280, 3. 10. 1987, p. 24.
⁽³⁾ OJ No L 325, 1. 12. 1980, p. 5.
⁽⁴⁾ OJ No L 280, 3. 10. 1987, p. 26.
⁽⁵⁾ OJ No L 264, 27. 9. 1983, p. 23.
⁽⁶⁾ OJ No L 67, 7. 3. 1985, p. 39.
⁽⁷⁾ OJ No L 68, 11. 3. 1986, p. 6.
⁽⁸⁾ OJ No L 80, 24. 3. 1987, p. 30.
⁽⁹⁾ OJ No L 47, 21. 2. 1980, p. 11.

COMMISSION DECISION

of 29 March 1988

approving a second programme for the milk and milk products sector in Bavaria, pursuant to Council Regulation (EEC) No 355/77

(Only the German text is authentic)

(88/254/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 560/87⁽²⁾, and in particular Article 5 thereof,

Whereas, on 5 May 1986, the Government of the Federal Republic of Germany forwarded a programme for the milk and milk products sector in Bavaria, which follows on that approved by Commission Decision 80/1336/EEC⁽³⁾, and supplied further particulars on 16 April, 28 October and 9 December 1987;

Whereas the aims of the second programme are to rationalize and modernize the milk and milk products sector, thus safeguarding the competitiveness of the sector and enhancing the value of the products concerned; whereas it is therefore a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas, given the situation on the market for milk, approval of the programme cannot extend to investment projects:

- which provide for an increase in milk processing capacity, unless evidence is furnished to show that equivalent capacities are being closed down,
- which relate to butter, whey powder, milk powder, butteroil, lactose, casein, or caseinates,
- which relate to other products entailing EAGGF Guarantee Section expenditure that cannot be justified in view of the market situation;

Whereas approval of the second programme cannot extend to investments in the manufacture of products such as certain types of cheese for which there is already

surplus production capacity in the European Community;

Whereas approval of this second programme cannot extend to investments in the manufacture of products which are not listed in Annex II to the Treaty;

Whereas the second programme contains the details required under Article 3 of Regulation (EEC) No 355/77, showing that the objectives laid down in Article 1 thereof may be achieved in the Bavarian milk and milk products sector; whereas the schedule for implementation of the second programme does not exceed the time limit laid down in Article 3 (1) (g) of the said Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structures,

HAS ADOPTED THIS DECISION:

Article 1

1. The second programme for the milk and milk products sector in Bavaria, which was submitted by the Government of the Federal Republic of Germany on 5 May 1986 and concerning which further details were provided on 16 April, 28 October and 9 December 1987 pursuant to Regulation (EEC) No 355/77, is hereby approved.

2. Approval does not extend to projects:

- which provide for an increase in milk-processing capacity, unless evidence is furnished to show that equivalent capacities are being closed down,
- which relate to butter, whey powder, milk powder, butteroil, lactose, casein or caseinates,
- which relate to other products entailing EAGGF Guarantee Section expenditure that would be unjustifiable in view of the market situation.

Approval of the second programme does not extend to investments in the manufacture of products such as certain cheeses for which there is already surplus production capacity in the European Community.

Approval of this programme does not extend to investments in the manufacture of products which are not listed in Annex II to the Treaty.

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 57, 27. 2. 1987, p. 6.

⁽³⁾ OJ No L 384, 31. 12. 1980, p. 1.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 March 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 29 March 1988

authorizing the Italian Republic to apply intra-Community surveillance to imports of certain footwear originating in South Korea or Taiwan

(Only the Italian text is authentic)

(88/255/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty⁽¹⁾, and in particular Articles 1 and 2 thereof,

Whereas Commission Regulation (EEC) No 561/88⁽²⁾ instituted a system for the authorization within certain limits of imports into Italy of certain footwear originating in South Korea or Taiwan;

Whereas the conditions for importing the products in question into Italy differ from the conditions for importing them into the other Member States; whereas these differences are liable to result in deflections of trade;

Whereas, in order to detect such deflections of trade rapidly, the Italian Government has asked the Commission of the European Communities for authorization to apply prior intra-Community surveillance to imports of the products in question originating in South Korea or Taiwan and in free circulation in the other Member States;

Whereas the Commission has examined the matter to determine whether these imports could be subject to intra-Community surveillance; whereas this examination has shown that deflection has occurred and is likely to recur and so undermine the objectives of Regulation (EEC) No 561/88 and aggravate or prolong the economic difficulties of the sector concerned, as described in that Regulation;

Whereas, in these circumstances, Italy should be authorized to apply intra-Community surveillance to imports of the products in question originating in South Korea or Taiwan and in free circulation in the other Member States,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is hereby authorized in accordance with Article 2 of Decision 87/433/EEC to apply intra-Community surveillance until 30 June 1990 to imports of the following products originating in South Korea or Taiwan:

CN code	Description
6401 92 to 6401 99 90	Waterproof footwear with outer soles and uppers of rubber or plastics
6402 19 00 6402 20 00 6402 91 to 6402 99 99	Other footwear with outer soles and uppers of rubber or plastics
6403 19 00 6403 20 00 6403 51 to 6403 99 99	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather
6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials
6405	Other footwear

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 29 March 1988.

For the Commission

W. De CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 238, 21. 8. 1987, p. 26.

⁽²⁾ OJ No L 54, 1. 3. 1988, p. 59.

COMMISSION DECISION

of 29 March 1988

amending Decision 87/257/EEC concerning the establishments in the United States of America from which Member States may authorize the importation of fresh meat

(88/256/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Directive 87/64/EEC ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas establishments in third countries cannot be authorized to export fresh meat to the Community unless they satisfy the general and special conditions laid down in Directive 72/462/EEC;

Whereas the United States of America have forwarded, in accordance with Article 4 (3) of Directive 72/462/EEC, a list of establishments authorized to export to the Community;

Whereas the list of establishments in the United States of America approved for the import of fresh meat into the Community was drawn up originally in Commission Decision 87/257/EEC ⁽³⁾;Whereas Decision 87/257/EEC, as amended by Decision 88/66/EEC ⁽⁴⁾ allows Member States to continue to authorize until 31 March 1988 the importations of fresh meat from the establishments included on a list transmitted by the Commission to the Member States;

Whereas it is necessary to fix a final date for the introduction into Community territory of meat

originating in these establishments and to clarify this in Decision 87/257/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The following subparagraph is hereby added to Article 2 of Decision 87/257/EEC:

'Fresh meat from these establishments may be introduced into the territory of the Community until 22 April 1988'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.⁽²⁾ OJ No L 34, 5. 2. 1987, p. 52.⁽³⁾ OJ No L 121, 9. 5. 1987, p. 46.⁽⁴⁾ OJ No L 33, 5. 2. 1988, p. 38.

COMMISSION DECISION

of 30 March 1988

approving the provisions for the implementation in Belgium of Council Regulation (EEC) No 2990/82 on the sale of butter at reduced prices to persons receiving social assistance

(Only the French and Dutch texts are authentic)

(88/257/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2990/82 of 9 November 1982 on the sale of butter at reduced prices to persons receiving social assistance⁽¹⁾, as amended by Regulation (EEC) No 778/87⁽²⁾, and in particular Article 3a (2) thereof,

Whereas Article 3a of Regulation (EEC) No 2990/82 provides for notification by the Member States concerned of national provisions which they contemplate adopting for the abovementioned Regulation and the approval or possible amendment thereof by the Commission;

Whereas the draft forwarded by Belgium on 8 January 1988 implementing Regulation (EEC) No 2990/82 for 1988 should be approved subject to certain conditions;

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

Article 1

The national provisions for the implementation in Belgium of Regulation (EEC) No 2990/82 for 1988 are hereby approved provided that on-the-spot checks are conducted relating in particular to:

- quantities purchased and quantities distributed,
- the register of recipients, with a view to checking that it is kept up to date at all times,
- the price paid by the recipients.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 30 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 314, 10. 11. 1982, p. 26.

⁽²⁾ OJ No L 78, 23. 3. 1987, p. 12.