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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1330/88

of 17 May 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) No 1097/88 ⁽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 16 May 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 18 May 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽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, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 17 May 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	16,55	177,31
0712 90 19	16,55	177,31
1001 10 10	73,91	254,10 ⁽¹⁾ ⁽²⁾
1001 10 90	73,91	254,10 ⁽¹⁾ ⁽²⁾
1001 90 91	11,45	192,37
1001 90 99	11,45	192,37
1002 00 00	51,75	165,85 ⁽⁶⁾
1003 00 10	45,43	176,50
1003 00 90	45,43	176,50
1004 00 10	101,89	149,08
1004 00 90	101,89	149,08
1005 10 90	16,55	177,31 ⁽²⁾ ⁽³⁾
1005 90 00	16,55	177,31 ⁽²⁾ ⁽³⁾
1007 00 90	40,05	186,05 ⁽⁴⁾
1008 10 00	45,43	102,10
1008 20 00	45,43	148,12 ⁽⁴⁾
1008 30 00	45,43	64,77 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	45,43	64,77
1101 00 00	31,23	285,22
1102 10 00	87,65	247,39
1103 11 10	128,41	407,70
1103 11 90	31,32	304,87

⁽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 1331/88

of 17 May 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 1097/88 ⁽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 16 May 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 18 May 1988.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽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 17 May 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 5	1st period 6	2nd period 7	3rd period 8
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	0,36	0,36	0,36
1004 00 90	0	0,36	0,36	0,36
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1332/88

of 10 May 1988

fixing the premiums payable per ewe applicable for the 1984/85 and 1985 marketing years in region 5

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1115/88 ⁽²⁾, and in particular Article 5 (4) thereof,

Whereas the judgment of the Court of Justice of 2 February 1988 in Cases 305/85 and 142/86 annulled Commission Regulations (EEC) No 1989/85 ⁽³⁾ and (EEC) No 728/86 ⁽⁴⁾ determining for the Member States the loss of income and the level of the premium payable per ewe for the 1984/85 and 1985 marketing years, respectively, in so far as those Regulations relate to the calculation of the annual premium payable per ewe for region 5 (Great Britain) and the balance to be paid to producers in that region who have received advances on that premium; whereas the annual premiums payable per ewe in region 5 (Great Britain) and the balance to be paid to producers in that region who have received advances on that premium should accordingly be determined anew for the 1984/85 and 1985 marketing years pursuant to Article 176 of the Treaty;

Whereas the Management Committee for Sheep and Goats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1984/85 marketing year, in region 5:

- the premium payable per ewe shall be 8,343 ECU,
- pursuant to Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to producers located in less-favoured agricultural areas is fixed at 5,595 ECU.

Article 2

For the 1985 marketing year, in region 5:

- the premium payable per ewe shall be 12,291 ECU,
- pursuant to Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to producers located in less-favoured agricultural areas is fixed at 8,897 ECU.

Article 3

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, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.
⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.
⁽³⁾ OJ No L 186, 19. 7. 1985, p. 22.
⁽⁴⁾ OJ No L 69, 12. 3. 1986, p. 6.

COMMISSION REGULATION (EEC) No 1333/88
of 17 May 1988

opening an invitation to tender for the refund for the export of common wheat to countries of zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands

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 1097/88 ⁽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, in view of the current situation on the cereals market, an invitation should be opened in respect of common wheat to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, laid down by Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as amended by Regulation (EEC) No 2944/78 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical; whereas, however, a special period of validity should be laid down for exports to the People's Republic of China;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made

from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to common wheat for export to the countries of zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 25 May 1989. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽¹⁾, export licences issued pursuant to Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

However, for exports to the People's Republic of China, licences shall be valid from their date of issue as defined in paragraph 1 until the end of the sixth month following.

3. For the purposes of applying paragraph 2, licences issued in connection with this invitation to tender shall bear, in space 19, a statement of the last day of validity calculated in accordance with the provisions of the first subparagraph of paragraph 2. They shall also bear, in space 18, a statement of the last day of validity calculated in accordance with the provisions of the second subparagraph of paragraph 2; for this purpose, one of the following statements shall be entered in space 18:

- En caso de exportación a la República Popular de China, último día de validez:, Reglamento (CEE) nº 1333/88
- Sidste gyldighedsdag ved udførsel til Den kinesiske Folkerepublik:, forordning (EØF) nr. 1333/88
- Letzter Gültigkeitstag bei Ausfuhr in die Volksrepublik China:, Verordnung (EWG) Nr. 1333/88
- Σε περίπτωση εξαγωγής προς τη Λαϊκή Δημοκρατία της Κίνας, τελευταία ημέρα ισχύος:, κανονισμός (ΕΟΚ) αριθ. 1333/88
- In case of export to the People's Republic of China, last day of validity:, Regulation (EEC) No 1333/88
- En cas d'exportation vers la République populaire de Chine, dernier jour de validité:, règlement (CEE) nº 1333/88
- In caso di esportazione verso la Repubblica popolare di Cina, ultimo giorno di validità:, regolamento (CEE) n. 1333/88
- In geval van uitvoer naar de Volksrepubliek China, laatste geldigheidsdag:, Verordening (EEG) nr. 1333/88

— Em caso de exportação para a República Popular da China, último dia de validade:, Regulamento (CEE) nº 1333/88.

Where the licence is used after the date given in space 19, it shall carry the obligation to export to the People's Republic of China.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

⁽¹⁾ OJ No L 338, 13. 12. 1980, p. 1.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

Weekly tender for the refund for the export of common wheat to countries of zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands

(Regulation (EEC) No 1333/88)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 1334/88

of 17 May 1988

opening an invitation to tender for the refund for the export of barley to countries of zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands

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 1097/88 ⁽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, in view of the current situation on the cereals market, an invitation should be opened in respect of barley to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas there is demand for barley on certain specific markets; whereas, in order to ensure supply, the invitation to tender for export should be limited to exports to zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, laid down by Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as amended by Regulation (EEC) No 2944/78 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment to all concerned, it is necessary to make provision such that the periods of validity of licences issued are identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to countries of zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands, defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 25 May 1989. During this period weekly awards shall be made, for which the quantity and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3183/80 ⁽⁷⁾, export licences issued pursuant to Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:
 - to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
 - to make no award.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁷⁾ OJ No L 338, 13. 12. 1980, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

Article 6

Tenders submitted must reach the Commission through the intermediary of Member States at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Weekly tender for the refund for the export of barley to countries of zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands

Regulation (EEC) No 1334/88

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 1335/88

of 17 May 1988

on the issue of a standing invitation to tender for the resale on the internal market of 100 000 tonnes of barley held by the Spanish intervention agency for processing in the Community

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 1097/88⁽²⁾, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ lays down that invitations to tender are to be organized for the sale of cereals held by intervention agencies;

Whereas Article 4 of Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, provides for the possibility of restricting the use of cereals sold to specific uses and/or destinations;

Whereas, in the present situation of the Spanish market, a feature of which is a shortage of barley, a standing invitation to tender should be issued for the resale on the internal market for processing of 100 000 tonnes of barley held by the Spanish intervention agency in the Community;

Whereas, moreover, as regards verification, the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down detailed rules for verifying the use and/or destination of products from intervention⁽⁶⁾, as last amended by Regulation (EEC) No 1249/88⁽⁷⁾, are applicable;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Spanish intervention agency shall issue a standing invitation to tender for the disposal of 100 000

tonnes of barley on the internal market for processing within the Community.

2. Without prejudice to Regulation (EEC) No 1836/82, and in particular the second subparagraph of Article 13 (4) thereof, the following special rules shall apply to this invitation to tender:

- tenderers shall undertake to process within the Community the quantities of barley for which contracts are awarded,
- processing must be effected by 31 December 1988 at the latest, except in cases of *force majeure*,
- a security of 10 ECU per tonne shall be lodged by the successful tenderer with the Spanish intervention agency to ensure that the conditions laid down in the first and second indents are complied with. The security shall be lodged at the latest two working days following the day on which the statement of award of contract was received.

Article 2

1. The obligations laid down in the first indent of Article 1 (2) shall be considered primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽⁸⁾. They shall be deemed to have been fulfilled only if the successful tenderer provides proof to that effect.

2. Proof of processing of the cereals referred to in this Regulation shall be furnished in accordance with Regulation (EEC) No 1687/76.

Article 3

Regulation (EEC) No 1687/76 is hereby amended as follows:

In Part II of the Annex, 'Products subject to a use and/or destination other than that mentioned under I', the following point and footnote are added:

'49. Commission Regulation (EEC) No 1335/88 of 17 May 1988 on the issue of a standing invitation to tender for the resale on the internal market for processing of 100 000 tonnes of barley held by the Spanish intervention agency in the Community⁽⁴⁹⁾.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁶⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁷⁾ OJ No L 119, 7. 5. 1988, p. 8.

⁽⁸⁾ OJ No L 205, 3. 8. 1985, p. 5.

On the dispatch of the barley in question, section 104:

- Destinado a ser transformado en la Comunidad (apartado 1 del artículo 1 del Reglamento (CEE) nº 1335/88)
- Bestemt til forarbejdning i Fællesskabet (artikel 1, stk. 1, i forordning (EØF) nr. 1335/88)
- Zur Verarbeitung in der Gemeinschaft bestimmt (Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1335/88)
- Προορίζεται να μεταποιηθεί εντός της Κοινότητας (άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1335/88)
- For processing in the Community (Article 1 (1) of Regulation (EEC) No 1335/88)
- Destiné à être transformé dans la Communauté (article 1^{er} paragraphe 1 du règlement (CEE) nº 1335/88)
- Destinato ad essere trasformato nella Comunità (articolo 1, paragrafo 1 del regolamento (CEE) nr. 1335/88)
- Bestemd om in de Gemeenschap te worden verwerkt (artikel 1, lid 1, van Verordening (EEG) nr. 1335/88)
- Destinado a ser transformado na Comunidade (nº I do artigo 1º do Regulamento (CEE) 1335/88)

(⁴⁹) OJ No L 124, 18. 5. 1988, p. 11.

Article 4

1. The closing date for the submission of tenders for the first partial invitation to tender is hereby fixed at 19 May 1988.
2. The closing date for the last partial invitation to tender shall be 2 June 1988.
3. Tenders must be submitted to the Spanish intervention agency:

Servicio nacional de productos agrarios,
SENPA,
Beneficencia, 8,
E-28 004 Madrid,
(télex: 23427 SENPA E — tél.: 232 34 88).

Article 5

The Spanish intervention agency shall notify the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, of the quantity and average prices of the various lots sold.

Article 6

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, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1336/88**of 17 May 1988****amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef**

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 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 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾, as last amended by Regulation (EEC) No 1256/88 ⁽⁴⁾, introduced the buying in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No

2226/78 ⁽⁵⁾, as last amended by Regulation (EEC) No 797/88 ⁽⁶⁾, the table of Member States or regions of Member States and of quality groups eligible for intervention, as well as the buying-in prices, should be replaced, on the basis of the data and prices available to the Commission, by the table and the prices annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EEC) No 1787/87 are hereby replaced by the Annexes hereto.

Article 2

This Regulation shall enter into force on 23 May 1988.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 119, 7. 5. 1988, p. 25.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 81, 26. 3. 1988, p. 43.

ANNEX I

Member States or regions within a Member State and groups of qualities

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	AR, AO, CR, CO
Germany	AU, AR,
Spain	AU, AR, AO
France	AU, AR, AO, CU, CR, CO
Ireland	CU, CR
Italy	AR, AO
Luxembourg	AR, AO, CR, CO
Netherlands	AR
Great Britain	CU,
Northern Ireland	CU, CR, CO

ANNEX II

Buying-in price in ECU per 100 kilograms carcase weight

Quality (category and class)	Equivalent carcase price	Forequarter price	
		straight cut ⁽¹⁾	pistola cut ⁽²⁾
AU2	307,803	246,242	230,852
AU3	303,575	242,860	227,681
AR2	304,362	243,490	228,272
AR3	300,002	240,002	225,002
AO2	282,141	225,713	211,606
AO3	277,854	222,283	208,391
CU2	316,328	253,062	237,246
CU3	311,983	249,586	233,987
CU4	303,293	242,634	227,470
CR3	305,502	244,402	229,127
CR4	296,621	237,297	222,466
CO3	282,723	226,178	212,042

⁽¹⁾ Conversion coefficient 0,80.⁽²⁾ Conversion coefficient 0,75.

COMMISSION REGULATION (EEC) No 1337/88

of 17 May 1988

amending Regulation (EEC) No 3061/84 laying down detailed rules for the application of the system of production aid for olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Commission Regulation (EEC) No 1098/88⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Regulation (EEC) No 892/88⁽³⁾ amends Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations⁽⁴⁾; whereas the producer organizations have in particular been relieved of certain control responsibilities; whereas Commission Regulation (EEC) No 3061/84⁽⁵⁾, as amended by Regulation (EEC) No 3818/85⁽⁶⁾, should accordingly be adapted by repealing the provisions of that Regulation which are no longer applicable; whereas the rules for allocating the sums produced by the amount withheld on the aid as provided for in Article 20d of Regulation No 136/66/EEC should be specified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3061/84 is hereby amended as follows:

1. Article 1 (2) (f) is deleted.
2. Article 4 (2) is deleted.
3. Article 8 (1) and (2) is replaced by the following:

'1. Before the commencement of each marketing year, on the basis of forecasts for the overall amount

withheld on aid as provided for in Article 20d of Regulation No 136/66/EEC and within the ceiling, for each Member State, of the foreseeable funds, the following amounts shall be fixed:

- (a) the unit amount to be allocated to associations for each member of the producer associations making them up;
- (b) the unit amount to be allocated to producer organizations for each individual aid application submitted.

The balance of the amount withheld on the aid as provided for in Article 20d of Regulation No 136/66/EEC shall be divided between the producer organizations on the basis of the quantity of olive oil for which the aid is granted through each organization.

Without prejudice to Article 11 (3) of Regulation (EEC) No 2261/84, in cases where an association, having discharged all its responsibilities under Community rules, has not used the entire sum raised by the financing arrangement referred to in (a), it must distribute the balance among the producer organizations which make it up on the basis of the number of members of such organizations.'

4. The second indent of Article 8 (4) is replaced by the following:

'— in the case of organizations, 80 % of the amount obtained by applying paragraph 1 (b) to the number of foreseeable applications.'

5. In Article 8, paragraphs 3 and 4 become paragraphs 2 and 3 respectively.

6. Article 11 (4) is deleted.

7. In Article 11 (5), 'and 4' is deleted.

Article 2

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

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 10.

⁽³⁾ OJ No L 89, 6. 4. 1988, p. 1.

⁽⁴⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽⁵⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1338/88

of 17 May 1988

fixing the amounts to be paid to recognized olive oil producer organizations and associations thereof for the 1987/88 marketing year

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1098/88⁽²⁾, and in particular Article 20d (4) thereof,

Whereas Article 20d of Regulation No 136/66/EEC provides that a percentage of the production aid is to be withheld to help finance the work of the producer organizations and associations thereof;

Whereas Article 8 (1) of Commission Regulation (EEC) No 3061/84 of 31 October 1984 laying down detailed rules for the application of the system of production aid for olive oil⁽³⁾, as last amended by Regulation (EEC) No 1337/88⁽⁴⁾, provides that the unit amounts to be paid to producer organizations and associations thereof are to be fixed on the basis of forecasts of the overall sum to be distributed; whereas the amount withheld was fixed for the 1987/88 marketing year by Council Regulation (EEC) No 893/88⁽⁵⁾; whereas the funds which will be available in each Member State as a result of the abovementioned amount withheld must be redistributed to those eligible in a suitable manner; whereas in Spain and Portugal the amount withheld is less than that collected in the other Member States as a result of the lower level of production aid; whereas in Greece, on account of the situation of the organizations and associations thereof for the marketing year concerned, the unit amount to be paid should vary;

Whereas Regulation (EEC) No 892/88⁽⁶⁾, which provides in particular for the discontinuation in the context of Council Regulation (EEC) No 2261/84⁽⁷⁾, of certain

controls by producer organizations, came into force on 9 April 1988 only; whereas it appears that in certain Member States checks on cultivation declarations had already been carried out; whereas, for the sake of fairness, provision should be made for an amount to finance them;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1987/88 marketing year, the amounts provided for in Article 8 (1) (a) and (b) of Regulation (EEC) No 3061/84 shall be as follows:

- for Spain: 0,75 ECU and 1,75 ECU respectively,
- for Portugal: 0,5 ECU and 2 ECU respectively,
- for Greece: 1,5 ECU and 2 ECU respectively,
- for the other Member States: 2 ECU and 2 ECU respectively.

2. Where checks on cultivation declarations were carried out before the date of entry into force of Regulation (EEC) No 892/88, the producer organizations shall receive 80 ECU per check up to the limit of funds available for each Member State.

Article 2

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

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 10.

⁽³⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁴⁾ See page 15 of this Official Journal.

⁽⁵⁾ OJ No L 89, 6. 4. 1988, p. 4.

⁽⁶⁾ OJ No L 89, 6. 4. 1988, p. 1.

⁽⁷⁾ OJ No L 208, 3. 8. 1984, p. 3.

COMMISSION REGULATION (EEC) No 1339/88

of 17 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 3939/87 ⁽²⁾,

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

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 18 April 1988, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 18 April 1988, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 18 April 1988, the level of the premium is fixed at 118,205 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 18 April 1988, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 18 April 1988.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Amount to be charged for products leaving region 5 during the week commencing
18 April 1988

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	55,556	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	118,205	0
0204 21 00	118,205	0
0204 50 11		0
0204 22 10	82,744	
0204 22 30	130,026	
0204 22 50	153,667	
0204 22 90	153,667	
0204 23 00	215,133	
0204 30 00	88,654	
0204 41 00	88,654	
0204 42 10	62,058	
0204 42 30	97,519	
0204 42 50	115,250	
0204 42 90	115,250	
0204 43 00	161,350	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	153,667	
0210 90 19	215,133	
1602 90 71		
— unboned (bone-in)	153,667	
— boned or boneless	215,133	

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

COMMISSION REGULATION (EEC) No 1340/88**of 17 May 1988****concerning applications for STM licences for cereals submitted during the first 10 days of May 1988**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences for common wheat of bread-making quality falling within subheading 1001 90 99 of the combined nomenclature submitted during the first 10 days of May 1988 and notified to the Commission shall be accepted for the tonnages applied for adjusted by a coefficient of 0,67239.

Article 2

This Regulation shall enter into force on 18 May 1988.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 16.

⁽⁴⁾ OJ No L 334, 27. 11. 1986, p. 19.

COMMISSION REGULATION (EEC) No 1341/88

of 17 May 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of tomatoes originating in Turkey

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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 723/88 of 18 March 1988 fixing the reference price for tomatoes for the 1988 marketing year⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 136,75 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is

necessary to multiply the prices with the coefficient fixed in the second indent of Article 1 (2) (a) of Regulation (EEC) No 723/88;

Whereas, for Turkish tomatoes, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, when the Commission introduces a countervailing charge on imports of tomatoes originating in Turkey, at the same time it reintroduces for the product in question the conventional rate of customs duty; whereas, therefore, a rate of customs duty of 18 % should be reintroduced for these tomatoes, with a minimum charge of 3,5 ECU per 100 kilograms net;

Whereas if the system is to operate normally the entry price 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⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 45,68 ECU per 100 kilograms net is applied on imports of tomatoes falling within CN code 0702 00 originating in Turkey.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1988, p. 51.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

2. The rate of customs duty on imports of these products shall be 18 % with a minimum charge of 3,5 ECU per 100 kilograms net.

Article 2

This Regulation shall enter into force on 19 May 1988.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1342/88

of 17 May 1988

introducing a 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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 723/88 of 18 March 1988 fixing for the 1988 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 136,75 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the

coefficient fixed in the second indent of Article 1 (2) of Regulation (EEC) No 723/88;

Whereas, for tomatoes originating in the Canary Islands the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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, in accordance with Article 1 (5) of Protocol 2 to the Act of Accession of Spain and Portugal⁽⁸⁾, the Community must apply in its trade with the Canary Islands, for products covered by Annex II to the EEC Treaty, the general arrangements which it applies in its foreign trade;

Whereas, in accordance with Article 4 of the said Protocol, the products, including tomatoes, specified in Annex A to the Protocol, qualify for preferential arrangements, subject to the tariff quota opened by way of Commission Regulation (EEC) No 4063/87⁽⁹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

When tomatoes falling within CN code 0702 00 and originating in the Canary Islands are imported, a countervailing charge shall be levied, the amount of which shall be fixed at:

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.
⁽³⁾ OJ No L 74, 19. 3. 1988, p. 51.
⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.
⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.
⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.
⁽⁹⁾ OJ No L 380, 31. 12. 1987, p. 17.

— 25,43 ECU per 100 kilograms net weight for quantities within the tariff quota laid down by Regulation (EEC) No 4063/87,

However this charge shall not be levied on quantities imported into Spain within the tariff quotas laid down by Regulation (EEC) No 4063/87.

Article 2

— 27,05 ECU per 100 kilograms, for other amounts.

This Regulation shall enter into force on 19 May 1988.

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

Done at Brussels, 17 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1343/88

of 17 May 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 1328/88 ⁽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 18 May 1988.

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

Done at Brussels, 17 May 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 123, 17. 5. 1988, p. 29.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 17 May 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,09 ⁽¹⁾
1701 11 90	40,09 ⁽¹⁾
1701 12 10	40,09 ⁽¹⁾
1701 12 90	40,09 ⁽¹⁾
1701 91 00	48,63
1701 99 10	48,63
1701 99 90	48,63

⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 3 May 1988

amending Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat

(88/288/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 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, as long as intra-Community trade is hindered by differences between the health requirements of Member States concerning meat, the harmonious functioning of the common market and in particular of the relevant common organization of markets will not have the desired effect and trade distortions could arise;

Whereas Council Directive 64/433/EEC ⁽⁴⁾, as last amended by Regulation (EEC) No 3805/87 ⁽⁵⁾, established the basis for this approximation, but some points have still to be harmonized;

Whereas, for this purpose, it is desirable to harmonize the additional requirements with which frozen meat must comply and lay down the hygiene rules for intra-Community trade in sliced offal;

Whereas it may be necessary to adopt other examinations in the framework of ante- and post-mortem health inspection in order to take account of particular local

situations; whereas those requirements should be determined in accordance with a Community procedure within the framework of the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/433/EEC is hereby amended as follows:

1. The following sentences shall be added to Article 3 (1) (C):

'Offal may not be sliced except for livers of animals of the bovine species where such livers are sliced in an approved cutting plant. The extension of this derogation to livers of animals of other species may be decided by the Council acting by a qualified majority on a Commission proposal.'

2. Article 3 (1) (D) shall be replaced by the following:

'D. Fresh meat which has been stored, in accordance with this Directive in a cold store approved by a Member State and which has not thereafter undergone any handling, except in connection with storage, must:

- (a) meet the requirements of sections A (c), (e), (g), (h), B and C or be fresh meat imported from third countries, in accordance with Community regulations,
- (b) be accompanied by a certificate which corresponds to the model in Annex II during transportation to the country of destination.

⁽¹⁾ OJ No C 276, 1. 11. 1986, p. 11.

⁽²⁾ OJ No C 156, 15. 6. 1987, p. 190.

⁽³⁾ OJ No C 68, 16. 3. 1987, p. 2.

⁽⁴⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁵⁾ OJ No L 357, 19. 12. 1987, p. 1.

This certificate shall be drawn up by the official veterinarian on the basis of the health certificates attached to the consignments of fresh meat when they were put into storage and must, in the case of importation, state the origin of the fresh meat.'

3. The following section shall be added to Article 3 (1): —

E. Fresh meat which has been stored in a cold store of a third country approved in accordance with Directive 72/462/EEC under customs control and which has not thereafter undergone any handling, except in connection with storage, must:

- (a) meet the requirements of sections A, B and C;
- (b) be accompanied by a certificate which corresponds to a model to be drawn up under the procedure set out in Article 16.

The specific guarantees concerning checking, certification of compliance with storage and transport requirements and the issuing of the certificate shall be adopted in accordance with the procedure set out in Article 16.'

4. In Article 5:

- the last five lines in point (a) shall be replaced by the following:

'unless it is meant to undergo one of the treatments provided for in Directive 77/99/EEC and it bears a special mark introduced by Decision 84/371/EEC⁽¹⁾;

⁽¹⁾ OJ No L 196, 26. 7. 1984, p. 46'.

- point (c) shall be replaced by the following:

'(c) fresh meat

- (i) from animals to which substances prohibited under Directives 81/602/EEC and 88/146/EEC⁽²⁾ have been administered;
- (ii) containing residues of hormonal substances authorized in accordance with the exceptions provided for in Article 4 of Directive 81/602/EEC and Articles 2 and 7 of Directive 88/146/EEC, residues of antibiotics, pesticides or of other substances ... (remainder unchanged).

⁽²⁾ OJ No L 70, 16. 3. 1988, p. 16'.

5. The following Article shall be inserted:

Article 6a

Member States shall entrust to a central service or body the task of collecting and exploiting the results of the ante-mortem and post-mortem inspections carried out by the official veterinarian, in cases of diagnosis of diseases transmissible to humans.

Where such a disease is diagnosed, the results of the specific case shall be communicated as soon as possible to the competent veterinary authorities

responsible for supervision of the herd from which the animals originated.

Member States shall submit to the Commission information on certain diseases and particularly cases where diseases transmissible to humans have been diagnosed.

The Commission shall, under the procedure laid down in Article 16, adopt detailed rules for implementing this Article, and in particular:

- the regularity with which information has to be submitted to the Commission,
- the type of information,
- the diseases to which the collection of information should apply,
- procedures for collecting and exploiting information.

6. Article 7 (1) is hereby repealed.

7. The following sentence shall be added to Article 13:

'In accordance with the same procedure, additional requirements adapted to the specific situation of Member States with respect to certain diseases likely to endanger human health may be decided on.'

8. Annex I shall be amended as follows:

- (a) The following subparagraph shall be added to point 1:

'(g) a clean and easily cleaned ceiling; falling that, a roof covering with an interior surface which fulfils these conditions';

- (b) In point 5, the second sentence shall read:

'This equipment must include a system for draining off water of condensation without any possibility of contamination of the meat';

- (c) In point 11 the penultimate phrase shall be replaced by the following:

'the wash basin taps must not be hand or arm-operable';

- (d) The following paragraph shall be added to point 41 of Chapter VII:

'E. The results of the ante-mortem and post-mortem health inspections shall be recorded by the official veterinarian and, where diseases transmissible to humans as referred to in Article 6 (a) are diagnosed, communicated to the competent veterinary authorities responsible for supervision of the herd from which the animals originated, as well as to the person responsible for the herd in question.'

- (e) Point 42 of Chapter VIII shall be replaced by the following:

'42. Cutting pieces smaller than those referred to in Article 3 (1) (A), de-boning or the slicing of the livers of animals of the bovine species is authorized in approved cutting plants only';

- (f) The following sentence shall be added to point 45 (b) of Chapter VIII:

'During slicing, wrapping and packaging, the internal temperature of livers of animals of the bovine species must be kept at a constant + 3 °C or less.'

- (g) 'In point 54 of Chapter X the words 'referred to in paragraphs 51 and 52 shall be replaced by the words 'referred to in paragraphs 51, second subparagraph, and 52, including sliced livers of animals of the bovine species,';

- (h) The following sentences shall be added to point 59 of Chapter XI:

'Sliced livers of animals of the bovine species must be individually wrapped. A package may contain only a complete sliced organ presented in its original form;'

- (i) The second indent of paragraph 65 of Chapter XIII shall be replaced by the following:

'— Fresh meat for freezing must come directly from an approved slaughterhouse or an approved cutting plant.'

Freezing of fresh meat may be performed only in rooms of the same establishment where the meat has been obtained or cut or in an approved cold store, by means of appropriate equipment.

When intended for freezing, cuts referred to in Article 3 (1) (A), the cuts referred to in point 52 and offal must be frozen without delay unless maturation is required for health reasons. In the latter case they must be frozen immediately after maturation.

Carcases, half-carcases and quarters intended for freezing must be frozen without undue delay after a period of stabilization.

Cut meat intended for freezing must be frozen without undue delay after cutting.

Frozen meat must reach an internal temperature of — 12 °C or lower and may not be stored at higher temperatures thereafter.

Fresh meat which has undergone a freezing process must bear an indication of the month and year in which it was frozen.'

Article 2

The Council shall review the ante- and post-mortem inspection requirements on the basis of a Commission report drawn up before 1 January 1991, in the light of the information collected pursuant to Article 6a, and accompanied by any proposals on alternative methods of checking, particularly at the production stage, offering equivalent guarantees.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1989 and shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 3 May 1988.

For the Council

The President

M. BANGEMANN

COUNCIL DIRECTIVE

of 3 May 1988

amending Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries

(88/289/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 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 Directive 72/462/EEC ⁽⁴⁾, as last amended by Directive 87/64/EEC ⁽⁵⁾, lays down health and veterinary inspection requirements for importation of bovine animals and swine and fresh meat from third countries;

Whereas Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽⁶⁾ has been amended by Directive 88/288/EEC ⁽⁷⁾ in relation to trade in offal, as well as in relation to the possibility of adopting other examinations in the framework of ante-mortem and post-mortem health inspection in order to take account of particular local situations; whereas the same health guarantees offered by Directive 64/433/EEC should also apply to imports from third countries,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 72/462/EEC is hereby amended as follows:

1. The second sentence of Article 4 (1) shall be replaced by the following:

'In accordance with the detailed implementing rules to be established by the Commission under the

procedure laid down in Article 30, the list or lists may be amended or supplemented by the Commission in line with the result of the inspections provided for in Article 5, of which it has previously informed the Member States.

In the event of difficulties, the matter shall be referred to the Committee in accordance with the procedure laid down in Article 29.

Before 1 January 1990, the Council shall review these provisions on the basis of a Commission report.'

2. The following sentence shall be added to Article 17 (2) (b) and (d):

'In accordance with the procedure laid down in Article 29, additional requirements adapted to the specific situation of countries specified by name with respect to certain diseases likely to endanger human health may be decided on.'

3. In Article 18 (1) (b) the first phrase shall be replaced by:

'(b) cuts smaller than quarters or boned meat or offal or sliced livers of bovine animals from cutting plants ... (remainder unchanged) ...'

4. The following paragraph shall be added to Article 18:

'4. The admission of sliced livers of animals other than of the bovine species may be decided upon by the Council acting by a qualified majority on a proposal from the Commission.'

5. Article 20 (b) shall be replaced by the following:

'(b) fresh meat:

- (i) from animals to which hormonal substances prohibited under Directives 81/602/EEC and 88/146/EEC ^(*) have been administered;

- (ii) containing residues of hormonal substances authorized in accordance with the exceptions provided for in Article 4 of Directive 81/602/EEC and Articles 2 and 7 of Directive 85/649/EEC, residues of antibiotics, pesticides, or of other substances ... (remainder unchanged)

⁽¹⁾ OJ No C 276, 1. 11. 1986, p. 11.

⁽²⁾ OJ No C 156, 15. 6. 1987, p. 190.

⁽³⁾ OJ No C 68, 16. 3. 1987, p. 2.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁵⁾ OJ No L 34, 5. 2. 1987, p. 52.

⁽⁶⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁷⁾ See page 28 of this Official Journal.

^(*) OJ No L 70, 16. 3. 1988, p. 16.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1989 and shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 3 May 1988.

For the Council

The President

M. BANGEMANN
