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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2005/88

of 5 July 1988

imposing a provisional anti-dumping duty on imports of serial impact fully formed character printers originating in Japan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Procedure

- (1) In March 1987 the Commission received a complaint lodged by the Committee of European Printer Manufacturers (Europrint) on behalf of producers whose collective output was stated to constitute a major proportion of Community production of the product in question. The complaint contained evidence of dumping of the product concerned originating in Japan and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of fully formed character (daisy wheel) printers corresponding to CN code ex 8471 92 90, originating in Japan, and commenced an investigation.

- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

Two of the known Japanese exporters, some importers and all known Community producers made their views known in writing.

Submissions were also made by a number of dealers, end users and organizations representing Community purchasers of the product.

- (3) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) EEC producers :

- Olivetti Peripheral Equipment SpA, Italy,
- Triumph-Adler, GmbH, Germany ;

(b) Japanese exporters :

- Tokyo Electric Co. Ltd, Tokyo,
- Tokyo Juki Industrial Co. Ltd, Tokyo ;

(c) Importers in the Community :

Juki Europe GmbH, Germany.

- (4) The Commission requested and received detailed written submissions from the complainant Community producers, the two exporters and some importers, and verified the information therein to the extent considered necessary.

- (5) The investigation of dumping covered the period from April 1986 to March 1987 inclusive.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No C 121, 7. 5. 1987, p. 4.

B. Product under consideration, like product and Community industry

therefore, indicate that there exists only one category of printers.

- (6) The products under consideration are serial impact fully formed character (SIFF) printers. These printers are computer printers which means that they are computer driven and print only information which is already contained in the computer. Their printing technology is that of impact by which a hammer strikes an inked ribbon to cast a figure on paper. SIFF printers use a device known as a daisy wheel as the print element. This revolves at high speed to position spokes bearing a character. These spokes are struck by a hammer to print characters.
- (7) There are numerous different SIFF printers on the Community market. According to the information available, different models were sold during the reference period ranging from low cost, low speed daisy wheel printers dedicated to small business applications and word processing (low end of the market) to expensive, high speed, heavy duty printers dedicated to word processing systems with high throughput (high end of the market). Between the low end and the high end of the market there is a variety of printer models to meet the requirements of the different kinds of user.
- (8) In order to determine the like product in these proceedings, where a variety of printers is concerned, the Commission's analysis had to consider whether SIFF printers form one single category of products or whether they fall into different categories separated by clearly defined dividing lines. In this respect, the Commission found that all SIFF printers are based on the same basic technology as described above and that their basic physical and technical characteristics are identical. As far as the different print speed, the different size and weight, the different features and specifications, accessories, softwares or interfaces are concerned, all these differences may have effects on the quality and the application of the printer but do not change the basic physical and technical characteristics. Moreover, the Commission took the view that differences in physical or technical characteristics should not cause products to be considered as not 'like' each other unless these differences have the effect that the application, use or customer's perception of the products in question are fundamentally different. The identity of the technology and the similarity of the basic physical and technical characteristics,
- (9) Since there are, however, numerous different printer models on the Community market, the Commission examined whether characteristics other than basic physical and technical characteristics such as print speed, number of needles in the print head, weight, etc., should be used to find a clear dividing line between the printer models. The Commission found, however, that no generally accepted criteria exist to differentiate between printer models. At the same time, the technical characteristics of SIFF printers are subject to rapid development and changes. Indeed, the Commission found that the SIFF printer market is best considered as a series of products with no clearly defined boundaries between them. It seems probable that with further technical development the boundaries between the different models will, if they exist at all, be variable. The Commission therefore concluded that the differences in characteristics other than basic technical and physical characteristics are not sufficient to establish clearly defined dividing lines between the different printers.
- (10) Regarding the application, use and consumers' perception of the SIFF printers, the Commission noted first that they all have the same basic application and perform the same basic function, namely to print onto paper or other print medium information which is contained in a computer. In this respect, and as far as the consumers' perception of the printers is concerned, the Commission is aware that the different printer models are intended to meet different end user requirements according to their print speed, size, features, software and interface. However, it has also been found that there are only two main applications, either personal or business. Further, a printer destined for business use can easily be used by consumers for their personal applications. The Commission acknowledges that the degree of commercial interchangeability between the different printer models decreases as the differences in their features and specifications increase. However, this does not mean that there is a clear dividing line based on end users' application and consumers' perception separating these models. Instead, the Commission found that there are important overlapping areas of competition between the different printer models. It therefore concluded that, besides the identity of the basic application and use, there is, at least to a certain degree, interchangeability between the different printer models.

- (11) As far as the other factors for drawing a clear dividing line between the different printer models are concerned, the Commission found that, in the past, technical progress led to rapidly changing printer models. The Commission has also found that the producers themselves make no distinction between their different SIFF printers, classified in different market segments, with regard to production, distribution or accounting. Both European and Japanese SIFF printer manufacturers have, for all their different printer models, similar production equipment and use the same employees, i.e. all SIFF printers are a product of similar manufacturing processes. Further, the same distribution channels and the same internal accounting are used for all SIFF printer models.
- (12) The Commission therefore considered that the similarities of all SIFF printers, as far as their technical and physical characteristics, as well as their application and end use are concerned, outweighed, for the purposes of these proceedings, their differences. It has therefore come to the conclusion that all SIFF printers are sufficiently alike to be considered as like products in the context of these proceedings.
- (13) As far as the determination of the European Industry is concerned and according to the information available to the Commission, there are five producers of SIFF printers in the Community. The investigation has shown that, during the period under investigation, the two Europrint members manufactured about 60 % of the total Community output of SIFF printers, hence a major proportion of the total Community production of the like product within the meaning of Article 4(5) of Regulation (EEC) No 2176/84. The Commission therefore interpreted the term Community industry as referring to the two Community producers which are members of Europrint.

C. Normal value

- (14) For the purposes of establishing normal value, neither exporter's volume of own brand sales on the domestic market of the like product was more than the threshold, established by the Commission in previous cases, of 5 % of the volume of exports of these models to the Community. The Commission thus considered such sales to be insufficient to be representative and determined normal value for all models on the basis of constructed value. The constructed value was

established on the basis of the costs, both fixed and variable, in the country of origin of materials and manufacture for the model exported to the Community plus a reasonable amount for selling, administrative and other general expenses and profit.

- (15) As regards the amounts of selling, administrative and other general expenses and profit to be included in such constructed values, both exporters concerned had no, or insufficient, profitable sales on the domestic market of the like product. Accordingly, the calculation of the relevant costs and profit for establishing normal value was based, for one exporter, on the expenses incurred and profit realized on its profitable sales on the domestic market of dot matrix printers. These printers were considered to be the most appropriate products in the same general business sector as the product in question since this was the only printer with impact technology sold domestically by the company concerned. The only printers with impact technology sold domestically by the other exporter were line printers and, accordingly, this product was considered to be the most appropriate for the purposes of calculating a reasonable amount for selling, administrative and other general expenses and profit to be added to the manufacturing cost to establish normal value for that company. No evidence was submitted to suggest that the expenses incurred and profit realized for the various products i.e. dot matrix, daisy wheel and line printers would be significantly different and this method was also proposed by the two exporters concerned.
- (16) Where allocations were required for the addition of sales, administrative and other general expenses these were generally made on the basis of turnover. In other instances, the amount to be allocated was calculated on the basis of the exporter's accounting practice where the Commission was satisfied that the method used was reasonable for the particular costs concerned. For a number of costs, requests were made that allocations be made on the basis of neither turnover nor the company's normal accounting practice. Such requests were not considered acceptable, the suggested allocations being devised solely for the anti-dumping investigation in question. Accordingly, the Commission saw no reason to deviate from its practice of applying Article 2(11) of Regulation (EEC) No 2176/84 by basing all cost calculations on available accounting data, normally allocated, where necessary, in proportion to the turnover for each product and market under consideration.

- (17) In addition to own brand sales, one of the exporters concerned sold the product in question on an original equipment manufacturer (OEM) basis for export to the Community. These models were sold to, and subsequently by, the OEM companies under those companies' brand names. Some of these models had both a different design and different technical specifications from those sold under the manufacturer's own brand. However, the exporter concerned had insufficient profitable sales of the like product sold on an OEM basis on the domestic market which could be compared with their export sales of OEM models. In the absence of such sales on the domestic market, normal value was established on the basis of the constructed value of the product concerned.
- (18) As regards selling, administrative and other general expenses and profit the Commission received no information on sales of the like product on an OEM basis on the domestic market by any other producer or exporter in Japan. Thus, the amount to be included for the exporter concerned was calculated on the basis of the expenses incurred and the profit realized by that exporter on its profitable sales to OEM's in the domestic market of dot matrix printers. These printers were considered to be the most appropriate products in the same general business sector as the product in question since this was the only printer with impact technology sold by that company domestically. No evidence was submitted to suggest that the expenses incurred and profit realized for the two products, i.e. dot matrix and daisy wheel would be substantially different and this method was proposed by the exporter concerned.
- (19) One exporter claimed that selling, administrative and other general expenses incurred, and the profit made, by their sales organizations in Japan should not be included in the calculation of normal value, whether based on constructed value or on domestic prices. This, according to the exporter concerned, would assimilate the determination of normal value with the determination of the export prices to exporters' related sales organizations in the Community, where such costs are deducted in order to construct export prices.
- (20) The Commission considers, however, that such expenses should in these cases be included in the determination of normal value.
- (21) In the first place, it was established that the sales organization concerned has primarily functions which are those of a sales branch or department. Where the sales organization performed functions other than domestic sales (e.g. import and resales of products of other manufacturers) the Commission was satisfied that the costs relating to these other functions did not increase the allocation of costs to the sale of daisy wheel printers, the allocation being made on the basis of the total turnover of the sales organization.
- (22) Secondly, a normal value based on domestic price is to be, according to Article 2 (3) of Regulation (EEC) No 2176/84, the price actually paid in the ordinary course of trade for the like product in the exporting country. Such a price will include sales, administrative and other general costs and profit which, in the case of the exporters in question, are the sales, administrative and other general costs and profit of their domestic sales organizations. Accordingly, in the view of the Commission, the costs of these sales organizations should be included in normal value when this is based on domestic prices.
- (23) Thirdly, where normal value is based on constructed value, Article 2 (3) (b) (ii) of Regulation (EEC) No 2176/84 provides that a reasonable amount for selling, administrative and other general expenses (and profit) should be added to the costs of production. This is intended to lead to a normal value determination as if sales on the domestic market had taken place. For such domestic sales to be considered in the ordinary course of trade in the market under consideration, their prices should reflect an amount equal to that incurred by the seller for sales, administrative and general expenses. Since sales in the ordinary course of trade of daisy wheel printers in Japan are made for the most part through wholly-owned or controlled sales companies, and since these organizations have the functions of sales departments of the producing companies, the selling, administrative and general expenses incurred by the relevant sales companies of such exporters are costs which must be taken into consideration for the determination of the individual exporter's constructed normal value.

D. Export price

- (24) With regard to exports by Japanese producers directly to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold.

- (25) In one case, exports were made to a subsidiary company which imported the product into the Community. In this case it was considered appropriate, in view of the relationship between exporter and importer, that export prices be constructed on the basis of prices at which the imported products was first resold to an independent buyer. Discounts, rebates and the value of free goods given in connection with sales were deducted from the price to this independent customer and suitable adjustment was made to take account of all costs incurred between importation and resale, including all duties and taxes.
- (26) Where cost allocations were necessary in constructing export prices these were generally made on the basis of turnover. The costs and turnover used for this purpose were generally those of the related importers' last available financial year and accordingly based on audited accounts. Only where the Commission received satisfactory proof that an alternative method to an allocation based on turnover would more appropriately reflect the costs incurred was such a method used.
- (27) These allocated costs included all selling, administrative and other general costs relating to the sales under consideration whether financed by the exporter or by the related importer.
- (28) To arrive at a constructed cif Community frontier export price, adjustments were also made for Community customs duties and for a 5 % profit on sales turnover. The Commission received no information on the profitability of independent importers in the Community of the product concerned. However, in view of the Commission's understanding of the nature of the general business sector based on information received from importers of other types of printers, i.e. dot matrix printers, it was determined that a reasonable profit margin in terms of Article 2 (8) (b) of Regulation (EEC) No 2176/84 should be not less than 5 %. For the purposes of this provision, this percentage was accordingly applied to all sales of the related importer concerned to its first independent purchaser in the Community.
- (29) As far as the export prices were concerned, the Commission verified, for the products of each exporter, at least 70 % of all transactions during the reference period. This quantity was considered representative of all transactions of the exporters during this period.

E. Comparison

- (30) For the purpose of a fair comparison between normal value and export prices, the Commission took account, where appropriate, of differences affecting price comparability, such as differences in physical characteristics, and differences in conditions and terms of sale, where claims of a direct relationship of these differences to the sales under consideration could be satisfactorily demonstrated. This was the case in respect of differences in credit terms, warranties, commissions, salaries paid to salesmen, packing, transport, insurance, handling and ancillary costs.
- (31) Normal value and export prices, the latter based on both prices paid and constructed export prices, were compared at the same level of trade. The prices or constructed values to which adjustments were made were established for exporting companies, domestic sales companies or sales organizations. Export prices were established ex-export sales company or sales organization. In order to place the export price and the normal value on a comparable basis, due allowance was made for differences affecting price comparability in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2176/84.
- (32) Claims were made for allowances under Article 2 (10) (c) of Regulation (EEC) No 2176/84 in respect of certain overheads and general expenses, notably advertising and sales promotion expenses. Article 2 (10) (c) provides, however, that allowances for differences in conditions and terms of sale shall be limited to those which bear a direct relationship to the sales under consideration, and that allowance for differences shall generally not be made for overheads and general expenses. The Commission was satisfied that, in the present case, the expenses claimed were of a general nature and did not fall into the category of directly related expenses. The Commission considered that in no case were the circumstances of the exporters concerned so exceptional as to require a departure from the general principle that no allowance is made for overheads and general expenses. Thus it considered that no allowance should be granted for differences in such costs.
- (33) The point was also raised that since, in the case of associated importers, all costs of the importer are taken into account for the purpose of constructing the export price, an identical approach should be followed where sales on the domestic market are made through an associated sales company. This argument confuses two different issues, namely the construction of the export price on the basis of a

resale price of a related importer, and the comparison between normal value and export price. For the purpose of constructing the export price, Regulation (EEC) No 2176/84 prescribes the deduction of all costs incurred between importation and resale. This is designed to arrive at an export price which is not influenced by the relationship between the exporting company and its associated importers. As regards the comparison between normal value and export price, other rules apply which have led to price adjustments for all allowable factors, as explained under points 30 and 31 above.

F. Dumping margins

- (34) Normal value for each of the models of each exporter was compared with export prices, adjusted where necessary, of comparable models on a transaction-by-transaction basis. The preliminary examination of the facts shows the existence of dumping in respect of imports of daisy wheel printers originating in Japan from both the Japanese exporters investigated, the margin of dumping being equal to the amount by which the normal value, as established, exceeds the price for export to the Community.
- Tokyo Electric Co. Ltd, Tokyo : 21,05 %,
 - Tokyo Juki Industrial Co. Ltd, Tokyo : 22,01 %.
- (35) For those exporters which neither replied to the Commission's questionnaire, nor otherwise made themselves known, dumping was determined on the basis of the facts available. In this connection the Commission considered that the information contained in the complaint provided the most appropriate basis for determination of the margin of dumping and that it would create an opportunity for circumvention of the duty to hold that the dumping margin for these exporters was any lower than the highest dumping margin (58 %) alleged in the complaint for a company which did not cooperate in the investigation. For these reasons it is considered appropriate to use this latter dumping margin for this group of exporters.

G. Injury

- (36) As regards injury, no precise figures concerning total imports into and total consumption in the Community were available. According to the complainants, which based their assumption on their own market research, total SIFF printer consumption underwent the following development: 1983 — 199 560 units, 1984 — 297 517

units, 1985 — 289 725 units and 1986 — 263 840 units. At the same time, imports of SIFF printers into the Community from Japan increased from 140 260 units in 1983 to 216 179 units in 1984 but stabilized to 200 610 in 1985 and 195 000 in 1986. This development represents an increase in the market share held by Japanese producers in the Community from 70 % in 1983 to 74 % in 1986. During the same period, the market share of the two Europrint members increased from 6 % to 9 %.

- (37) As far as prices are concerned, those of the Community producers showed, on average, a slight downwards trend throughout the period 1983 to 1987 (first three months) although their SIFF printer models were technically upgraded from year to year. As far as price undercutting is concerned, the Commission did not find that the two Japanese exporters which cooperated with the Commission undercut the prices of the Community manufacturers. However, these exporters supplied only 6 % of the Community market. As far as the non-cooperating Japanese exporters are concerned, the Commission referred to a comparison of the list prices of the Japanese exporters and the Community manufacturers supplied by the Community industry. According to this comparison Japanese exporters offered their models comparable to those of the Community producers at list prices in some cases substantially below those of the Community producers' list prices. The average margin of undercutting based on this list price comparison was 15 %. However, due to the non-cooperation of these Japanese exporters, no detailed examination of the price situation in the Community was possible.
- (38) As far as the general conditions of the Community industry are concerned, the Commission found that the capacity of the two Community producers rose from 55 000 units in 1983 to 81 500 units by the end of the investigation period (March 1987) and that the capacity utilization rate increased during the same period from 30 to 35 % but reached a peak of 53 % in 1984. Production increased from 16 238 units in 1983 to 28 555 units by the end of March 1987. The number of sales of the two Community producers concerned underwent the following development: 1983 — 11 466, 1984 — 14 973, 1985 — 25 631, 1986 — 23 428, end of March 1987 — 22 567. In the same period, those Community producers' stocks of SIFF printers increased from 5 113 at the end of 1983 to 16 670 units by end of March 1987. This represented in 1983 about 45 % of sales in that year and at the end of March 1987 about 74 % of sales during the previous 12-month period.

- (39) As far as the profitability of the Community producers is concerned, Triumph-Adler did not attain profitability on its SIFF sales during the period 1984 to 1987. The losses of this company fluctuated significantly during the period 1983 to end of March 1987 largely due to circumstances outside the Community. Olivetti had a reasonable profit margin in 1984 but this was reduced by two-thirds by 1987 despite making considerable efforts and investments to reduce its cost of production for printers.
- (40) In order to determine whether the Community industry is suffering material injury, the Commission found that the capacity, sales figures and market share, taken in isolation, show a slight positive trend. However, capacity utilization decreased constantly from 1985. Moreover, the increase in stocks and, above all, the decrease in profitability, show that the condition of the Community industry has substantially worsened since 1985. This demonstrates that the Community producers could only increase their market position by selling their products at prices which hardly, if at all, covered their costs.
- (41) The effect of reduced profitability has been that employment did not increase although production and sales increased. Furthermore, the expectation of continuing depressed prices has already resulted in the complete abandonment of the production of SIFF printers in 1987 by Triumph-Adler, which has not attained profitability since 1984.
- (42) On the basis of this preliminary investigation the Commission concluded that the Community SIFF printer industry is currently experiencing material injury.

H. Causation of injury by the dumped imports

(a) Effects of dumped imports

- (43) The Commission found that the downwards trend of the Community producers' prices and the reduced profitability of the Community industry coincide with the increase in the volume of imports of SIFF printers from Japan. Moreover, the dumped imports during the investigation period presumably undercut the prices of the Community producers by 15 %, TEC and Tokyo Juki excluded. Therefore, the Commission considers that, in a highly price-competitive market such as the SIFF printer market, the volume of dumped imports and the price undercutting, taken together with the already depressed or suppressed prices, have clearly had an appreciable negative effect on the profitability of the Community industry.

(b) Effect of other factors

- (44) The Commission found that circumstances outside the Community relevant to one Community

producer also had an appreciable effect on its financial performance from 1985 to 1987. It also found that demand for SIFF printers has been shrinking since printers with other technologies are increasingly available on the Community market. The Commission therefore restricted its evaluation to the causal link between dumped imports and the material injury sustained by the other Community producer (Olivetti) whose economic situation was not substantially effected by developments outside the Community market. In addition, it considered that the drop in sales of the Community industry between 1985 and the period under investigation (– 12 %) is, for the most part, due to the decrease in demand.

- (45) In eliminating these two factors, the Commission found, however, that the continuous drop in profitability from 1984 onwards for the Community producer concerned cannot be explained by contraction of demand alone or by factors other than dumping. Indeed, until 1984, total consumption increased, and remained almost stable in 1985, while the profitability of the relevant Community producer decreased by almost 50 % between 1984 and 1985. It further decreased by 35 % between 1985 and 1986 and by a further 7,5 % between 1986 and the end of the investigation period. In contrast, between 1985 and 1986, total consumption decreased by only about 9 % and until the end of the period under investigation, by only a further 3 %.
- (46) In the light of these facts, the Commission considered that, for the purposes of provisional findings, there is sufficient evidence that the volume of the dumped imports, their market penetration and the fact that the prices for the dumped SIFF printers from Japan undercut considerably the prices for the Community manufactured printers, taken in isolation, have provoked the considerable loss of profitability of the Community industry and thus caused material injury to the said industry.

I. Community Interest

- (47) In assessing whether it is in the interest of the Community to take measures against the dumped SIFF printer imports from Japan which have been shown to cause material injury to the complainant Community industry, the Commission considered in the first place that printers play a key part in electronic data processing and that the printer industry is an essential part of the office equipment industry. The Commission was aware that other print technologies have reduced the importance of SIFF printers in the market. However, the Community industry has forecast that SIFF printers will, at least in the near future, occupy a not insignificant

share of the total printer market. Further, it considered that printers are the computer's main output device and the only device capable of providing the end user with a hard copy of the computer's input and output. Thus, printer technology has to be developed in parallel with computer technology in terms of configuration, sophistication and power. Since printers and computers are closely connected, the abandoning of or substantial cuts in production of printers by the Community industry would also have serious negative effects on the electronic data processing industry in the Community.

(48) The Commission considered that, in order to research and develop new printer technologies the Community industry should be in a position to realize sufficient profits on existing printer production. Furthermore, the Commission was of the opinion that lagging behind in such a fast developing market as the printer market would have inevitable negative effects not only in the printers sector but also on employment in the whole electronic data processing industry. The Commission therefore considers it necessary and in the Community interest to preserve a healthy Community printer SIFF industry.

(49) The Commission also considered the interests of the distributors, end users and OEM companies of SIFF printers and the effect which anti-dumping duties will have on them. The Commission was aware that prices for Japanese origin SIFF printers will increase and that distributors, end users or OEM companies will therefore have to pay more for their printer supplies or for business equipment. It should, however, be kept in mind that the price advantages which these buyers previously enjoyed originated from unfair business practices and that there is no justification for allowing these unfair low prices to persist. Further, the possible net increase in costs for the users of SIFF printers, due to the amount of the duty, will represent only a relatively small proportion of the total operating costs of the users of SIFF printers. Moreover, the Commission considered that these interests have to be weighed against the multiple consequences, including those of unemployment in the Community, of not offering protection to the Community industry and thus preserving a viable European manufacturing industry of SIFF printers. It considered that on balance the Community interest lies more in protecting a manufacturing capacity in the Community.

(50) In considering all the foregoing aspects, the Commission found that Community interests call for granting protection to the Community industry. As to the question of whether the injury should be

eliminated before definitive findings are made, the Commission had to take account of the rapidity with which the conditions of the Community industry have worsened in recent years. The Commission therefore considers it necessary to bring this process to a halt.

(51) In conclusion, and on the basis of its provisional findings, the Commission is of the opinion that it is in the overriding interest of the Community that the Community industry be accorded provisional protection against dumped imports from Japan. In order to prevent further injury being caused during the remainder of the proceeding, the action taken should take the form of provisional anti-dumping duties.

J. Duty

(52) As far as the return on sales of SIFF printers in the Community is concerned, the Commission took the view that the short product life of SIFF printers and the necessity for the Community industry to be able to introduce new models require increased research and development, new investment in factory automation and higher marketing expenditures. Further, the new printer technologies which may replace the impact technology in the near future will need additional research and development expenditures. In this respect, the Commission took account of the average current expenditure of Olivetti in these fields and considered that a net profit on sales of SIFF printers of 12 % was an appropriate minimum. This rate on revenue is in line with the usual return on sales of the Community manufacturers in the last few years in other office automation sectors.

(53) In order to eliminate the injury suffered by the Community industry, their selling prices have to be substantially increased. This should enable the Community producers to cover their costs of production and to provide them with an adequate profit. Consequently, the duty should be such as to allow the Community manufacturers to increase their prices and their sales in order to achieve an adequate return on sales.

(54) When calculating the minimum amount of duty the Commission had to take into consideration that reliable information concerning their sales in the Community was available from only two Japanese exporters. Due to the non-cooperation of the other Japanese exporters, it was not possible for the Commission to make an independent inquiry to establish the extent of price undercutting or prevention of price increases. Therefore, the

Commission decided to base its findings on the fact that no price undercutting by the two Japanese exporters cooperating with the Commission (i.e. TEC and Tokyo Juki) was found and on the information contained in the complaint, according to which average price undercutting of 15 % took place. The Commission regarded this price undercutting margin as applicable to the other Japanese exporters.

- (55) The Commission considered that the Community producer in question, even under the present circumstances, is still profitable. In this respect, and for the purposes of provisional findings, it was considered appropriate that the duty should cover the difference between the actual return on sales of SIFF printers within the Community and the return deemed necessary to achieve the appropriate minimum of 12 %. Therefore, the Commission established a factor which should enable the Community producer concerned to achieve a return of 12 % on its sales of SIFF printers in the Community.
- (56) In calculating this factor for the two Japanese companies involved, no account was taken of any increase in market share and of economies of scale that the Community industry may benefit from as a result of the increase in duty. Where no substantial price undercutting has been found the Commission considered that the duty should remedy the existing injurious situation and that it cannot predict how the Community producers will respond to market developments resulting from the imposition of duties.
- (57) In order to establish the rate of duty to be imposed provisionally, the Commission had to express the price increase factor referred to in point 55 as a percentage of the cif value of imports of SIFF printers from Japan. To do this, it had first to establish the weighted average cif value of the two Japanese exporters. Thus, the Commission referred to the two Japanese exporters cooperating with the Commission and their printer models. On the basis of the information given by these exporters it was found that the cif value expressed as a percentage of the selling price to the first unrelated buyer was 85 %.
- (58) The percentage referred to in point 55 was then expressed as a percentage of the cif value found. The result of this calculation is 12,4 % which is the price increase at the Community frontier necessary to remove the injury caused by the two Japanese exporters concerned.

- (59) As far as the other Japanese exporters are concerned, the Commission considered that the price undercutting also had to be eliminated. It established a factor which covered the price undercutting of 15 % and the price increase for Japanese printers required to enable the Community producer concerned to achieve a return of 12 % on its sales of SIFF printers in the Community.
- (60) No information as to the average cif value for the non-cooperating exporters was available. Further, the cif value established for the two cooperating exporters was calculated on the basis of company-specific data which cannot be considered as being representative for the other Japanese exporters. Indeed, one of these exporters had no related importer in the Community and the other exporter had a non-representative cost structure. Therefore, their cif value could not be considered representative for the other non-cooperating exporters. The Commission therefore thought it appropriate to establish the cif value on the estimation that it is similar to the cif value calculated for the exports of serial impact dot matrix printers where the cif value expressed as a percentage of the selling price to the first unrelated buyer was 68 %. On the basis of this estimation, the factor referred to in point 59 was then expressed as a percentage of the estimated cif value, the result of this calculation being 43,2 % which is the price increase at the Community frontier necessary to remove the injury.
- (61) The Commission recognizes that a provisional duty will not necessarily bring about the beneficial effects for the Community industry as described above during the limited period of time for which it is in force. However, the considerations explained above are set out among other reasons so as to give interested parties an opportunity to comment on them.
- (62) Accordingly, and in order that the injurious effect of the dumped imports should be eliminated, if possible, it was considered appropriate that the amount of provisional duty to be imposed should be 43,2 % for the exports of all Japanese exporters except for TEC and Tokyo Juki. For them, the provisional anti-dumping duty should be 12,4 %.
- (63) The provisional duty to be imposed is to apply to all serial impact fully formed printers from Japan.
- (64) A period should be fixed within which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purposes of this Regulation are provisional and may have to be reconsidered for the purposes of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of serial impact fully formed character printers falling within CN-code ex 8471 92 90 and originating in Japan.

2. The rate of duty shall be 43,2 % of the net free-at-Community-frontier price before duty, with the exception of imports of the products specified in paragraph 1 which are sold for export to the Community by the following companies, the rate of duty applicable to which is set out below:

— Tokyo Electric Co. Ltd :	12,4 %,
— Tokyo Juki Industrial Co. Ltd :	12,4 %.

3. The provisions in force concerning customs duties shall apply.

4. Release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2176/84 Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 5 July 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2006/88

of 7 July 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) 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 1871/88⁽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 6 July 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 8 July 1988.

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

Done at Brussels, 7 July 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 168, 1. 7. 1988, p. 8.

ANNEX

to the Commission Regulation of 7 July 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	12,38	122,87
0712 90 19	12,38	122,87
1001 10 10	24,08	156,56 ⁽¹⁾ ⁽²⁾
1001 10 90	24,08	156,56 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	135,99
1001 90 99	0,00	135,99
1002 00 00	25,83	100,77 ⁽⁴⁾
1003 00 10	19,52	108,78
1003 00 90	19,52	108,78
1004 00 10	76,15	50,55
1004 00 90	76,15	50,55
1005 10 90	12,38	122,87 ⁽²⁾ ⁽³⁾
1005 90 00	12,38	122,87 ⁽²⁾ ⁽³⁾
1007 00 90	35,85	132,44 ⁽⁴⁾
1008 10 00	19,52	30,03
1008 20 00	19,52	55,94 ⁽⁴⁾
1008 30 00	19,52	0 ⁽⁷⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	19,52	0
1101 00 00	7,18	203,38
1102 10 00	49,16	154,08
1103 11 10	50,32	255,67
1103 11 90	7,75	219,65

⁽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 2007/88

of 7 July 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 1872/88 ⁽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 6 July 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 8 July 1988.

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

Done at Brussels, 7 July 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 168, 1. 7. 1988, p. 11.

ANNEX

to the Commission Regulation of 7 July 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	7	8	9	10
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	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	Current	1st period	2nd period	3rd period	4th period
	7	8	9	10	11
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 2008/88

of 7 July 1988

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector 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 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 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 798/87⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 799/87⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 800/87⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 4 and 5 July 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 0709 90 39 and 0711 20 90 and on products falling within subheadings 1522 00 31, 1522 00 39 and 2306 90 19 of the combined nomenclature must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

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

(2) OJ No L 110, 29. 4. 1988, p. 10.

(3) OJ No L 169, 28. 6. 1976, p. 24.

(4) OJ No L 79, 21. 3. 1987, p. 11.

(5) OJ No L 169, 28. 6. 1976, p. 43.

(6) OJ No L 79, 21. 3. 1987, p. 12.

(7) OJ No L 169, 28. 6. 1976, p. 9.

(8) OJ No L 48, 26. 2. 1986, p. 1.

(9) OJ No L 142, 9. 6. 1977, p. 10.

(10) OJ No L 79, 21. 3. 1987, p. 13.

(11) OJ No L 181, 21. 7. 1977, p. 4.

(12) OJ No L 370, 30. 12. 1978, p. 60.

(13) OJ No L 331, 28. 11. 1978, p. 6.

HAS ADOPTED THIS REGULATION:

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 3

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

CN code	Non-member countries
1509 10 10	62,00 ⁽¹⁾
1509 10 90	62,00 ⁽¹⁾
1509 90 00	73,00 ⁽²⁾
1510 00 10	62,00 ⁽¹⁾
1510 00 90	100,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

(a) Lebanon: 0,60 ECU/100 kg;

(b) Turkey: 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Algeria, Tunisia and Morocco: 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

CN code	Non-member countries
0709 90 39	13,64
0711 20 90	13,64
1522 00 31	31,00
1522 00 39	49,60
2306 90 19	4,96

COMMISSION REGULATION (EEC) No 2009/88

of 7 July 1988

amending Regulation (EEC) No 2681/83 laying down detailed rules for the application of the subsidy system for oil seeds

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 24a (3) thereof,

Whereas the characteristic of 'double zero' rape seed is a lower glucosinolate content, which facilitates its incorporation in animal feed; whereas the first subparagraph of Article 2 (4) of Commission Regulation (EEC) No 2681/83⁽³⁾, as last amended by Regulation (EEC) No 3857/87⁽⁴⁾, lays down a maximum authorized content of 20 micromoles per gram for seed of that description; whereas, however, the second subparagraph of that provision provides for a temporary exception until the end of the 1988/89 marketing year to enable the operators to adapt to the new quality requirements; whereas experience has shown that provision should be made for a further exception to permit such adaptation;

Whereas the exception provided for in Article 32 of Regulation (EEC) No 2681/83 on the use of the uniform method to determine the glucosinolate content should be extended; whereas experience has shown that the third subparagraph of that Article could be deleted;

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 2681/83 is hereby amended as follows:

1. The second subparagraph of Article 2 (4) is replaced by the following:
'However, for the 1986/87 to 1989/90 marketing years, „double zero” rape seed shall be allowed to contain a level of glucosinolates not exceeding 35 micromoles per gram of seed.'
2. In the second subparagraph of Article 32, 'marketing years 1986/87 and 1987/88' is replaced by '1986/87 to 1988/89 marketing years'.
3. The third subparagraph of Article 32 is deleted.

Article 2

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

It shall apply with effect from 1 July 1988.

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

Done at Brussels, 7 July 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 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 363, 23. 12. 1987, p. 26.

COMMISSION REGULATION (EEC) No 2010/88

of 7 July 1988

amending Regulation 282/67/EEC on detailed rules for intervention for oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1098/88⁽²⁾, and in particular Articles 24a (3) and 26 (3) thereof,

Whereas the characteristic of 'double zero' rape seed is a lower glucosinolate content, which facilitates its incorporation in animal feed; whereas the first subparagraph of Article 3 (4) of Commission Regulation No 282/67/EEC⁽³⁾, as last amended by Regulation (EEC) No 2933/87⁽⁴⁾, lays down a maximum authorized content of 20 micromoles per gram for seed of that description; whereas, however, the second subparagraph of that provision provides for a temporary exception until the end of the 1988/89 marketing year to enable operators to adapt to the new quality requirements; whereas experience has shown that provision should be made for a further exception to permit such adaptation;

Whereas the exception provided for in Article 4 of Regulation No 282/67/EEC on the use of the uniform method to determine the glucosinolate content should be extended; whereas experience has shown that the fifth subparagraph of Article 7 of Regulation No 282/67/EEC could be deleted;

Whereas it should be specified that offers to sell for intervention are acceptable where they are submitted during the purchasing period provided for in Article 26 of Regulation No 136/66/EEC;

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 No 282/67/EEC is hereby amended as follows:

1. The second subparagraph of Article 3 (4) is replaced by the following:
'However, for the 1986/87 to 1989/90 marketing years, "double zero" rape seed shall be allowed to contain a level of glucosinolates not exceeding 35 micromoles per gram of seed.'
2. In the second subparagraph of Article 4, 'marketing years 1986/87 and 1987/88' is replaced by '1986/87 to 1988/89 marketing years'.
3. The following subparagraph is added to Article 5 (2):
'Where it is accepted, the purchase shall be considered as concluded on the day on which the offer is submitted.'
4. The fifth subparagraph of Article 7 is deleted.

Article 2

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

It shall apply with effect from 1 July 1988.

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

Done at Brussels, 7 July 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 151, 13. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 278, 1. 10. 1987, p. 46.

COMMISSION REGULATION (EEC) No 2011/88

of 7 July 1988

introducing a countervailing charge on cherries originating in Hungary

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 826/88 of 29 March 1988 fixing for the 1988 marketing year the reference prices for cherries⁽³⁾ fixed the reference price for products of class I at 113,51 ECU per 100 kilograms net for the month of July 1988;

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, for cherries originating in Hungary 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 cherries;

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 Council 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 25,74 ECU per 100 kilograms net is applied to cherries (CN code 0809 20) originating in Hungary

Article 2

This Regulation shall enter into force on 9 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 85, 30. 3. 1988, p. 8.

⁽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.

COMMISSION REGULATION (EEC) No 2012/88

of 7 July 1988

altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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 1107/88 ⁽²⁾, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 July 1988 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 1916/88 ⁽³⁾, as amended by Regulation (EEC) No 1946/88 ⁽⁴⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1916/88 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 1916/88 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 168, 1. 7. 1988, p. 124.

⁽⁴⁾ OJ No L 170, 2. 7. 1988, p. 40.

ANNEX

to the Commission Regulation of 7 July 1988 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

<i>Rate of refund in ECU/100 kg:</i>	White sugar :	33,34
	Raw sugar :	27,78
	Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$33,34 \times \frac{S^{(1)}}{100}$
	Molasses :	—
	Isoglucose ⁽²⁾ :	33,34 ⁽³⁾

(¹) 'S' represents per 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 2013/88

of 7 July 1988

altering the export refunds on white sugar and raw sugar exported in the natural state

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 1107/88 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1994/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1994/88 to the information known to the Commission that the export refunds

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1994/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 176, 7. 7. 1988, p. 10.

ANNEX

to the Commission Regulation of 7 July 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	30,67 ⁽¹⁾	
1701 11 90 500	25,72 ⁽¹⁾	
1701 11 90 900	⁽²⁾	
1701 12 90 100	30,67 ⁽¹⁾	
1701 12 90 500	25,72 ⁽¹⁾	
1701 12 90 900	⁽²⁾	
1701 91 00 000		0,3334
1701 99 10 100	33,34	
1701 99 10 900	30,00	
ex 1701 99 90		0,3334 ⁽³⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ This amount applies to white sugar and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 2014/88**of 7 July 1988****altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

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 18 June 1981 on the common organization of the
markets in the sugar sector ⁽¹⁾, as last amended by Regula-
tion (EEC) No 3993/87 ⁽²⁾, and in particular Article 19 (4)
thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No 1878/88 ⁽³⁾,
as amended by Regulation (EEC) No 1951/88 ⁽⁴⁾;

Whereas it follows from applying the rules, criteria and
other provisions contained in Regulation (EEC) No
1878/88 to the information at present available to the

Commission that the export refunds at present in force
should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to amended Regulation (EEC) No 1878/88 are
hereby altered to the amounts shown in the Annex
hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 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 168, 1. 7. 1988, p. 32.

⁽⁴⁾ OJ No L 170, 2. 7. 1988, p. 49.

ANNEX

to the Commission Regulation of 7 July 1988 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		33,34
1702 60 10 000		33,34
1702 60 90 000	0,3334	
1702 90 30 000		33,34
1702 90 60 000	0,3334	
1702 90 71 000	0,3334	
1702 90 90 900	0,3334	
2106 90 30 000		33,34
2106 90 59 000	0,3334	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 2015/88

of 7 July 1988

suspending advance fixing of the aid for peas and field beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1104/88⁽²⁾, and in particular Article 3 (6) thereof,

Having regard to Council Regulation (EEC) No 2036/82 of 19 July 1982 adopting general rules concerning special measures for peas and field beans⁽³⁾, as last amended by Regulation (EEC) No 1958/87⁽⁴⁾, and in particular the first subparagraph of Article 6a (2) thereof,

Whereas, under Article 6a of Regulation (EEC) No 2036/82, the application of the provisions concerning advance fixing may be suspended if a situation on the market is likely to disturb normal disposal of products harvested in the Community;

Whereas, in view of the uncertainty reigning on the markets, there is a danger that the continuation of the present system could give rise to speculative operations for peas and field beans;

Whereas the above situation requires that application of the provisions concerning advance fixing of the aid for the products concerned be temporarily suspended and that, in accordance with Article 13 (1) of Commission Regulation (EEC) No 3540/85⁽⁵⁾, certificates should not be issued where the application is pending;

Whereas the Management Committee for Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the aid for peas and field beans provided for in Article 3 (1) and (2) of Regulation (EEC) No 1431/82 is hereby suspended in the case of certificates the application for which is lodged between 8 and 15 July 1988.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 184, 3. 7. 1987, p. 3.

⁽⁵⁾ OJ No L 342, 19. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 2016/88
of 7 July 1988
suspending advance fixing of the aid for dried fodder

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

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 3996/87⁽²⁾,

Having regard to Council Regulation (EEC) No 1417/78 of 14 June 1978 on the aid system for dried fodder⁽³⁾, as last amended by Regulation (EEC) No 1173/87⁽⁴⁾, and in particular the second subparagraph of Article 12 (2),

Whereas, pursuant to Article 12 of Regulation (EEC) No 1417/78, the application of the provisions concerning advance fixing may be suspended if the volume of applications for advance fixing of the subsidy does not appear to be related to normal outlets for dried fodder harvested in the Community and if the certificate applied for has not yet been issued;

Whereas the above situation requires that application of the provisions concerning advance fixing of subsidies for

the products concerned be temporarily suspended and that, in accordance with Article 9 of Regulation (EEC) No 1528/78⁽⁵⁾, as last amended by Regulation (EEC) No 2334/87⁽⁶⁾, certificates, for which the application is pending, should not be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the aid for dried fodder is hereby suspended between 8 and 15 July 1988.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 35.

⁽³⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁴⁾ OJ No L 113, 30. 4. 1987, p. 13.

⁽⁵⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁶⁾ OJ No L 210, 1. 8. 1987, p. 63.

COMMISSION REGULATION (EEC) No 2017/88

of 7 July 1988

fixing the amount of the subsidy on oil seeds

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 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 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1604/88 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 1869/87 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the Council has not, to date, adopted the prices for the 1988/89 marketing year, which commences on 1 July 1988; whereas, by virtue of the powers conferred on it by the Treaty, the Commission must adopt the measures essential to ensure that the common agricultural policy continues to operate in the colza and rape seed sector and in particular to ensure that the aid continues to be granted;

Whereas, in order to determine the amount of the aid, account should be taken among the calculation factors, of the latest Commission proposals to the Council on prices and related measures;

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 4018/87 ⁽⁷⁾, as last amended by Regulation (EEC) No 1986/88 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4018/87 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1988/89 marketing year, has not, to date, been fixed; whereas the amount of the subsidy for the 1988/89 marketing year has been provisionally calculated on the basis of an abatement of 4,502 ECU per 100 kilograms for colza and rape seed and on the basis of an abatement of 5,835 ECU per 100 kilograms for sunflower seed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹⁰⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.
4. However, the amount of aid for colza, rape and sunflower seed shall be confirmed or replaced with effect from 8 July 1988 to take account, where applicable, of the consequences of the application of the maximum guaranteed quantities system and of the prices and related measures for the 1988/89 marketing year.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 10.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 143, 10. 6. 1988, p. 10.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 176, 1. 7. 1987, p. 30.

⁽⁷⁾ OJ No L 378, 31. 12. 1987, p. 27.

⁽⁸⁾ OJ No L 174, 6. 7. 1988, p. 41.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kilograms)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	7,256	7,197	7,197	6,778	5,800	6,118
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	17,74	17,60	17,60	16,62	14,34	15,48
— Netherlands (Fl)	19,48	19,33	19,33	18,22	15,65	16,86
— BLEU (Bfrs/Lfrs)	342,08	339,23	339,23	319,00	271,71	286,99
— France (FF)	42,88	42,42	42,42	39,13	31,33	33,68
— Denmark (Dkr)	58,23	57,71	57,71	53,97	45,18	46,96
— Ireland (£ Irl)	4,747	4,696	4,696	4,329	3,461	3,726
— United Kingdom (£)	1,951	1,907	1,907	1,585	0,822	0,916
— Italy (Lit)	7 716	7 614	7 542	6 656	4 918	4 906
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	1 168,15	1 159,04	1 151,23	1 071,99	920,07	924,12
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	1 454,37	1 443,12	1 422,94	1 317,39	1 122,99	1 100,26

(1) Subject to the reduction resulting from the maximum guaranteed quantities system and the prices and related measures for the 1988/89 marketing year.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	9,756	9,697	9,697	9,278	8,300	8,618
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	23,64	23,50	23,50	22,53	20,24	21,39
— Netherlands (Fl)	26,10	25,95	25,95	24,84	22,26	23,48
— BLEU (Bfrs/Lfrs)	462,25	459,40	459,40	439,17	391,87	407,16
— France (FF)	61,57	61,11	61,11	57,82	50,02	52,37
— Denmark (Dkr)	80,12	79,59	79,59	75,85	67,06	68,85
— Ireland (£ Irl)	6,826	6,774	6,774	6,408	5,540	5,804
— United Kingdom (£)	3,591	3,547	3,547	3,225	2,463	2,556
— Italy (Lit)	11 709	11 607	11 534	10 648	8 910	8 898
— Greece (Dr)	320,85	320,85	320,85	320,85	320,85	320,85
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	1 553,68	1 544,57	1 536,76	1 457,52	1 305,60	1 309,65
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	429,31	429,31	429,31	429,31	429,31	429,31
— in another Member State (Esc)	1 883,68	1 872,43	1 852,26	1 746,70	1 552,30	1 529,57

(1) Subject to the reduction resulting from the maximum guaranteed quantities system and the prices and related measures for the 1988/89 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current 7	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)
1. Gross aids (ECU):					
— Spain	3,440	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	17,707	14,240	14,162	14,084	14,384
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	44,55	34,31	34,16	34,19	34,90
— Netherlands (Fl)	48,58	38,92	38,71	38,74	39,54
— BLEU (Bfrs/Lfrs)	843,54	676,87	673,10	667,94	682,33
— France (FF)	119,52	93,55	92,37	90,71	92,92
— Denmark (Dkr)	149,04	118,66	117,96	117,26	119,88
— Ireland (£ Irl)	13,268	10,379	10,305	10,166	10,412
— United Kingdom (£)	8,441	6,151	6,093	6,034	6,224
— Italy (Lit)	23 900	18 339	17 914	17 403	17 871
— Greece (Dr)	278,26	0,00	0,00	0,00	0,00
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	530,49	797,28	797,28	797,28	797,28
— in another Member State (Pta)	1 498,24	1 230,37	1 215,51	1 174,97	1 221,15
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	3 526,28	2 877,34	2 854,29	2 803,04	2 854,44
— in another Member State (Esc)	3 424,21	2 794,06	2 771,67	2 721,91	2 771,82
3. Compensatory aids:					
— in Spain (Pta)	1 422,83	1 152,95	1 138,09	1 095,54	1 141,72
4. Special aid:					
— in Portugal (Esc)	3 424,21	2 794,06	2 771,67	2 721,91	2 771,82

(1) Subject to the reduction resulting from the maximum guaranteed quantities system and the prices and related measures for the 1988/89 marketing year.

(2) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0298070.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
DM	2,075720	2,072160	2,068640	2,065170	2,065170	2,054340
Fl	2,340040	2,335580	2,331910	2,328600	2,328600	2,317980
Bfrs/Lfrs	43,449500	43,443500	43,432000	43,420200	43,420200	43,384500
FF	6,993120	6,999360	7,005680	7,011420	7,011420	7,028800
Dkr	7,878950	7,891960	7,902420	7,912300	7,912300	7,946380
£Irl	0,773017	0,773382	0,773928	0,774497	0,774497	0,776485
£	0,668117	0,669540	0,670676	0,671794	0,671794	0,675459
Lit	1 540,43	1 545,21	1 550,45	1 555,55	1 555,55	1 571,22
Dr	165,93800	167,13700	168,25900	169,59000	169,59000	174,63100
Esc	169,54800	170,27200	171,06100	171,88700	171,88700	174,29900
Pta	138,30300	138,78600	139,22600	139,64900	139,64900	140,91100

COMMISSION REGULATION (EEC) No 2018/88**of 7 July 1988****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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 1107/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1886/88 ⁽³⁾, as last amended by Regulation (EEC) No 1987/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1886/88 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1886/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 168, 1. 7. 1988, p. 51.

⁽⁴⁾ OJ No L 174, 6. 7. 1988, p. 45.

ANNEX

to the Commission Regulation of 7 July 1988 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3938	—
1702 20 90	0,3938	—
1702 30 10	—	49,05
1702 40 10	—	49,05
1702 60 10	—	49,05
1702 60 90	0,3938	—
1702 90 30	—	49,05
1702 90 60	0,3938	—
1702 90 71	0,3938	—
1702 90 90	0,3938	—
2106 90 30	—	49,05
2106 90 59	0,3938	—

COMMISSION REGULATION (EEC) No 2019/88
of 7 July 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 1107/88 ⁽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 1966/88 ⁽³⁾, as amended by Regulation (EEC) No 1988/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1966/88 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 20.

⁽³⁾ OJ No L 173, 5. 7. 1988, p. 14.

⁽⁴⁾ OJ No L 174, 6. 7. 1988, p. 47.

ANNEX**to the Commission Regulation of 7 July 1988 fixing the import levies on white sugar and raw sugar***(ECU/100 kg)*

CN code	Levy
1701 11 10	27,73 ⁽¹⁾
1701 11 90	27,73 ⁽¹⁾
1701 12 10	27,73 ⁽¹⁾
1701 12 90	27,73 ⁽¹⁾
1701 91 00	39,38
1701 99 10	39,38
1701 99 90	39,38

⁽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.

COMMISSION REGULATION (EEC) No 2020/88

of 7 July 1988

permitting suppliers of Community food aid to purchase skimmed-milk powder
from the intervention agencies and derogating from Regulation (EEC) No
2213/76

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 1109/88⁽²⁾, and in particular Article
7 (5) thereof,

Whereas, in view of the situation on the market for
skimmed-milk powder, prices are such that it appears
difficult to meet food-aid supply requirements; whereas
giving suppliers of such food aid the possibility of
purchasing intervention powder at the prices fixed in
Commission Regulation (EEC) No 2213/76 of 10
September 1976 on the sale of skimmed-milk powder
from public storage⁽³⁾, as last amended by Regulation
(EEC) No 1384/88⁽⁴⁾, must result in less pressure on
prices accompanying tenders lodged for Community food
aid; whereas a derogation should be provided for along
such lines from Article 1 of Regulation (EEC) No
2213/76; whereas the Commission is always able to turn
down tenders which are too high in terms of the said
derogation; whereas it should be specified that the
food-aid suppliers concerned are those defined in
accordance with Commission Regulation (EEC) No
2200/87⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 1 of Regulation (EEC)
No 2213/76, each supplier of Community food aid may
purchase from intervention agencies in a Member State
skimmed-milk powder held by the latter which entered
storage before 1 September 1987.

The sale shall be subject to the presentation of proof in
accordance with Article 3 of Commission Regulation
(EEC) No 2330/87⁽⁶⁾ that the party concerned is a
supplier of the same quantity of skimmed-milk powder.

Article 2

Article 2, 3 and 4 of Regulation (EEC) No 2213/76 shall
apply.

Article 3

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

It shall apply to supplies allocated after that date.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 249, 11. 9. 1976, p. 6.

⁽⁴⁾ OJ No L 128, 21. 6. 1988, p. 18.

⁽⁵⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁶⁾ OJ No L 210, 1. 8. 1987, p. 56.

COMMISSION REGULATION (EEC) No 2021/88

of 7 July 1988

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 1097/88⁽²⁾, and in particular the fourth subparagraph
of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
that Regulation and prices for those products in the
Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when
refunds are being fixed, account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand, and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports and
the need to avoid disturbances on the Community
market;

Whereas Article 3 of Regulation (EEC) No 2746/75
defines the specific criteria to be taken into account when
the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat
and rye flour, groats and meal are concerned, in Article 4
of Regulation (EEC) No 2746/75; whereas furthermore,
when the refund on these products is being calculated,
account must be taken of the quantities of cereals
required for their manufacture; whereas these quantities

were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾,
as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

Whereas the Council has not to date adopted the prices
for the 1988/89 marketing year, which commences
on 1 July 1988; whereas the price factors determined
by Commission Regulation (EEC) No 1914/88⁽⁶⁾ should
accordingly be taken into account for the calculation of
the refunds in order to ensure that the export arrange-
ments continue to operate in the sector concerned;

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

- in the case of currencies which are maintained in rela-
tion 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 Regula-
tion (EEC) No 1676/85⁽⁷⁾, as last amended by Regula-
tion (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 rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

Whereas it follows from applying the detailed rules set
out above to the present situation on the market in
cereals, and in particular to quotations or prices for these
products within the Community and on the world
market, that the refunds should be as set out in the
Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession
of Spain and Portugal, refunds may be granted in the case
of exports to Portugal; whereas, in the light of the situa-
tion and the level of prices no refund should be fixed in
the case of exports to Portugal;

⁽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 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 168, 1. 7. 1988, p. 119.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

The refund on export to Portugal has not been fixed.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 7 July 1988 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	30,00 (2)
	05	25,00 (2)
	07	24,00 (2)
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	03	50,00
	02	25,00
	06	50,00
	08	40,00
1002 00 00 000	03	50,00
	02	25,00
	06	50,00
1003 00 10 000	01	0
1003 00 90 000	03	45,00
	02	20,00
	07	30,00
1004 00 10 000	01	0
1004 00 90 000	01	—
1005 10 90 000	—	—
1005 90 00 000	03	45,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	100,00
1101 00 00 120	01	100,00
1101 00 00 130	01	90,00
1101 00 00 150	01	80,00
1101 00 00 170	01	70,00
1101 00 00 180	01	60,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	100,00
1102 10 00 200	01	100,00
1102 10 00 300	01	100,00
1102 10 00 500	01	100,00
1102 10 00 900	—	—
1103 11 10 100	01	160,00
1103 11 10 200	01	152,00
1103 11 10 500	01	135,00
1103 11 10 900	01	128,00
1103 11 90 100	01	100,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Zones II and III,
- 05 Algeria,
- 06 Zone II (b),
- 07 Tunisia,
- 08 Morocco.

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

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988).

The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 2022/88

of 7 July 1988

fixing the corrective amount applicable to the refund on cereals

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⁾,

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⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on

the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas the Council has not to date adopted the prices for the 1988/89 marketing year, which commences on 1 July 1988; whereas the price factors determined by Commission Regulation (EEC) No 1914/88⁽⁷⁾ should accordingly be taken into account for the calculation in order to ensure that the export arrangements continue to operate in the sector concerned;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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⁽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 over a given period in relation to the Community currencies referred to in the preceding indent and the aforesaid coefficient;

⁽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 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ See page 119 of this Official Journal.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87⁽¹⁾, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87⁽²⁾;

it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 366, 24. 12. 1987, p. 1.

ANNEX

to the Commission Regulation of 7 July 1988 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	- 1,50	- 3,00	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 120	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 130	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 150	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 170	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 180	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 200	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 300	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 500	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 All third countries.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988).

COMMISSION REGULATION (EEC) No 2023/88

of 7 July 1988

fixing the export refunds on 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 the fourth subparagraph
of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
those Regulations and prices for those products within
the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when
refunds are being fixed account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports, and
the need to avoid disturbances on the Community
market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for

products processed from cereals and from rice⁽⁴⁾, as last
amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the
specific criteria to be taken into account when the refund
on these products is being calculated;

Whereas it follows from applying these detailed rules to
the present situation on the market in products processed
from cereals and rice that the export refund should be
fixed at an amount which will cover the difference
between Community prices and world market prices;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

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

- in the case of currencies which are maintained in rela-
tion 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 Regula-
tion (EEC) No 1676/85⁽⁶⁾, as last amended by Regula-
tion (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 for a given period in rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession
of Spain and Portugal, refunds may be granted in the case
of exports to Portugal; whereas, in the light of the situa-
tion and the level of prices no refund should be fixed in
the case of exports to Portugal;

⁽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 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas the Council has not to date adopted the prices for the 1988/89 marketing year, which commences on 1 July 1988; whereas the price factors determined by Commission Regulation (EEC) No 1914/88⁽¹⁾ should accordingly be taken into account for the calculation of the refunds in order to ensure that the export arrangements continue to operate in the sector concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 8 July 1988.

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

Done at Brussels, 7 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 7 July 1988 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	50,00
1107 10 99 000	60,00
1107 20 00 000	80,00

NB: The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

⁽¹⁾ OJ No L 168, 1. 7. 1988, p. 119.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 June 1988

amending Decision 87/469/EEC on the clearance of the accounts presented by the Member States in respect of expenditure financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund for 1985

(88/362/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 in particular Article 5 (2) thereof,

After consulting the Fund Committee,

Whereas Commission Decision 87/469/EEC⁽³⁾, as amended by Decision 87/541/EEC⁽⁴⁾, does not relate to certain expenditure because additional checking was necessary; whereas, furthermore, those Decisions allowed certain Member States to bring forward additional evidence with a view to reexamination of the refusal to finance certain expenditure arising from the said Decisions;

Whereas the Commission has examined some aspects of this expenditure on the basis of the additional information forwarded by the Member States concerned; whereas the Member States have been informed in detail of the results of this further examination, and have been able to make known their position on the subject;

Whereas the Court of Justice in its judgment in Case 337/85 annulled the Decision clearing the accounts for Ireland for 1981 in as much as it had excluded from Community financing £Irl 2 281 956,15 for refunds on exports to third countries; whereas that amount must be accepted for Community financing under this Decision pursuant to Article 176 of the Treaty; whereas £Irl 729 038 for 1982 and £Irl 123 643 for 1983, which had been excluded from Community financing for the same reasons, should also be accepted;

Whereas the Court of Justice in its judgments in Cases 342/85 and 343/85 annulled the Decisions clearing the accounts for Italy for 1980 and 1981 in as much as they had excluded from Community financing Lit 655 750 and Lit 677 198 690 in respect of aid for skimmed-milk powder from intervention; whereas those amounts must be accepted for Community financing under this Decision pursuant to Article 176 of the Treaty; whereas Lit 204 799 785 for 1982, which had been excluded from Community financing for the same reasons, should also be accepted;

Whereas the Court of Justice, in its judgments in Cases 325/85, 326/85 332/85, 336/85, 346/85, 348/85, 237/86 and 239/86, annulled the Decisions clearing the accounts for some Member States for 1981 and 1982 in as much as those Decisions had excluded from Community financing certain amounts arising in the fisheries sector; whereas those amounts must be accepted for Community financing under this Decision pursuant to Article 176 of

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 304, 27. 10. 1987, p. 1.

⁽³⁾ OJ No L 262, 12. 9. 1987, p. 35.

⁽⁴⁾ OJ No L 324, 14. 11. 1987, p. 32.

the Treaty; whereas the corresponding amounts for 1982, which were excluded from Community financing for the same reasons but were not the subject of the abovementioned legal proceedings, should also be accepted, in as much as the Commission has undertaken to review its clearance decisions in the light of the judgments of the Court of Justice;

Whereas the Annexes to the abovementioned Decisions should therefore be amended in respect of the Member States concerned; whereas steps should be taken also to correct two errors concerning France,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 87/469/EEC, insofar as it concerns Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, the Netherlands and the United Kingdom, is hereby replaced by the Annex to this Decision.

Article 2

The difference between the expenditure chargeable to the Member State shown for each of the Member States at

line 2 (e) of column (c) of the Annex to Decision 87/469/EEC and the corresponding amount in the Annex to this Decision must be paid into the account referred to in Article 1 (1) of Commission Regulation (EEC) No 3184/83⁽¹⁾ or into the account of the paying department or agency concerned within one month of the notification of this Decision. Should a Member State be entitled to payment of additional expenditure, it shall draw the amount in question from one of the abovementioned accounts, within the same time limit.

Article 3

This Decision is addressed to the Member States with the exception of the Kingdom of Spain and the Portuguese Republic.

Done at Brussels, 7 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 320, 17. 11. 1983, p. 1.

ANNEX

(in Bfrs)

Member State : Belgium (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	41 132 018 672	51 356 614	41 183 375 286
(b) Expenditure declared during the preceding year but excluded from that clearance	0	0	0
(c) Expenditure declared, excluded from the present clearance	0	0	0
(d) Expenditure declared, coming under the present clearance (a + b - c)	41 132 018 672	51 356 614	41 183 375 286
(e) Expenditure disallowed	- 3 932 465	0	- 3 932 465
(f) Financial consequences of previous years	10 925 851	0	10 925 851
(g) Total expenditure recognized (d - e + f)	41 139 012 058	51 356 614	41 190 368 672
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	41 162 492 038	51 356 614	41 213 848 652
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0	0	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0	0	0
(d) Total expenditure charged, coming under the present clearance (a + b - c)	41 162 492 038	51 356 614	41 213 848 652
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) ⁽¹⁾	23 479 980	0	23 479 980
3. Funds available			
(a) Amount available after preceding clearance of accounts	15 928 423	26 021 942	41 950 365
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0	0	0
(c) Advance payments received in respect of the year	41 102 594 532	25 600 000	41 128 194 532
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0	0	0
(e) Total amounts available for the year (a + b + c - d)	41 118 522 955	51 621 942	41 170 144 897
(f) Expenditure recognized (1g)	41 139 012 058	51 356 614	41 190 368 672
(g) Funds available after clearance of the accounts of the present year (e - f)	- 20 489 103	265 328	- 20 223 775

⁽¹⁾ In the event of payment to a Member State, this is indicated by the sign : —.

(in Dkr)

Member State : Denmark (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	6 669 914 184,13	53 499 063,96	6 723 413 248,09
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure declared, excluded from the present clearance	0,00	0,00	0,00
(d) Expenditure declared, coming under the present clearance (a + b - c)	6 669 914 184,13	53 499 063,96	6 723 413 248,09
(e) Expenditure disallowed	- 55 206 844,63	0,00	- 55 206 844,63
(f) Financial consequences of previous years	9 352 701,04	0,00	9 352 701,04
(g) Total expenditure recognized (d - e + f)	6 624 060 040,54	53 499 063,96	6 677 559 104,50
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	6 668 536 824,35	53 499 063,96	6 722 035 888,31
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00	0,00	0,00
(d) Total expenditure charged, coming under the present clearance (a + b - c)	6 668 536 824,35	53 499 063,96	6 722 035 888,31
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) ⁽¹⁾	44 476 783,81	0,00	44 476 783,81
3. Funds available			
(a) Amount available after preceding clearance of accounts	194 990 068,17	- 2 077,07	194 987 991,10
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0,00	0,00	0,00
(c) Advance payments received in respect of the year	6 617 559 792,00	53 499 724,07	6 671 059 516,07
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0,00	0,00	0,00
(e) Total amounts available for the year (a + b + c - d)	6 812 549 860,17	53 497 647,00	6 866 047 507,17
(f) Expenditure recognized (1g)	6 624 060 040,54	53 499 063,96	6 677 559 104,50
(g) Funds available after clearance of the accounts of the present year (e - f)	188 489 819,63	- 1 416,96	188 488 402,67

⁽¹⁾ In the event of payment to a Member State, this is indicated by the sign : —.

(in DM)

Member State : Germany (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	8 037 383 385,07	78 274 978,78	8 115 658 363,85
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure declared, excluded from the present clearance	0,00	0,00	0,00
(d) Expenditure declared, coming under the present clearance (a + b - c)	8 037 383 385,07	78 274 978,78	8 115 658 363,85
(e) Expenditure disallowed	- 5 703 667,06	0,00	- 5 703 667,06
(f) Financial consequences of previous years	309 084,24	0,00	309 084,24
(g) Total expenditure recognized (d - e + f)	8 031 988 802,25	78 274 978,78	8 110 263 781,03
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	8 035 746 989,58	78 274 978,78	8 114 021 968,36
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00	0,00	0,00
(d) Total expenditure charged, coming under the present clearance (a + b - c)	8 035 746 989,58	78 274 978,78	8 114 021 968,36
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) (1)	3 758 187,33	0,00	3 758 187,33
3. Funds available			
(a) Amount available after preceding clearance of accounts	- 1 650 825,74	7 887 656,19	6 236 830,45
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0,00	0,00	0,00
(c) Advance payments received in respect of the year	8 065 300 000,00	74 872 343,81	8 140 172 343,81
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0,00	0,00	0,00
(e) Total amounts available for the year (a + b + c - d)	8 063 649 174,26	82 760 000,00	8 146 409 174,26
(f) Expenditure recognized (1g)	8 031 988 802,25	78 274 978,78	8 110 263 781,03
(g) Funds available after clearance of the accounts of the present year (e - f)	31 660 372,01	4 485 021,22	36 145 393,23

(1) In the event of payment to a Member State, this is indicated by the sign : -.

(in FF)

Member State : France (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	31 638 831 574,36	65 515 006,03	31 704 346 580,39
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure declared, excluded from the present clearance	0,00	0,00	0,00
(d) Expenditure declared, coming under the present clearance (a + b - c)	31 638 831 574,36	65 515 006,03	31 704 346 580,39
(e) Expenditure disallowed	- 134 670 828,42	0,00	- 134 670 828,42
(f) Financial consequences of previous years	10 145 543,80	0,00	10 145 543,80
(g) Total expenditure recognized (d - e + f)	31 514 306 289,74	65 515 006,03	31 579 821 295,77
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	31 520 803 611,31	65 515 006,03	31 586 318 617,34
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00	0,00	0,00
(d) Total expenditure charged, coming under the present clearance (a + b - c)	31 520 803 611,31	65 515 006,03	31 586 318 617,34
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) ⁽¹⁾	6 497 321,57	0,00	6 497 321,57
3. Funds available			
(a) Amount available after preceding clearance of accounts	348 797 892,74	- 207 388,69	348 590 504,05
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0,00	0,00	0,00
(c) Advance payments received in respect of the year	31 486 179 208,48	68 107 388,69	31 554 286 597,17
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0,00	0,00	0,00
(e) Total amounts available for the year (a + b + c - d)	31 834 977 101,22	67 900 000,00	31 902 877 101,22
(f) Expenditure recognized (1g)	31 514 306 289,74	65 515 006,03	31 579 821 295,77
(g) Funds available after clearance of the accounts of the present year (e - f)	320 670 811,48	2 384 993,97	323 055 805,45

⁽¹⁾ In the event of payment to a Member State, this is indicated by the sign : —.

(in £ Irl)

Member State: Ireland (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	835 813 717,09	3 084 603,83	838 898 320,92
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure declared, excluded from the present clearance	0,00	0,00	0,00
(d) Expenditure declared, coming under the present clearance (a + b - c)	835 813 717,09	3 084 603,83	838 898 320,92
(e) Expenditure disallowed	- 516 283,12	0,00	- 516 283,12
(f) Financial consequences of previous years	3 378 551,53	0,00	3 378 551,53
(g) Total expenditure recognized (d - e + f)	838 675 985,50	3 084 603,83	841 760 589,33
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	835 296 268,75	3 084 603,83	838 380 872,58
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00	0,00	0,00
(d) Total expenditure charged, coming under the present clearance (a + b - c)	835 296 268,75	3 084 603,83	838 380 872,58
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) ⁽¹⁾	- 3 379 716,75	0,00	- 3 379 716,75
3. Funds available			
(a) Amount available after preceding clearance of accounts	- 2 219 056,11	60 433,20	- 2 158 622,91
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0,00	0,00	0,00
(c) Advance payments received in respect of the year	833 964 775,39	3 024 566,80	836 989 342,19
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0,00	0,00	0,00
(e) Total amounts available for the year (a + b + c - d)	831 745 719,28	3 085 000,00	834 830 719,28
(f) Expenditure recognized (1g)	838 675 985,50	3 084 603,83	841 760 589,33
(g) Funds available after clearance of the accounts of the present year (e - f)	- 6 930 266,22	396,17	- 6 929 870,05

⁽¹⁾ In the event of payment to a Member State, this is indicated by the sign: —.

(in Lit)

Member State : Italy (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	4 939 704 386 843	0	4 939 704 386 843
(b) Expenditure declared during the preceding year but excluded from that clearance	0	0	0
(c) Expenditure declared, excluded from the present clearance	0	0	0
(d) Expenditure declared, coming under the present clearance (a + b - c)	4 939 704 386 843	0	4 939 704 386 843
(e) Expenditure disallowed	-48 418 262 289	0	-48 418 262 289
(f) Financial consequences of previous years	10 874 262 577	0	10 874 262 577
(g) Total expenditure recognized (d - e + f)	4 902 160 387 131	0	4 902 160 387 131
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	4 915 323 508 260	0	4 915 323 508 260
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0	0	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0	0	0
(d) Total expenditure charged, coming under the present clearance (a + b - c)	4 915 323 508 260	0	4 915 323 508 260
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) (1)	13 163 121 129	0	13 163 121 129
3. Funds available			
(a) Amount available after preceding clearance of accounts	75 530 014 794	0	75 530 014 794
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0	0	0
(c) Advance payments received in respect of the year	4 866 928 101 944	0	4 866 928 101 944
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0	0	0
(e) Total amounts available for the year (a + b + c - d)	4 942 458 116 738	0	4 942 458 116 738
(f) Expenditure recognized (1g)	4 902 160 387 131	0	4 902 160 387 131
(g) Funds available after clearance of the accounts of the present year (e - f)	40 297 729 607	0	40 297 729 607

(1) In the event of payment to a Member State, this is indicated by the sign : —.

(in Fl)

Member State : Netherlands (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	5 259 616 454,79	6 453 795,23	5 266 070 250,02
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure declared, excluded from the present clearance	0,00	0,00	0,00
(d) Expenditure declared, coming under the present clearance (a + b - c)	5 259 616 454,79	6 453 795,23	5 266 070 250,02
(e) Expenditure disallowed	—3 676 596,82	0,00	—3 676 596,82
(f) Financial consequences of previous years	32 110 271,36	0,00	32 110 271,36
(g) Total expenditure recognized (d - e + f)	5 288 050 129,33	6 453 795,23	5 294 503 924,56
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	5 260 774 057,21	6 453 795,23	5 267 227 852,44
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00	0,00	0,00
(d) Total expenditure charged, coming under the present clearance (a + b - c)	5 260 774 057,21	6 453 795,23	5 267 227 852,44
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) (1)	—27 276 072,12	0,00	—27 276 072,12
3. Funds available			
(a) Amount available after preceding clearance of accounts	210 118 020,92	1 951 792,17	212 069 813,09
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0,00	0,00	0,00
(c) Advance payments received in respect of the year	5 201 775 710,82	6 245 000,00	5 208 020 710,82
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0,00	0,00	0,00
(e) Total amounts available for the year (a + b + c - d)	5 411 893 731,74	8 196 792,17	5 420 090 523,91
(f) Expenditure recognized (1g)	5 288 050 129,33	6 453 795,23	5 294 503 924,56
(g) Funds available after clearance of the accounts of the present year (e - f)	123 843 602,41	1 742 996,94	125 586 599,35

(1) In the event of payment to a Member State, this is indicated by the sign : —.

(in £)

Member State: United Kingdom (1985)	EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77	Expenditure relating to Regulation (EEC) No 1078/77	Total (a + b)
	(a)	(b)	(c)
1. Expenditure recognized in respect of the year 1985			
(a) Expenditure declared by the Member State in respect of the present clearance	1 127 227 407,15	5 483 111,65	1 132 710 518,80
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure declared, excluded from the present clearance	0,00	0,00	0,00
(d) Expenditure declared, coming under the present clearance (a + b - c)	1 127 227 407,15	5 483 111,65	1 132 710 518,80
(e) Expenditure disallowed	1 311 367,55	0,00	1 311 367,55
(f) Financial consequences of previous years	381 595,97	0,00	381 595,97
(g) Total expenditure recognized (d - e + f)	1 128 920 370,67	5 483 111,65	1 134 403 482,32
2. Expenditure chargeable to the Member State			
(a) Expenditure charged in respect of the year 1985	1 127 214 609,25	5 466 820,55	1 132 681 429,80
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00	0,00	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0,00	0,00	0,00
(d) Total expenditure charged, coming under the present clearance (a + b - c)	1 127 214 609,25	5 466 820,55	1 132 681 429,80
(e) Expenditure chargeable to or payable to the Member State following clearance of the accounts (2d - 1g) ⁽¹⁾	- 1 705 761,42	- 16,291,10	- 1 722 052,52
3. Funds available			
(a) Amount available after preceding clearance of accounts	63 640 223,96	98 041,84	63 738 265,80
(b) Advance payments for the year 1984 concerning expenditures excluded from the 1984 clearance of the accounts	0,00	0,00	0,00
(c) Advance payments received in respect of the year	1 113 995 875,89	6 000 000,00	1 119 995 875,89
(d) Advance payments for the year 1985 concerning expenditures excluded from the present clearance of the accounts	0,00	0,00	0,00
(e) Total amounts available for the year (a + b + c - d)	1 177 636 099,85	6 098 041,84	1 183 734 141,69
(f) Expenditure recognized (1g)	1 128 920 370,67	5 483 111,65	1 134 403 482,32
(g) Funds available after clearance of the accounts of the present year (e - f)	48 715 729,18	614 930,19	49 330 659,37

⁽¹⁾ In the event of payment to a Member State, this is indicated by the sign: -.

COMMISSION DECISION**of 13 June 1988****granting derogation to the United Kingdom and fixing the equivalent health conditions to be respected in relation to cutting of fresh meat****(88/363/EEC)**

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

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽¹⁾, as last amended by Regulation (EEC) No 3805/87 ⁽²⁾, and in particular Article 13 thereof,

Whereas, according to Article 13 of Directive 64/433/EEC in accordance with the procedure under Article 16, derogations from paragraph 45 (c) of Annex I may be granted, on request, to any Member State providing similar guarantees; whereas these derogations are to fix health conditions which are at least equivalent to those of the said Annex;

Whereas the authorities of the United Kingdom, by letter of 2 November 1987, have presented to the Commission a request for a derogation from paragraph 45 (c) of Annex I to Directive 64/433/EEC for cutting fresh beef, sheep- and pigmeat; whereas this request proposes health conditions; whereas it is necessary that the health conditions fixed as alternative in the requested derogation on cutting of fresh meat be at least equivalent to those of paragraph 45 (c) of Annex I to Directive 64/433/EEC;

Whereas the health conditions proposed by the United Kingdom are equivalent to those laid down in paragraph 45 (c) of Annex I to Directive 64/433/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

Notwithstanding paragraph 45 (c) of Annex I to Directive 64/433/EEC, the United Kingdom may authorize cutting of fresh beef, sheep- and pigmeat under the conditions laid down in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽²⁾ OJ No L 357, 19. 12. 1987, p. 1.

*ANNEX***Special conditions for cutting of bovine, sheep and pig carcasses**

1. The carcasses, originating from the slaughterfloor, after chilling in refrigerating rooms operating with an air temperature at the outlet from the evaporators such that carcasses can be cooled to an internal temperature of $+7^{\circ}\text{C}$ within 48 hours for bovine carcasses and 20 hours for sheep and pig carcasses, are transported to the cutting premises, the temperature of which does not exceed $+12^{\circ}\text{C}$, located in the same group of buildings as the chillers.
 2. The meat is transferred in a single operation.
 3. The carcasses are introduced into the cutting room and boned before an internal temperature of $+7^{\circ}\text{C}$ has been achieved if the cutting is performed within 48 hours from the end of the slaughtering operations for bovine carcasses and 20 hours for sheep and pig carcasses.
 4. The time between meat entering the cutting room and being subjected to further refrigeration does not exceed 60 minutes.
 5. As soon as it is cut and packaged, the meat is transported to appropriate refrigerating rooms.
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