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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 2561/88
of 17 August 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) 2221/88⁽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 2401/88⁽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 16 August 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 2401/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 17 August 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	11,21	139,31
0712 90 19	11,21	139,31
1001 10 10	21,88	169,69 ⁽¹⁾ ⁽²⁾
1001 10 90	21,88	169,69 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	127,93
1001 90 99	0,00	127,93
1002 00 00	26,32	104,24 ⁽³⁾
1003 00 10	19,98	104,72
1003 00 90	19,98	104,72
1004 00 10	76,92	47,72
1004 00 90	76,92	47,72
1005 10 90	11,21	139,31 ⁽²⁾ ⁽³⁾
1005 90 00	11,21	139,31 ⁽²⁾ ⁽³⁾
1007 00 90	34,79	148,04 ⁽⁴⁾
1008 10 00	19,98	26,58
1008 20 00	19,98	64,67 ⁽⁴⁾
1008 30 00	19,98	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	19,98	0,00
1101 00 00	10,53	192,27
1102 10 00	50,02	159,10
1103 11 10	46,98	276,08
1103 11 90	11,55	207,47

⁽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 2562/88

of 17 August 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 2221/88 ⁽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 2402/88 ⁽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 16 August 1988;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 17 August 1988 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 8	1st period 9	2nd period 10	3rd period 11
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	2,56
1001 90 99	0	0	0	2,56
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	3,75

B. Malt

CN code	(ECU/tonne)				
	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
1107 10 11	0	0	0	4,56	4,56
1107 10 19	0	0	0	3,40	3,40
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 2563/88
of 16 August 1988
establishing unit values for the determination of the customs value of certain
perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3773/87 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 August 1988.

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

Done at Brussels, 16 August 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	18,66	811	147,08	38,71	130,48	3 098	14,41	28 738	43,65	12,49
1.20	0702 00 10 0702 00 90	Tomatoes	34,14	1 490	272,13	71,09	241,10	5 693	26,51	52 734	80,27	22,08
1.30	0703 10 19	Onions (other than sets)	14,47	632	115,37	30,14	102,22	2 414	11,24	22 357	34,03	9,36
1.40	0703 20 00	Garlic	133,97	5 848	1 067,62	278,93	945,87	22 337	104,02	206 882	314,91	86,64
1.50	ex 0703 90 00	Leeks	24,81	1 078	197,15	51,51	174,74	4 100	19,27	38 215	57,81	16,44
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	23,04	1 001	183,06	47,82	162,25	3 807	17,89	35 484	53,68	15,26
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	140,27	6 120	1 109,52	292,45	985,60	23 439	108,69	215 776	330,18	91,32
1.100	ex 0704 90 90	Chinese cabbage	18,55	809	146,74	38,67	130,35	3 100	14,37	28 538	43,67	12,07
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	95,81	4 182	763,55	199,48	676,47	15 975	74,39	147 960	225,22	61,96
1.120	ex 0705 29 00	Endives	91,00	3 955	723,03	188,90	640,84	15 038	70,68	140 150	212,02	60,29
1.130	ex 0706 10 00	Carrots	21,56	937	170,68	44,80	151,01	3 583	16,69	33 191	50,50	14,33
1.140	ex 0706 90 90	Radishes	80,89	3 513	645,34	168,03	570,65	13 481	62,92	124 906	188,51	53,21
1.150	0707 00 11 0707 00 19	Cucumbers	41,87	1 818	331,05	86,98	293,34	6 965	32,43	64 560	97,73	27,85
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	234,25	10 226	1 866,79	487,72	1 653,90	39 058	181,88	361 744	550,63	151,50
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna spp.</i> , <i>Phaseolus spp.</i>)	58,36	2 548	465,12	121,52	412,07	9 731	45,31	90 130	137,19	37,74
1.180	ex 0708 90 00	Broad beans	48,85	2 122	387,72	101,69	343,94	8 151	38,04	75 454	113,88	32,05
1.190	0709 10 00	Globe artichokes	82,78	3 596	657,05	172,33	582,85	13 814	64,46	127 867	192,99	54,32
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	515,92	22 523	4 111,38	1 074,15	3 642,52	86 020	400,58	796 696	1 212,71	333,65
1.200.2	ex 0709 20 00	— other	184,28	8 005	1 457,02	382,82	1 291,06	30 656	142,74	284 144	430,16	122,61
1.210	0709 30 00	Aubergines (egg-plants)	44,80	1 955	357,04	93,28	316,32	7 470	34,78	69 187	105,31	28,97
1.220	ex 0709 40 00	Celery stalks and leaves	73,33	3 187	578,02	152,13	512,77	12 178	56,65	112 937	171,54	49,10
1.230	0709 51 30	Chantarelles	393,61	17 183	3 136,70	819,50	2 778,99	65 627	305,61	607 824	925,21	254,55
1.240	0709 60 10	Sweet peppers	56,23	2 454	448,11	117,07	397,00	9 375	43,66	86 834	132,17	36,36
1.250	0709 90 50	Fennel	32,53	1 412	259,53	67,57	229,50	5 422	25,30	50 234	75,81	21,40
1.260	0709 90 70	Courgettes	43,72	1 899	345,70	90,83	306,32	7 273	33,86	67 417	102,06	29,09
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	103,78	4 530	827,08	216,08	732,76	17 304	80,58	160 270	243,95	67,12
2.10	ex 0802 40 00	Chestnuts (<i>Castanea spp.</i>), fresh	50,95	2 199	403,00	105,23	354,76	8 384	39,58	77 493	118,17	35,46
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	40,54	1 770	323,12	84,42	286,27	6 760	31,48	62 614	95,30	26,22
2.30	ex 0804 30 00	Pineapples, fresh	50,89	2 221	405,56	105,96	359,31	8 485	39,51	78 589	119,62	32,91
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	170,32	7 435	1 357,29	354,61	1 202,50	28 398	132,24	263 014	400,35	110,15
2.50	ex 0804 50 00	Guavas and mangoes, fresh	139,67	6 097	1 113,04	290,79	986,10	23 287	108,44	215 682	328,30	90,32
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	29,72	1 297	236,91	61,89	209,89	4 956	23,08	45 908	69,88	19,22

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	40,25	1 757	320,80	83,81	284,22	6 712	31,25	62 165	94,62	26,03
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	28,02	1 223	223,32	58,34	197,85	4 672	21,75	43 275	65,87	18,12
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	140,49	6 129	1 111,25	292,90	987,14	23 476	108,86	216 112	330,69	91,46
2.70.2	ex 0805 20 30	— Monreales and Satsumas	78,69	3 421	622,78	163,47	551,03	13 075	60,91	121 107	184,29	52,32
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	71,31	3 113	568,29	148,47	503,48	11 890	55,37	110 122	167,62	46,11
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	55,38	2 417	441,37	115,31	391,03	9 234	43,00	85 528	130,18	35,81
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	48,19	2 103	384,02	100,33	340,23	8 034	37,41	74 416	113,27	31,16
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	155,40	6 784	1 238,44	323,56	1 097,21	25 911	120,66	239 983	365,29	100,50
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	42,57	1 858	339,31	88,65	300,61	7 099	33,06	65 751	100,08	27,53
2.90.2	ex 0805 40 00	— pink	51,76	2 260	412,54	107,78	365,49	8 631	40,19	79 941	121,68	33,47
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	78,49	3 426	625,52	163,42	554,19	13 087	60,94	121 214	184,50	50,76
2.110	0807 10 10	Water-melons	17,08	745	136,15	35,57	120,62	2 848	13,26	26 383	40,15	11,04
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	33,71	1 471	268,67	70,19	238,03	5 621	26,17	52 063	79,24	21,80
2.120.2	ex 0807 10 90	— Other	86,31	3 768	687,84	179,70	609,40	14 391	67,01	133 288	202,88	55,82
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	44,49	1 942	354,56	92,63	314,13	7 418	34,54	68 707	104,58	28,77
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	46,61	2 035	371,48	97,05	329,11	7 772	36,19	71 985	109,57	30,14
2.150	0809 10 00	Apricots	31,51	1 376	251,17	65,62	222,52	5 255	24,47	48 671	74,08	20,38
2.160	0809 20 10 0809 20 90	Cherries	119,73	5 203	943,71	248,38	837,19	19 882	92,50	184 388	280,06	80,17
2.170	ex 0809 30 00	Peaches	74,78	3 250	589,39	155,13	522,86	12 417	57,77	115 159	174,91	50,07
2.180	ex 0809 30 00	Nectarines	62,60	2 731	495,21	130,52	439,90	10 461	48,51	96 306	147,36	40,75
2.190	0809 40 11 0809 40 19	Plums	82,91	3 619	660,78	172,64	585,43	13 825	64,38	128 046	194,90	53,62
2.200	0810 10 10 0810 10 90	Strawberries	74,37	3 231	588,08	154,51	521,09	12 373	57,61	114 685	173,62	49,49
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	203,24	8 873	1 619,68	423,16	1 434,97	33 887	157,81	313 859	477,74	131,44
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	162,39	7 089	1 294,11	338,10	1 146,53	27 076	126,08	250 771	381,71	105,02
2.230	ex 0810 90 90	Pomegranates	51,26	2 213	406,77	105,84	357,82	8 456	39,85	77 884	118,89	35,56
2.240	ex 0810 90 90	Khakis	50,00	2 173	395,68	103,86	350,09	8 307	38,70	76 945	117,09	33,24
2.250	ex 0810 90 90	Lychees	355,39	15 515	2 832,14	739,93	2 509,16	59 255	275,94	548 807	835,38	229,84

COMMISSION REGULATION (EEC) No 2564/88

of 17 August 1988

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 2306/88 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as amended by Regulation (EEC) No 1714/88 ⁽⁷⁾; whereas the refund thus calculated for sugar

containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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 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 previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should 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 Sugar,

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 their unaltered state shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 1988.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 17 August 1988 fixing the export refunds on white sugar and raw sugar exported in its unaltered 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	33,35 ⁽¹⁾	
1701 11 90 910	31,55 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,35 ⁽¹⁾	
1701 12 90 910	31,55 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3625
1701 99 10 100	36,25	
1701 99 10 910	38,72 ⁽³⁾	
1701 99 10 950	34,55	
1701 99 90 100		0,3625

⁽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⁾ Applicable under the conditions laid down in particular in Article 9 (5) of Regulation (EEC) No 2630/81.

COMMISSION REGULATION (EEC) No 2565/88
of 16 August 1988
on the supply of various lots of butteroil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1870/88 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 2 245 tonnes of butteroil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 16 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation No 844/88** ⁽¹⁾: Commission Decision of 8 June 1988
2. **Programme**: 1988
3. **Recipient**: Nicaragua
4. **Representative of the recipient** ⁽²⁾: Sr. Fransisco Guzman, Ministerio de Economia, ENILAC, contigua restaurante Los Gauchos, PO Box 4412, Managua, Nicaragua, Tel. 2 44 47, Telex 1032 ENILAC
5. **Place or country of destination**: Nicaragua
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** ⁽³⁾: to manufacture from intervention butter (*Official Journal of the European Communities* No C 216 of 14 August 1987, page 7 (I.3.1 and I.3.2))
8. **Total quantity**: 600 tonnes
9. **Number of lots**: 1
10. **Packaging and marking**: 20 kilograms (*Official Journal of the European Communities* No C 216 of 14 August 1988, pages 7 and 8 (I.3.3 and I.3.4))
Supplementary markings on the packaging:
'ACCIÓN Nº 844/88 / ACEITE DE MANTEQUILLA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA A NICARAGUA'
and (*Official Journal of the European Communities* No L 216 of 14 August 1987, page 8 (I.1.3.4))
11. **Method of mobilization**: Purchase of butter from:
 - Service d'Economie Rurale,
113-115, rue de Hollerich,
Luxembourg.
 - OBEA (Office Belge de l'Economie et de l'Agriculture),
Rue de Trèves 82,
B-1040 Brussels,
Tel. 2 30 17 40 — Telex 24076 +The addresses of the places of storage are given in Annex II
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Puerto Corinto
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at port of shipment stage**: 24 to 30 September 1988
18. **Deadline for the supply**: 31 October 1988
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁴⁾: 5 September 1988 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19 September 1988 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 15 October 1988
 - (c) deadline for the supply: 15 November 1988
22. **Amount of the tendering security**: 20 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Brussels,
Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾:
Refund applicable on 15 July 1988 fixed by Regulation (EEC) No 2099/88 (OJ No L 184, 15. 7. 1988).

LOT B

1. **Operation No** ⁽¹⁾: 828-829-832/88 — Commission Decision of 15 April 1987 and 17 March 1988
2. **Programme**: 1987
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome, Telex 626675 WFP I
4. **Representative of the recipient** ⁽²⁾:
See *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination**: see Annex III
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: to manufacture from intervention butter (*Official Journal of the European Communities* No C 216 of 14 August 1987, page 7, (I.3.1 and I.3.2))
8. **Total quantity**: 1 045 tonnes
9. **Number of lots**: 1
10. **Packaging and marking**: — B 1, B 2: 5 kg — B 3: 20 kg and *Official Journal of the European Communities* No C 216 of 14 August 1987, pages 7 and 8 (I.3.3 and I.3.4)
Supplementary markings on packaging:
See Annex III and *Official Journal of the European Communities* No C 216 of 14 August 1987, page 8 (I.1.3.4)
11. **Method of mobilization**: Purchase of butter from:
Intervention Board for Agricultural Produce,
Fountain House,
2 Queens Walk,
Reading, Berkshire
RG1 7 QW
Tel. (734) 58 36 26.
Telex 84 75 11 +
The addresses of the places of storage are given in Annex II
Selling price determined in accordance with Article 2 of Regulation (EEC) No 2315/76
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**:
— B 1, B 2: 15 to 30 September 1988
— B 3: 1 to 20 November 1988
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁶⁾: 5 September 1988 at 12 noon
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 19 September 1988 at 12 noon
(b) period for making the goods available at the port of shipment:
— B 1, B 2: 1 to 15 October 1988
— B 3: 1 to 20 November 1988
(c) deadline for the supply: —
22. **Amount of the tendering security**: 20 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels,
Telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁷⁾: Refund applicable on 15 July 1988 fixed by Regulation (EEC) No 2099/88 (OJ No L 184, 15. 7. 1988)

LOT C

1. **Operation No** ⁽¹⁾: 423/88 to 426/88 — Commission Decision of 16 March 1988
2. **Programme**: 1988
3. **Recipient**: Euronaid, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: See *Official Journal of the European Communities* No C 103 of 16 April 1987
5. **Place or country of destination**: see Annex III
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: to manufacture from intervention butter (*Official Journal of the European Communities* No C 216 of 14 August 1987, page 7, (I.3.1 and I.3.2))
8. **Total quantity**: 600 tonnes
9. **Number of lots**: 1
10. **Packaging and marking**: 5 kg ⁽⁹⁾ and *Official Journal of the European Communities* No C 216 of 14 August 1987, pages 7 and 8 (I.3.3 and I.3.4)
Supplementary markings on packaging: see Annex III and *Official Journal of the European Communities* No C 216 of 14 August 1987, page 8 (I.1.3.4)
11. **Method of mobilization of product**: Purchase of butter from Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (Tel.156 40; Telex 0411727+).
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 to 10 October 1988
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁴⁾: 12 noon on 5 September 1988
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 19 September 1988
 - (b) period for making the goods available at the port of shipment: 10 to 20 October 1988
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: 20 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders**:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels,
Telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾: refund applicable on 15 July 1988 fixed by Regulation (EEC) No 2099/88, (*Official Journal of the European Communities* No L 184 of 15 July 1988)

Notes

- (1) The operation number is to be quoted in all correspondence.
- (2) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity and certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (3) Commission delegate to contact by the successful tenderer: see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7, (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - either by porter at the Office referred to in point 24 of this Annex;
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
- (5) Regulation (EEC) No 2330/87 (OJ No L 210, 1-8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) Veterinary certificate issued by an official entity stating that the product derives from healthy animals, was processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and mouth disease.
- (7) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
- (8) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
- (9) The supplier should send a duplicate of the original invoice to: MM De Keyzer & Schütz BV, Postbus 1438, Blaak 16, NL-3000, BK Rotterdam.

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

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Cantidad Mængde Menge Τόνοι Quantity Quantité Quantità Hoeveelheid Quantidade	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e direcção do armazenista
A 844/88	732 000 kg	— 173 950 kg : Luxfroid société coopérative Zone industrielle B-6798 Aubange — 558 050 kg : — 550 kg : NV Stabilac Brug Zuid 16 B-9880 Aalter — 255 075 kg : Luxfroid société coopérative Zone industrielle B-6798 Aubange — 302 425 kg : BVBA Denmar Groot Veerle 15 B-2168 Brecht
B 828/88, 829/88, 832/88	1 306 250 kg	— 260 000 kg : Western Ice and Cold Storage Co Ltd Eastleigh Cold Store Boyatt Wood Industrial Estate Eastleigh, Hampshire SO5 4NT — 134 000 kg : Yorkshire Cold Stores Ltd Warwick Cold Store Budbrooke Road Warwick Warwickshire — 419 975 kg : Christian Salvesen (Cold Storage) Ltd Townsend Drive Attleborough Field Industrial Estate Nuneaton Warwickshire CV11 6TJ — 198 000 kg : Central Cold Storage Co Ltd Leamore Lane Bloxwich Walsall, West Midlands W52 7QQ — 294 275 kg : Frank Idiens Cold Storage Ltd Briar Close Cold Store Worcester Road Evesham Worcestershire WR11 4JT

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Cantidad Mængde Menge Τόνοι Quantity Quantité Quantità Hoeveelheid Quantidade	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e direcção do armazenista
C 423/88 — 426/88	732 000 kg	— 619 750 kg : Markt- & Kühlhallen AG Werk 22 — Neukoelln Niemetzstraße 32-50 D-1000 Berlin 44 — 112 250 kg : Frischdienst-Zentrale Gustav Wilke Gewerbehof 9 D-1000 Berlin 20

ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ III — ANNEX III — ANNEXE III — ALLEGATO III —
BIJLAGE III — ANEXO III

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação da parte	Cantidad total de la partida (en toneladas) Totalmængde (i tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
B 1	1 045	45	WFP	Ecuador	Acción n° 828/88 / Ecuador 0277000 / Despachado por el Programa Mundial de Alimentos / Guayaquil
B 2		400	WFP	Uganda	Action No 829/88 / Uganda 0332500 / Action of the World Food Programme / Mombasa in transit to Uganda
B 3		600	WFP	Cuba	Acción n° 832/88 / Cuba 0270201 / Despachado por el Programa Mundial de Alimentos / La Habana
C	600	60	Caritas G	Chile	Acción n° 423/88 / Manteca líquida / Chile / Caritas alemana / 80435 / Valparaíso / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		20	DKW	Nicaragua	Acción n° 424/88 / Manteca líquida / Nicaragua / DKW / 82309 / Managua vía Corinto / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		85	DKW	Nicaragua	Acción n° 425/88 / Manteca líquida / Nicaragua / DKW / 82310 / Corinto / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		435	SOSO	Nicaragua	Acción n° 426/88 / Manteca líquida / Nicaragua / SOSO / 83901 / Juigalpa vía Corinto / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita

COMMISSION REGULATION (EEC) No 2566/88

of 17 August 1988

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 25 to 31 July 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 25 to 31 July 1988 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 25 to 31 July 1988 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 25 July 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during
the week 25 to 31 July 1988

CN code	Amount
0201 10 10	22,87570
0201 10 90	22,87570
0201 20 11	22,87570
0201 20 19	22,87570
0201 20 31	18,30056
0201 20 39	18,30056
0201 20 51	27,45084
0201 20 59	27,45084
0201 20 90	18,30056
0201 30 00	31,33971
0202 10 00	22,87570
0202 20 10	22,87570
0202 20 30	18,30056
0202 20 50	27,45084
0202 20 90	18,30056
0202 30 10	31,33971
0202 30 50	31,33971
0202 30 90	31,33971
0206 10 95	31,33971
0206 29 91	31,33971
0210 20 10	18,30056
0210 20 90	26,07830
0210 90 41	26,07830
1602 50 10 ⁽¹⁾	26,07830
1602 50 10 ⁽²⁾	18,30056

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

⁽²⁾ Other..

COMMISSION REGULATION (EEC) No 2567/88

of 17 August 1988

concerning applications for STM licences for milk and milk products submitted during the first 10 days of August 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 4024/87⁽⁴⁾, and in particular Article 3 (2) thereof,

Whereas pursuant to Article 6 (3) of Regulation (EEC) No 574/86 the Commission has been notified of the applications for STM licences for milk and milk products during the first 10 days of August 1988; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences submitted during the first 10 days of August 1988 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by the coefficient set out below in the case of the following products and the categories referred to in Article 2 of Regulation (EEC) No 606/86:

CN code	Description	Coefficient
ex 0401	Milk and cream, fresh, not concentrated or sweetened:	
ex 0403	— in immediate packings of a net capacity of 3 litres or less	1,00000
	— other	1,00000
0405 00	Butter and other fats and oils derived from milk	0,04559
ex 0406	Cheese:	
	— Category 1: Emmentaler, Gruyère	1,00000
	— Category 2: Roquefort	0,00238
	— Category 3: Blue-veined cheese	1,00000
	— Category 4: Processed cheese	0,00280
	— Category 5: Parmigiano Reggiano, Grana Padano	0,12661
	— Category 6: Havarti, fat content 60 %	0,00746
	— Category 7: Edam in balls, Gouda	0,16923
	— Category 8: Soft ripened cow's milk cheeses	0,01827
	— Category 9: Cheddar, Chester	0,09154
	— Category 10: Other	0,18895

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 378, 31. 12. 1987, p. 53.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2568/88**of 17 August 1988****concerning applications for STM licences for cereals submitted during the first 10 days of August 1988**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences for common wheat of bread-making quality falling within subheading 1001 90 99 of the combined nomenclature submitted during the first 10 days of August 1988 and notified to the Commission shall be accepted for the tonnages applied for adjusted by a coefficient of 0,37941.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 16.

⁽⁴⁾ OJ No L 334, 27. 11. 1986, p. 19.

COMMISSION REGULATION (EEC) No 2569/88

of 17 August 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 2210/88⁽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
2185/88⁽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 2216/88⁽⁶⁾, and in particular Article 2 (3)
thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the amount of the subsidy referred to in Article
27 of Regulation No 136/66/EEC was fixed by Commis-
sion Regulation (EEC) No 2335/88⁽⁷⁾, as last amended by
Regulation (EEC) No 2513/88⁽⁸⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2335/88 to the infor-
mation 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 calcu-
lated 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⁾ are 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⁾ are 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 18 August 1988 to take account, where applicable, of the consequences of the application of the maximum guaranteed quantities system.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 195, 23. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 203, 28. 7. 1988, p. 15.

⁽⁸⁾ OJ No L 220, 11. 8. 1988, p. 12.

⁽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.

ANNEX I

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

(amounts per 100 kilograms)

	Current 8 (')	1st period 9 (')	2nd period 10 (')	3rd period 11 (')	4th period 12 (')	5th period 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	9,460	9,460	9,460	8,704	9,022	9,340
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	22,90	22,90	22,90	21,14	21,89	23,00
— Netherlands (Fl)	25,30	25,30	25,30	23,31	24,15	25,31
— BLEU (Bfrs/Lfrs)	448,51	448,51	448,51	411,93	427,22	451,00
— France (FF)	60,19	60,19	60,19	54,13	56,51	63,05
— Denmark (Dkr)	77,92	77,92	77,92	71,11	73,89	79,94
— Ireland (£ Irl)	6,673	6,673	6,673	5,599	6,263	7,006
— United Kingdom (£)	4,362	4,362	4,362	3,757	3,966	4,772
— Italy (Lit)	11 518	11 518	11 458	9 964	10 472	11 963
— Greece (Dr)	340,56	334,00	305,95	112,66	159,98	105,01
(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)	1 508,29	1 508,29	1 507,35	1 378,79	1 427,82	1 445,56
(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)	1 899,22	1 898,08	1 872,47	1 700,55	1 755,16	1 738,91

(') Subject to the reduction resulting from the maximum guaranteed quantities system.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)	5th period 1 (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	11,960	11,960	11,960	11,204	11,522	11,840
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	28,80	28,80	28,80	27,04	27,80	28,90
— Netherlands (Fl)	31,92	31,92	31,92	29,92	30,77	31,93
— BLEU (Bfrs/Lfrs)	568,67	568,67	568,67	532,10	547,38	571,72
— France (FF)	78,88	78,88	78,88	72,82	75,20	82,01
— Denmark (Dkr)	99,80	99,80	99,80	93,00	95,78	102,05
— Ireland (£ Irl)	8,752	8,752	8,752	8,078	8,342	9,116
— United Kingdom (£)	6,003	6,003	6,003	5,398	5,606	6,460
— Italy (Lit)	15 511	15 511	15 450	13 957	14 465	16 050
— Greece (Dr)	712,56	706,00	677,94	484,66	531,98	477,01
(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)	1 893,83	1 893,83	1 892,88	1 764,32	1 813,36	1 831,09
(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)	2 328,53	2 327,39	2 301,79	2 129,87	2 184,47	2 168,22

(1) Subject to the reduction resulting from the maximum guaranteed quantities system.

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	14,973	14,569	14,165	14,300	14,517
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	36,02	35,08	34,13	34,47	34,98
— Netherlands (Fl)	39,94	38,88	37,81	38,17	38,75
— BLEU (Bfrs/Lfrs)	712,26	692,75	673,24	679,68	690,07
— France (FF)	99,30	96,13	92,96	93,88	95,44
— Denmark (Dkr)	125,20	121,60	117,99	119,13	121,00
— Ireland (£ Irl)	11,019	10,666	10,313	10,415	10,589
— United Kingdom (£)	7,612	7,320	7,029	7,056	7,187
— Italy (Lit)	19 607	18 910	18 139	18 149	18 474
— Greece (Dr)	948,22	864,76	754,71	719,31	745,05
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	1 343,49	1 281,14	1 217,61	1 224,12	1 257,50
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	3 064,81	2 984,46	2 873,14	2 865,65	2 900,75
— in another Member State (Esc)	2 976,10	2 898,08	2 789,98	2 782,70	2 816,79
3. Compensatory aids:					
— in Spain (Pta)	1 288,40	1 226,05	1 152,60	1 159,11	1 192,48
4. Special aid:					
— in Portugal (Esc)	2 976,10	2 898,08	2 789,98	2 782,70	2 816,79

(1) Subject to the reduction resulting from the maximum guaranteed quantities system.

(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 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
DM	2,083810	2,080310	2,076770	2,073090	2,073090	2,062280
Fl	2,353150	2,350070	2,346360	2,342720	2,342720	2,331630
Bfrs/Lfrs	43,619500	43,612300	43,612700	43,612700	43,612700	43,631000
FF	7,053350	7,056050	7,058740	7,062990	7,062990	7,075410
Dkr	7,968590	7,977120	7,985100	7,992760	7,992760	8,010430
£Irl	0,775834	0,775732	0,775488	0,775568	0,775568	0,776455
£	0,646294	0,647869	0,649355	0,650826	0,650826	0,655064
Lit	1 543,01	1 547,49	1 552,81	1 557,67	1 557,67	1 573,00
Dr	167,04400	168,14200	169,26600	170,75400	170,75400	174,70100
Esc	168,91800	169,80300	170,71300	171,45600	171,45600	173,88000
Pta	136,60900	136,97000	137,32200	137,68200	137,68200	138,63600

COMMISSION REGULATION (EEC) No 2570/88

of 17 August 1988

amending for the seventh time Regulation (EEC) No 2001/88 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2001/88⁽³⁾, as last amended by Regulation (EEC) No 2544/88⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of fresh lemons originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁵⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 6 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the third year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2001/88, '2,10 ECU' is hereby replaced by '0,94 ECU'.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988.

⁽³⁾ OJ No L 176, 7. 7. 1988, p. 24.

⁽⁴⁾ OJ No L 223, 13. 8. 1988, p. 28.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 2571/88

of 17 August 1988

fixing the maximum export refund for white sugar for the 16th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

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 2306/88⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1035/88, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 16th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 40,799 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 2572/88
of 17 August 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 2306/88 ⁽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 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 2558/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 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 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 228, 17. 8. 1988, p. 25.

ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	34,07 ⁽¹⁾
1701 11 90	34,07 ⁽¹⁾
1701 12 10	34,07 ⁽¹⁾
1701 12 90	34,07 ⁽¹⁾
1701 91 00	44,19
1701 99 10	44,19
1701 99 90	44,19 ⁽²⁾

⁽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.

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 2573/88
of 17 August 1988

altering the import levies on products processed from cereals and rice

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 2221/88⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 2229/88⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2350/88⁽⁷⁾, as last amended by Regulation (EEC) No 2494/88⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ as amended by Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40 of the combined nomenclature;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of 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 over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 16 August 1988;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2350/88 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 18 August 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 204, 29. 7. 1988, p. 25.

⁽⁸⁾ OJ No L 218, 9. 8. 1988, p. 13.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 17 August 1988 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
1103 19 10 ^(?)	192,72	186,68
1103 29 10 ^(?)	192,72	186,68
1104 19 30 ^(?)	192,72	186,68
1104 29 10*20 ^(?) ^(?)	140,95	137,93
1104 29 30*20 ^(?) ^(?)	168,96	165,94
1104 29 95 ^(?)	108,80	105,78

^(?) For the purpose of distinguishing between products falling within heading Nos 1101, 1102, 1103 and 1104 and those falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40, products falling within heading Nos 1101, 1102, 1103 and 1104 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewert polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading Nos 1103 and 1104.

^(?) Taric code: rye.

COMMISSION REGULATION (EEC) No 2574/88

of 17 August 1988

fixing for 1988/89 marketing year, the threshold prices for rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 2229/88⁽²⁾, and in particular Articles 14 (5) and 15 (4) thereof,

Whereas, under Article 14 (2) of Regulation (EEC) No 1418/76, the threshold price for husked rice calculated for Rotterdam must be fixed in such a way that, on the Duisburg market, the selling price for imported husked rice corresponds to the target price; whereas this aim is attained when the components referred to in the second subparagraph of paragraph 2 of the said Article are deducted from the target price;

Whereas, pursuant to Article 14 (3) of the said Regulation, the threshold prices for milled rice are calculated by adjusting the threshold price for husked rice, account being taken of the monthly increases to which it is subject, on the basis of the conversion rates, processing costs and the value of by-products and by increasing the amounts thus obtaining by an amount for the protection of the industry;

Whereas the amount for the protection of the industry was fixed by Council Regulation (EEC) No 1263/78⁽³⁾;

whereas the components used for adjusting the threshold price for milled rice were fixed by Commission Regulation No 467/67/EEC⁽⁴⁾, as last amended by Regulation (EEC) No 2325/88⁽⁵⁾;

Whereas, under Article 15 (1) of Regulation (EEC) No 1418/76 the threshold price for broken rice must be set between a lower limit of 130 % and an upper limit of 140 % of the threshold price for maize applicable during the first month of the marketing year; whereas, in order that imports of broken rice do not act as a brake on the normal disposal of Community production throughout the Community market, the threshold price for broken rice should be fixed at 140 % of the threshold price for maize;

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 threshold prices for husked rice, round grain milled rice and long grain milled rice are hereby fixed in ECU per tonne at:

Month	Threshold price		
	Husked rice	Round grain milled rice	Long grain milled rice
September 1988	543,15	722,65	794,02
October 1988	546,10	726,46	798,30
November 1988	549,05	730,27	802,58
December 1988	552,00	734,08	806,86
January 1989	554,95	737,89	811,14
February 1989	557,90	741,70	815,42
March 1989	560,85	745,51	819,70
April 1989	563,80	749,32	823,98
May 1989	566,75	753,13	828,26
June 1989	569,70	756,94	832,54
July 1989	572,65	760,75	836,82
August 1989	572,65	760,75	836,82

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 156, 14. 6. 1978, p. 14.

⁽⁴⁾ OJ No 204, 24. 8. 1967, p. 1.

⁽⁵⁾ OJ No L 202, 27. 7. 1988, p. 41.

Article 2

The threshold price for broken rice is hereby fixed at 312,73 ECU per tonne.

Article 3

This Regulation shall enter into force on 1 September 1988.

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2575/88

of 17 August 1988

opening an invitation to tender for the sale for export of olive pomace-oil held
by the Italian intervention agency

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 2210/88⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 (1) of Council Regulation (EEC) No 2754/78⁽³⁾ provides that olive oil held by the intervention agencies is to be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency has bought in large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾, laid down the conditions for the sale by tender of olive oil; whereas at the present time there exist opportunities for exporting olive oil;

Whereas, in order to avoid any export problem, it shall be precisely stated on the package of the product to be exported one of the denominations set out in the Annex to Regulation No 136/66/EEC;

Whereas the minimum selling price is so fixed that the Community operators enjoy equal conditions of competition with operators in non-member countries; whereas, accordingly, oil should, under this Regulation, qualify neither for the export refund provided for in Article 20 of Regulation No 136/66/EEC nor for the consumption aid provided for in Article 11 of the same Regulation;

Whereas Article 18 of Commission Regulation (EEC) No 3665/87 of 27 November 1987, laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁶⁾, specifies the evidence required to prove importation into non-Community countries;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale for export of approximately 2 000 tonnes of olive pomace-oil.

2. By way of derogation from Article 1 (2) of Regulation (EEC) No 2960/77 this oil must be exported without further processing.

Article 2

The invitation to tender shall be made public on 5 September 1988.

Particulars of the lots of oil offered for sale and the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender referred to above shall be sent without delay to the Commission.

Article 3

The tenders must reach AIMA, via Palestro 81, Rome, Italy, not later than 2 p.m. (local time) on 13 September 1988.

Article 4

The tenders shall be submitted for an oil of 10° acidity.

Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

- below 10° down to 8° acidity:
an increase of Lit 3 226 for each degree or fraction of a degree of acidity below 10°,
- below 8°:
an additional increase of Lit 2 742 for each degree or fraction of a degree below 8°,
- above 10°:
a reduction of Lit 3 226 for each degree or fraction of a degree above 10°.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

⁽⁶⁾ OJ No L 351, 14. 12. 1987, p. 1.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tenders received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the tenth working day following the deadline for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the fifth working day following that on which the decision referred to in Article 6 is notified. AIMA shall forward to the storage agencies the list of lots not awarded.

Article 8

1. AIMA shall check that the oil exported is the same as the oil withdrawn from intervention, in particular on the basis of acidity and the presence of soap.

2. The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 30 000 per 100 kilograms.

The security referred to in Article 12 (3) of Regulation (EEC) No 2960/77 shall be Lit 200 000 per 100 kilograms.

For the purposes of applying the provisions of Article 1 (1), the security referred to in the second subparagraph of this paragraph shall not be released unless proof is provided that the oil was imported into a non-member country except in cases where it has been destroyed during transport as a result of *force majeure*, or that it has been used for supplies as indicated in Article 34 of Regulation (EEC) No 3665/87.

The Member States may, however, exempt the exporter from producing the documentary evidence, other than the transport document, specified in Article 18 of Regulation (EEC) No 3665/87, in the case of Article 19 of this Regulation.

Article 9

The storage charge provided for in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 4 000 per 100 kilograms.

Article 10

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

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 March 1988

on aids granted by the French Government to a farm machinery manufacturer at
St Dizier, Angers and Croix

(International Harvester/Tenneco)

(Only the French text is authentic)

(88/468/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice to the parties concerned to submit their comments as provided for in the said Article 93, and having regard to those comments,

Whereas :

I

Upon repeated requests from the Commission, the French Government belatedly informed the Commission by letters of 3 October 1985 and 30 January 1986 that financial assistance had been granted to the third largest farm machinery manufacturer in France.

The aid, which had been granted in 1985 and 1986 in order to finance the restructuring of the recipient, took the following forms :

- a grant of FF 40 million paid in 1985;
- a 15-year equity loan of FF 135 million, half paid in 1985 and half in 1986 with a three-year grace period for repayment; the rate varies according to the cash flow of the undertaking, with a ceiling of 14%.

The Commission considered that the aid fell within Article 92 (1) and that, on the basis of the information

available to it and that sent by the French authorities, the aid did not appear to satisfy the conditions of Article 92 (3) in order to qualify for one of the exemptions laid down therein. It therefore opened the procedure under Article 93 (2) against the aid in question.

By letter of 3 March 1986, it gave the French Government notice to submit its comments. The other Member States were informed on 20 May 1986 and interested parties on 27 May 1986.

II

The French Government submitted its comments under the procedure provided for in Article 93 (2) of the EEC Treaty letter of 27 August 1986.

According to the French authorities, the grant constitutes an exceptional loan because of the serious social and regional consequences for employment in the areas in question if Tenneco were not to take over the French subsidiary of International Harvester.

According to their initial information, the French authorities had pointed out that the future of the French branch of International Harvester at its production plants at Angers, St Dizier and Croix had been under threat for several years owing to the serious difficulties besetting the parent company in the United States and its concentration on other activities to the detriment of heavy agricultural equipment, an industry which is facing a lasting, worldwide market depression.

According to the information sent, the aids in question are intended to finance the restructuring of the recipient, starting with the closure of the combine-harvester plant at Angers (2 000 units per annum, 185 jobs), the Croix plant being limited to the production of cabs (jobs cut from 515 to 260) and the St Dizier tractor assembly to specialize in the manufacture of transmissions for the group's middle and top range tractors with a workforce of 1 800 jobs. The planned investment of FF 1 200 million for the two remaining plants (St Dizier and Croix) over the period 1986 to 1989 will help to create 500 and 250 jobs respectively in that period.

As part of the procedure, three other Member States, two local administrations, a bureau for government relations and one undertaking sent their comments to the Commission.

III

The grant of FF 40 million, the interest subsidy and the grace period for repayment of the equity loan of FF 135 million are aids which enable the recipient to carry out a series of investments without having to bear all the costs.

The equity loan and the interest subsidy were granted for 15 years with a three-year period of grace, the rate depending on the cash flow situation of the undertaking with a ceiling of 14%. The aid elements stem from the three-year grace period for repayment and the difference between the interest on the equity loan effectively paid by the undertaking and the reference market rate in France, i.e. the interest rate applied by the Crédit National for equipment loans. During the period in which the aids in question were awarded (1985 and 1986), the reference rate varied between 14,0% and 9,25%. In view of the very poor results of recent years and the current difficulties in the farm machinery sector, it must be assumed that the cash flow of the undertaking in question has been and will continue at least for the next few years to be small, and that therefore the interest rate will be lower than the market rate.

As regards the aid arising from the equity loan, it is difficult if not impossible to identify the interest subsidy and hence the amount of the aid itself. This lack of clarity is one factor which makes the aid incompatible with the common market, and at the same time makes it impossible to consider applying one of the exceptions provided for in Article 92 (3).

In order to remedy this situation, the Commission invited the French Government on three occasions by telex of 23

October 1985 and letters of 3 December 1985 and 3 March 1986 to furnish details of the equity loan. The French authorities simply stated by way of reply that interest on the equity loan varied in keeping with the recipient's future cash flow, with a ceiling of 14%, but it did not specify the relationship between the volume of the cash flow and the rate of interest charged.

Thus the lack of information concerning the date on which the loan was granted, the cash flows and the relationship between the cash flow and interest actually paid by the firm prevents the Commission from calculating or estimating the aid element of the equity loan.

Under these circumstances, which stem from the lack of cooperation shown by the French Government, the Commission is nevertheless obliged to close the present procedure by adopting a decision on the basis of the information at its disposal (see the Judgment of the Court of Justice of 10 July 1986 in Case 234/84 (Meura)).

This factor, and the complexity of the aid in question, explains the time required to scrutinize the case and pursue the administrative investigation provided for by Article 93 (2).

IV

All these aids had to be notified to the Commission pursuant to Article 93 (3). Since the French Government failed to notify the aids in good time, the Commission was unable to state its views on the measures before they were implemented. Thus the aids are illegal in relation to Community law from the time that they came into operation. The result of this failure to fulfil obligations is particularly serious since the aids have already been paid to the recipient. Furthermore, half the equity loan of FF 135 million was granted after the opening of the Article 93 (2) procedure. Hence all the aids are to be regarded as being illegal under Community law. In this respect it has to be pointed out that in view of the imperative character of the rules of procedure laid down in Article 93 (3) which are also of importance as regards public order, (see Court Judgment of 19 June 1973, Case 77/72 (Capolongo)), the illegality of the aids at issue here cannot be remedied *ex post*. The illegal nature of the aids in question is due to their failure to conform to the rules of procedure laid down in Article 93 (3).

Moreover, in cases of aids incompatible with the common market, the Commission, making use of a possibility given it by the Court of Justice in its Judgment of 12

July 1973 in Case 70/72 (*Kohlegesetz*), can require Member States to recover aid granted illegally from recipients.

V

In addition, the aids in question are incompatible with the common market under Article 92 (1) of the EEC Treaty.

There is a considerable amount of intra-Community trade in the farm machinery sector, representing 28% of Community production. A large part of the market is held by multinational undertakings (*Massey-Ferguson*, *Case/Brown/International Harvester*, *John Deere*, *Ford*) which invest in the Member States under worldwide investment programmes. So as to achieve economies of scale, their production plants specialize in products or product components which are then assembled at other plants often located in other Member States.

The considerable amount of trade in farm machinery between the Member States is thus not limited to finished products and spare parts — it also includes machine components such as motors, transmissions, tractor cabs, etc.

It should also be noted that the market is characterized by structural overcapacity amounting to some 50%, resulting in intensive competition between the different manufacturers, enormous pressure on prices and considerable cuts in the workforce in this industry (of 31% in the Community overall and 51% in Belgium, 50% in the United Kingdom, 34% in Germany, 29% in the Netherlands and 24% in France in the period 1976 to 1986).

Community production of tractors dropped in the period 1979 to 1985 by 10% in France, 21% in Italy, 22% in Germany and 27% in the United Kingdom, with a Community average of 23%.

The recipient undertaking, with a market share of 14% of registered tractors in 1985, is the third largest manufacturer in the French farm machinery market, and exports 37% of its turnover of FF 2 255 million, a large proportion going to other Member States.

In the light of the above, the aids in question are liable to affect trade between Member States and distort competition within the meaning of Article 92 (1) of the EEC Treaty by favouring the undertaking concerned and the production of farm machinery in France.

Where a State financial aid strengthens the position of certain undertakings in relation to other competitors in the Community, it must be regarded as affecting such competitors.

The aids under consideration affect competition by improving the financial position of the recipient and his return on investment by reducing his other costs, which gives him a competitive advantage over other manufacturers who have completed or intend to complete similar actions at their own expense.

VI

Article 92 (1) establishes the principle that aid having the features there described is incompatible with the common market. The exceptions from this principle as set out in Article 92 (2) are not applicable in this case because of the character and objectives of the proposed aids.

Under Article 92 (3) of the EEC Treaty, aids which may be considered compatible with the common market must be viewed in the context of the Community. In order to safeguard the proper functioning of the common market and take account of the principles of Article 3 (f) of the Treaty, exceptions to the principle of Article 92 (1) as set out in Article 92 (3) must be construed narrowly when an aid scheme or any individual award is scrutinized.

In particular, they may be invoked only when the Commission is satisfied that without the aid, market forces alone would be insufficient to guide the prospective recipients towards patterns of behaviour that would serve the objectives in view.

To apply the exceptions to cases not contributing to such an objective or where an aid is not necessary to that end would be to give unfair advantages to certain industries or undertakings in Member States, the financial position of which would be artificially bolstered, and could allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of common interest as set out in Article 92 (3).

The French Government has been unable to give, or the Commission to discover, any justification for a finding that the aids fall within one of the categories of exceptions in Article 92 (3).

In view of the above considerations, the aids in question do not qualify for any of the exceptions provided for in Article 92 (3).

As regards the exceptions provided for in Article 92 (3) (b), it is obvious that the aid measures are not intended to promote the execution of a project of common European interest or to remedy a serious disturbance in the French economy. Specific aids awarded to an individual undertaking in the agricultural equipment sector are not designed to remedy the type of situations described in Article 92 (3) (b). Nor has the French Government given any such reasons to justify the aids question.

As regards Article 92 (3) (a) and (c) concerning aid to promote the development of certain areas, the regions (Haute Marne et Nord, the factory at Angers, Maine and Loire being closed) in which the investments were and will be made do not have an abnormally low standard of living or serious underemployment within the meaning of the exception referred to in Article 92 (3) (a). The regions in question do not, moreover, form part of the regions qualifying for that exception.

Nor do the aids satisfy the conditions of Article 92 (3) (c) of the three production plants referred to, only the Angers plant (185 jobs), shut down under the investment programme, is located in an area qualifying for regional aid. In addition, neither the grant of FF 40 million nor the soft equity loan come under a regional aid scheme. The aid in question is not intended to facilitate the development of certain economic areas pursuant to Article 92 (3) (c). Furthermore, in view of the present situation and the market prospects for farm machinery, the award of the aid in question distorts competition to an extent contrary to the common interest. Consequently, the aids in question do not qualify for exemption under Article 92 (3) (c) under the regional heading.

Lastly, as regards the exception under Article 92 (3) (c) in respect of aid to facilitate the development of certain economic activities, it must be concluded that while the aids in question facilitate the development of the undertaking in question, they do not facilitate the development of that sector at Community level and have an effect contrary to the common interest on trade between the Member States.

The Community farm machinery market is characterized by excess production capacity of some 50%, chiefly due to a sharp drop in sales over the last 10 years. Sales of small and medium-sized tractors fell by 23% between 1979 and 1984.

Owing to the crisis in the farm machinery sector, there has been considerable pressure to reduce prices, resulting in manufacturers giving large discounts and thus reducing their profit margin which is already not very large.

In 1984, the Commission decided that an Italian proposal for aid to manufacturers of agricultural motors and tractors in the form of an interest subsidy was incompatible with the Treaty pursuant to Article 92 owing to the increased production capacity resulting from the assisted investment (Commission Decision 84/364/EEC⁽¹⁾).

International Harvester/Tenneco is a multinational undertaking (one of the 50 largest groups in the world with a turnover of FF 130 000 million and a net profit of

FF 5 500 million in 1984) producing agricultural machinery and/or components in the United States and, within the Community, in France, Germany and in the United Kingdom, at several locations.

Before Tenneco purchased International Harvester's operations in Europe, it was already manufacturing farm machinery in the United Kingdom through its subsidiary J. I. Case at two plants (Leigh and Meltham). By taking over International Harvester's French, (at Croix, Angers and St Dizier), United Kingdom, (at Doncaster) and German activities (at Neuss), Tenneco not only took over its competitor's market shares and capacities, but also the distribution systems in markets where it was relatively under-represented.

In Europe, Tenneco manufactures farm machinery at several plants in France, the United Kingdom and Germany. The measures it has taken in France (closure of combine-harvester plant, specialization at other plants) form part of a worldwide investment programme aimed at modernizing and adapting Tenneco capacities to world markets.

The reorganization carried out under the world investment programme, with plants specializing in the manufacture of components and/or certain products, and the export of components to other sites for final assembly, makes it difficult to evaluate the consequences for the Community farm machinery market.

The decision of the French authorities to grant aids probably does not affect the overall volume and the objectives of the programme. On the other hand, as shown below, the aids in question affect decisions concerning the geographical distribution of investment, specialization and the closure of production sites. The aid measures thus adversely affect the other two Community subsidiaries of Tenneco and all other manufacturers of farm machinery in the Community.

The award of the aids motivated Tenneco to take over International Harvester France and prevented a greater reduction in capacity in France. On the other hand, Tenneco decided to close down tractor production at its Meltham/Huddersfield plant in the United Kingdom in 1988, to pare down operations to the production of components, and to close the component manufacturing plant at Leigh, Manchester, leading to a loss of some 1 000 jobs.

The only real capacity cut communicated by the French authorities is the closure of the Angers plant (185 jobs, capacity of 2 000 units/year) as it did not have the critical minimum size Tenneco considers necessary in order to compete against its main European rivals. In addition, the capacity reductions communicated chiefly concern under-utilized capacity and therefore have a very limited effect on the market.

⁽¹⁾ OJ No L 192, 20. 7. 1984, p. 35.

The capacity cuts introduced by Tenneco are due solely to recent market trends; demand has fallen considerably, and undertakings throughout the Community have had to adjust to the new situation.

The fact that the other plants specialize in the production of tractor modules that are for the most part exported to final assembly plants in other Member States is even connected with an increase in capacity. Apart from the closing down of the combine-harvester plant and the specialization of other sites leading to a loss of 440 jobs, the assisted investment programme of FF 1 200 million involves the creation of 750 jobs in an industry with very high surplus capacity (approximately 50%) and a considerable volume of intra-Community trade. This net increase of 310 workers at Tenneco France in conjunction with a productivity increase under the investment, rationalization and specialization programme necessarily entails an increase in production at that undertaking. It should be noted that — through the aid grant in question — the investment was made in France and not in the other Member States in which Tenneco has production plants. The aids in question thus enable the recipient to increase production capacity in a sector already experiencing excessive overcapacity.

In view of the very difficult position of the market for farm machinery which is not expected to level off before the 1990s, a decision to approve the grant of FF 40 million, the interest subsidy and the grace period for repayment of the equity loan of FF 135 million in favour of International Harvester France would amount to imposing a disadvantage on its competitors which could take the form of an unjustified decline in their sales and/or their withdrawal from the market.

The gravity and duration of the crisis currently affecting the farm machinery sector in the Community have forced other firms to undergo major readjustments without any State aid, in spite of the financial difficulties experienced by many and the problems posed by the reduction of their workforces which called for stringent restructuring measures.

In view of the financial situation of the parent company and its own interest in implementing the investment

programme, it must be assumed that market forces should suffice and that the investment would go ahead without the aid in question.

As a result, the aids in question cannot be regarded as helping to produce a trend capable of offsetting, from the Community standpoint, their distorting effects on trade.

It must be concluded, therefore, that the aids are illegal as the French Government has not fulfilled its obligations under Article 93 (3) of the EEC Treaty. Furthermore, the aids do not satisfy the conditions to qualify for exemption under Article 92 (2) and (3) of the EEC Treaty.

As a result, the aids should be abolished and made subject to a recovery order. As regards the equity loan in particular, the Commission has been unable to quantify the aid element to be recovered for the reasons given in Part III of this Decision. It is therefore the duty of the French Government, when implementing the measures to comply with this Decision, to determine itself the amount of aid to be recovered on the basis of the procedures defined by the Commission; the amount of aid will thus be equal to the difference between the equipment loan interest rate applied by the Crédit National on the date on which the equity loan in question was awarded and the interest rate actually paid by International Harvester/Tenneco France up to the date on which this Decision is adopted; these measures must be communicated to the Commission within two months to enable it to verify that they are in conformity,

HAS ADOPTED THIS DECISION:

Article 1

The aid granted by the French Government in 1985 and 1986 to International Harvester/Tenneco France in the form of a grant of FF 40 million, an interest subsidy on an equity loan of 135 million, equal to the difference between the market interest rate and the repayment of the equity loan are illegal for breach of the rules of procedure provided for in Article 93 (3) of the EEC Treaty. The aids are also incompatible with the common market within the meaning of Article 92 of the EEC Treaty.

Article 2

The French Government shall abolish and recover the aids referred to in Article 1.

Article 3

The French Government shall inform the Commission within two months of the measures taken to comply with this Decision.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 29 March 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3989/87 of 23 December 1987 amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals

(Official Journal of the European Communities No. L 377 of 31 December 1987)

On page 4, in Annex I:

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for: 'ex 2308 90 30      ... grapes',
read: '2308 90 30      ... grapes'.
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On page 5, in Annex II:

<i>for:</i>	'ex 0403	Buttermilk, ...added fruit or cocoa,'
<i>read:</i>	'ex 0403	Buttermilk, ...added fruit,';

for: 'ex 1806 Chocolate and other food preparations . . ., chocolate milk crumb of subheading 1806 20 70, and products falling within subheadings 1806 90 60, 1806 90 70 and 1806 90 90'.

read: 'ex 1806 Chocolate and other food preparations . . ., chocolate milk crumb of subheading 1806 20 70, spreads of subheading 1806 90 60, preparations for making beverages of 1806 90 70 and other products falling within subheading 1806 90 90';

for: 'ex 1901
read: 'ex 1909

Malt extract ... 0404, 'not containing cocoa powder',
Malt extract ... 0404, not containing cocoa powder or containing
cocoa powder in a proportion by weight of less than 10 %, not
elsewhere specified or included

— Malt extracts; food preparations of flour, meal, starch or malt
extract, not containing cocoa powder or containing cocoa powder
in a proportion by weight of less than 50 %, not elsewhere
specified or included';

<i>for:</i>	'ex 1902	Pasta ..., whether or not prepared:',
<i>read:</i>	'ex 1902	Pasta ..., whether or not prepared:
		— Uncooked pasta, not stuffed or otherwise prepared:
	1902 11 00	— — Containing eggs
	1902 19	— — Other:

<i>for:</i>	'1902 40	— Couscous
	1902 40 90	— — Other',
<i>read:</i>	'1902 40	— Couscous
	1902 40 10	— — Unprepared
	1902 40 90	— Other'.

On page 6, in Annex II:

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for: 'ex 2008',
read: '2008':
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for:    'ex 2101 10      – Extracts ... of coffee :
        '                – – Preparations with ... coffee',
read:   'ex 2101 10      – Extracts ... of coffee :
        '                – Preparations with ... coffee';

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<i>for:</i>	'ex 2101 20	– Extracts ... or maté :
		– – Preparations with ... maté ;
<i>read:</i>	'ex 2101 20	– Extracts ... or maté :
		– Preparations with ... maté ;

<i>for:</i>	'ex 2101 30	— — Roasted ... thereof:
		— — Roasted ... substitutes',
<i>read:</i>	'ex 2101 30	— Roasted ... thereof:
		— — Roasted ... substitutes'.

On page 7, in Annex II:

for: '2101 30 99' — — — Other (than roasted chicory),
read: '2101 30 99' — — — Other (than extracts of roasted chicory).

On page 8, in Annex II:

for: 'ex 2916' Unsaturated acyclic monocarboxylic acids, cyclic monocarboxylic acid, ... derivatives ;

read: 'ex 2916' Unsaturated acyclic monocarboxylic acids, cyclic monocarboxylic acids, ... derivatives ;

for: '2918',

read: 'ex 2918' ;

for: '2932 19 00',

read: 'ex 2932 19 00'.

On page 9, in Annex II:

for: 'ex 3006' Pharmaceutical goods specified in note 3 to this chapter ;

read: 'ex 3006' Pharmaceutical goods specified in note 3 to chapter 30 ;

On page 10, in Annex II:

The entry under CN code 3812 10 00 is deleted.

On page 13, in Annex III:

for: '2306 90 91' — — — Of germ of maize,

read: 'ex 2306 90 91' — — — Of germ of maize :
— With a fat content between 3 % and 8 %.

Corrigendum to Commission Regulation (EEC) No 3990/87 of 23 December 1987 amending Regulation (EEC) No 1418/76 on the common organization of the market in rice

(Official Journal of the European Communities No L 377 of 31 December 1987)

On page 15, Article 1, (2) (3):

for: '3. By way of derogation ... overseas department of Réunion shall be equal to be amount for ... in Article 14 (3).'

read: '3. By way of derogation ... overseas department of Réunion shall be equal to the amount for ... in Article 14 (3).'

On page 17, in the Annex:

for: 'ex 0403 Buttermilk, ..., added fruit or cocoa',

read: 'ex 0403 Buttermilk, ..., added fruit';

for: 'ex 1901 Malt extract ... 0404, not containing cocoa powder',

read: 'ex 1901 Malt extract ... 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included

— Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included';

for: 'ex 1902',

read: '1902';

for: '1902 20',

read: 'ex 1902 20';

for: '1902 40',

read: 'ex 1902 40'.

Corrigendum to Commission Regulation (EEC) No 3993/87 of 23 December 1987 amending Regulation (EEC) No 1758/81 on the common organization of the market in sugar

(Official Journal of the European Communities No L 377 of 31 December 1987)

On page 26, in the Annex:

for: '1518 00 10 Linoxyn',

read: '1518 00 10 — Linoxyn';

for: '1901 90',

read: 'ex 1901 90'.

On page 30, in the Annex:

for: '9405 10 29 — — — Other',

read: '9405 10 29 — — — — Other'.

Corrigendum to Commission Regulation (EEC) No 3995/87 of 23 December 1987 amending Regulation (EEC) No 1308/70 on the common organization of the market in flax and hemp

(Official Journal of the European Communities No L 377 of 31 December 1987)

On page 34, first recital:

for: 'Having regard to the Treaty establishing the European Community',

read: 'Having regard to the Treaty establishing the European Economic Community'.

Corrigendum to Commission Regulation (EEC) No 3997/87 of 23 December 1987 amending Regulation (EEC) No 2358/71 on the common organization of the market in seeds

(Official Journal of the European Communities No L 377 of 31 December 1987)

On page 39, in the Annex:

for: '0713 10 11',

read: '0713 10 19'.

Corrigendum to Commission Regulation (EEC) No 3998/87 of 23 December 1987 amending Regulation (EEC) No 1696/71 on the common organization of the market in hops

(Official Journal of the European Communities No L 377 of 31 December 1987)

On page 40, first recital:

for: 'Having regard to the Treaty establishing the European Community',

read: 'Having regard to the Treaty establishing the European Economic Community'.

Corrigendum to Commission Regulation (EEC) No 4003/87 of 23 December 1987 amending Regulation (EEC) No 569/76 laying down special measures for linseed

(Official Journal of the European Communities No L 377 of 31 December 1987)

Page 46, Article 1 (1):

for: '1. Each year ... of subheading 1204 00 90 of ... of the Community',

read: '1. Each year ... of subheading 1204 00 of ... of the Community'.
