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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2577/88

of 18 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 17 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 19 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, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 August 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	11,21	138,03
0712 90 19	11,21	138,03
1001 10 10	21,88	167,12 ⁽¹⁾ ⁽²⁾
1001 10 90	21,88	167,12 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	126,45
1001 90 99	0,00	126,45
1002 00 00	26,32	104,24 ⁽³⁾
1003 00 10	19,98	102,79
1003 00 90	19,98	102,79
1004 00 10	76,92	45,02
1004 00 90	76,92	45,02
1005 10 90	11,21	138,03 ⁽³⁾ ⁽²⁾
1005 90 00	11,21	138,03 ⁽³⁾ ⁽²⁾
1007 00 90	34,79	149,33 ⁽⁴⁾
1008 10 00	19,98	23,50
1008 20 00	19,98	62,10 ⁽⁴⁾
1008 30 00	19,98	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	19,98	0,00
1101 00 00	10,53	190,20
1102 10 00	50,02	158,28
1103 11 10	46,98	272,10
1103 11 90	11,55	205,24

⁽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 2578/88

of 18 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 17 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 19 August 1988.

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

Done at Brussels, 18 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 18 August 1988 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)

CN code	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	3,46

B. Malt

(ECU/tonne)

CN code	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 2579/88**of 18 August 1988****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 15 and 16 August 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 79, 21. 3. 1987, p. 11.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 79, 21. 3. 1987, p. 13.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

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

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

- (a) Lebanon : 0,60 ECU/100 kg ;
- (b) Turkey : 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria, Tunisia and Morocco ; 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.
- ^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

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

COMMISSION REGULATION (EEC) No 2580/88

of 17 August 1988

laying down the rules for amending the list of rice varieties set out in Annex B to Regulation (EEC) No 3878/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3878/87 of 18 December 1987 on the production aid for certain varieties of rice⁽¹⁾, as last amended by Regulation (EEC) No 1424/88⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Article 2 (1) of Regulation (EEC) No 3878/87 lays down the morphological characteristics required for a variety to be eligible for production aid; whereas paragraph 2 of the same Article provides that from the 1988/89 marketing year no variety will qualify for aid unless it also possesses certain qualitative characteristics relating to glutinosity, consistency and amylose content;

Whereas those qualitative characteristics should correspond to those observed in the varieties imported from areas which have traditionally grown Indica rice;

Whereas the methods of analysis to be used in determining those morphological and qualitative characteristics should be defined;

Whereas the procedure for amending the list of varieties set out in Annex B to Regulation (EEC) No 3878/87 should include yearly checks involving sampling to permit the necessary varietal analysis to take place;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. With effect from the 1988/89 marketing year, the only varieties of rice eligible for inclusion in Annex B to Regulation (EEC) No 3878/87 shall be those possessing the morphological characteristics set out in Article 2(1) of the above Regulation and the following qualitative characteristics:

- a glutinosity value not exceeding 2,50 gcm,
- a consistency value of not less than 0,85 kg/cm²,
- an amylose content of not less than 21 %.

2. The methods for testing the morphological and qualitative characteristics of varieties of rice are set out in Annex I.

⁽¹⁾ OJ No L 365, 24. 12. 1987, p. 3.

⁽²⁾ OJ No L 131, 27. 5. 1988, p. 2.

Article 2

1. Member States wishing to have an eligible variety of rice included in Annex B to Regulation (EEC) No 3878/87 shall submit to the Commission, not later than 31 July of each year, an application stating the name of the variety and its reference in the national catalogue of agricultural plant varieties.

2. Having submitted an application in accordance with the provisions of paragraph 1, the Member State shall forward to one only of the laboratories listed in Annex II a sample of unhusked certified seed of each of the varieties concerned. The Commission departments will indicate by 31 December of each year at the latest which laboratory is to receive the sample.

The sample, weighing at least 5 kg, shall have been produced during that year in one of the areas listed in Annex A to Regulation (EEC) No 3878/87.

Article 3

1. The laboratory responsible for processing the rice shall, having carried out germination tests and having processed the rice, forward samples labelled with a code to all the laboratories listed in Annex II, and shall forward a list of the codes and the information to which they correspond to the Commission staff under sealed cover.

2. Each sample sent to the laboratories for analysis shall consist of at least 100 grams of husked rice, and at least 750 grams of milled rice. Samples shall consist of entire grains only, and entire but chalky grains shall be eliminated from samples of milled rice.

Article 4

1. The Commission staff shall determine the characteristics of the varieties involved using the arithmetic mean or the results of the analyses carried out, after excluding the highest figure and the lowest.

2. Should two or more applications for the inclusion of a single variety be received, its characteristics shall be determined according to the mean of the test results, as set out in paragraph 1.

3. The Commission staff shall inform the Member States of the results of the analyses before 31 March of each year.

Article 5

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

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

Done at Brussels, 17 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

METHODS OF ANALYSIS

A. MORPHOLOGICAL CHARACTERISTICS

The following method shall be used to measure the rice grains and to check for the absence of pearl or striation :

1. a number of entire grains will be drawn from the sample ;
2. an average shall be established by taking two measurements of 100 grains each ;
3. the result shall be expressed rounded up or down to one decimal place.

B. QUALITATIVE CHARACTERISTICS

(a) Standardized procedure for the use of the Instron Food Tester to determine the glutinosity of cooked rice

1. *Purpose*

This method may be used for assessing the glutinosity of cooked rice with the Instron Food Tester.

2. *Scope*

Cooked wholly milled rice.

3. *Definitions*

The following definitions apply for the purposes of this method.

- 3.1. Glutinosity : tendency of cooked rice grains to adhere to each other.
- 3.2. Wholly milled rice : as defined in paragraph 1 (d) of Annex A to Regulation (EEC) No 1418/76.

4. *Principle*

Measurement of the effort required to overcome the resistance to the separation of two plane surfaces of smooth steel between which some grains of cooked rice have been compressed with a given force for a given duration.

5. *Apparatus*

- 5.1. Instron Food Tester, operating, for compression and traction, at a constant speed of 0,5 cm/min, provided with a loading cell having a measuring range of 0 to 5 kg.
- 5.2. Piston, adaptable to the loading cell of the Instron Food Tester (5.1), provided with a square smooth steel base.
- 5.3. Smooth-surfaced steel plate placed axially in relation to the piston (5.2.) and firmly on the base of the Instron Food Tester.
- 5.4. 25-ml beakers.
- 5.5. Electric water bath provided with a non-airtight lid and a perforated plate on which the beakers (5.4) are placed. The level of water in the vessel must be such that, during boiling, it does not rise above the perforated plate.
- 5.6. Balance, accurate to 0,1 grams
- 5.7. Glass rod.
- 5.8. Watch glasses, 6 cm in diameter.
- 5.9. Timer.
- 5.10. Spatula.
- 5.11. Plastic bags or other recipients capable of containing 2 grams of cooked rice and preventing dehydration thereof.

6. *Procedure*

6.1. Heating of bath

Adjust the temperature of the bath (5.5) so as to keep the water bubbling vigorously.

6.2. Preparation for cooking

For each determination : prepare two beakers (5.4) by introducing into each a sample of 8 grams of wholly milled rice (entire grains only), weighed to within 0,1 grams, with 12 ml of distilled water. Stir gently with the glass rod (5.7), cover the beakers with watch glasses (5.8).

6.3. Cooking

Take the lid off the cooking vessel, place the beakers on the perforated plate and quickly replace the lid. Switch on the timer (5.9). After 20 minutes turn off the heat and leave everything undisturbed for 10 minutes. Remove the beakers from the cooking vessel and invert them onto the watch glasses. Allow to cool for at least one hour.

6.4. Adjustment of the Instron Food Tester

Adjust the Instron Food Tester (5.1) according to the manufacturer's instructions, ensuring that the response of the loading cell corresponds to values between 0 and 640 grams and the speed to 0,5 cm/min.

6.5. Measurement with the Instron Food Tester

Remove the cooked rice from each beaker and, using the spatula (5.10), discard the extreme upper and lower layers. Prepare eight samples weighing 2 grams each, four from each beaker, weighed to within 0,1 grams, keeping them in the plastic bags (5.11) until they are to be measured. Place one sample, axially in relation to the piston (5.2) on the steel plate (5.3), piling the rice as closely as possible without pressure. Cause the piston to descend at a constant speed of 0,5 cm/min, until the compression force on the rice registers 640 grams. Stop the movement of the piston for 10 seconds then draw it back at the same speed.

Calculate the area beneath the curve defined (on the ordinate) by the tractive force in grams and (on the abscissa) by the distance covered by the piston in cm during the phase in which a positive tractive force value was exerted. The area represents the effort expressed in grams $\times$ cm.

7. Repeatability

The difference between the results of two determinations (two series of eight measurements) must not exceed 15 % of the mean value.

(b) Standardized procedure for the use of the Instron Food Tester to determine the consistency of cooked rice**1. Purpose**

This method may be used for assessing the consistency of cooked rice with the Instron Food Tester.

2. Scope

Cooked wholly milled rice.

3. Definitions

The following definitions apply for the purposes of this method.

3.1. Consistency: resistance to mastication of cooked rice.

3.2. Wholly milled rice: as defined in paragraph 1 (d) of Annex A to Regulation (EEC) No 1418/76.

4. Principle

Measurement of the effort required to extrude wholly milled cooked rice through a perforated plate.

5. Apparatus

5.1. Instron Food Tester, operating, for compression, at a constant speed of 10 cm/min.

5.2. 50 cm² model of the Ottawa texture measuring system cell, modified, if necessary, to reduce the section to 15 % of the original area, with a perforated plate insert.

5.3. Piston, adaptable to the loading cell of the Instron Food Tester (5.1).

5.4. 100-ml tall beakers.

5.5. Electric water bath, fitted with a non-airtight lid and a perforated plate on which the beakers (5.4) are placed. The level of water in the bath must be such that, during boiling, it does not rise above the perforated plate.

5.6. Balance, accurate to 0,1 grams.

5.7. Glass rod.

5.8. Watch glasses, 6 cm in diameter.

5.9. Timer.

5.10. Spatula.

5.11. Plastic bags or other recipients capable of containing 17 grams of cooked rice and preventing dehydration thereof.

6. Procedure

6.1. Heating of bath

Adjust the temperature of the bath (5.5) so as to keep the water bubbling vigorously.

6.2. Preparation for cooking

For each determination : prepare two beakers (5.4) by introducing into each a sample of 20 grams of wholly milled rice (entire grains only), weighed to within 0,1 grams, with 38 ml of distilled water. Stir gently with the glass rod (5.7), cover the beakers with watch glasses (5.8).

6.3. Cooking

Take the lid off the bath, place the beakers on the perforated plate and quickly replace the lid. Switch on the timer (5.9). After 20 minutes turn off the heat and leave everything undisturbed for 10 minutes. Remove the beakers from the bath and invert them on to the watch glasses. Allow to cool to room temperature.

6.4. Adjustment of the Instron Food Tester

Adjust the Instron Food Tester (5.1) according to the manufacturer's instructions, ensuring that the response of the loading cell corresponds to values between 5 and 10 kg and the speed to 10 cm/min.

6.5. Measurement with the Instron Food Tester

Remove the cooked rice and prepare six samples weighing 17 grams each, three for each of the two beakers, weighed to within 0,1 grams, keeping them in the plastic bags (5.11) until they are to be measured. Place one sample in the Ottawa cell (5.2) and cause the piston (5.3) to descend at a speed of 10 cm/min, recording continuously the effort required to extrude the sample of cooked rice.

The consistency of the sample is taken to be equal to the effort (in/kg) expressed by the mean value of the plateau of the extrusion curve.

7. Repeatability

The difference between the results of two determinations (six measurements each) must not exceed 10 % of their mean value.

(c) Amylose content

Determined according to ISO standard 6647.

*ANNEX II***LIST OF LABORATORIES**

1. INSTITUUT VOOR GRAAN, MEEL EN BROOD TNO
Lawickse Allee 15
6701 AN WAGENINGEN (Nederland)
 2. IRAT-INRA DE TECHNOLOGIE DES CÉRÉALES
ENSAM
9, place Viala
MONTPELLIER (France)
 3. INSTITUTO DE AGROQUÍMICA Y TECNOLOGÍA DE LOS ALIMENTOS
C/Jaime Roig 11
VALENCIA (España)
 4. ENTE NAZIONALE RISI — CENTRO DI RICERCHE SUL RISO
MORTARA (Italia)
 5. INSTITUTO DE QUALIDADE ALIMENTAR (IQA)
Rua Castilho Nº 36 — R/C
LISBOA (Portugal)
 6. FLOUR MILLING AND BAKING RESEARCH ASSOCIATION
Chorleywood
Rickmansworth
HERTFORDSHIRE (United Kingdom)
-

COMMISSION REGULATION (EEC) No 2581/88
of 16 August 1988
on the supply of refined palm oil to Nicaragua 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, by its Decision of 8 June 1988 on the supply of food aid to Nicaragua the Commission allocated to the latter country 1 500 tonnes of refined palm oil;

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

A tendering procedure is hereby initiated for the award of a contract for the supply of refined palm oil to Nicaragua in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

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

1. Operation No (1): 840/88
2. Programme: 1988
3. Recipient: Nicaragua
4. Representative of the recipient(2): Sr. M. Zacarías, Ministerio de Economía, Km 31, Carretera Corinto, Nicaragua Tel.: 3 41 21 80, Telex: 1287.
5. Place or country of destination: Nicaragua
6. Product to be mobilized: refined palm oil
7. Characteristics and quality of the goods:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III. A3)
8. Total quantity: 1 500 tonnes net
9. Number of lots: one
10. Packaging and marketing: in bulk
11. Method of mobilization: Community market
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: 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 the port of shipment stage: 7 October to 7 November 1988
18. Deadline for the supply: 25 November 1988
19. Procedure for determining the costs of supply (3): tendering
20. Date of expiry of the period allowed for submission of tenders: 6 September 1988, not later than 12 noon. Tenders shall be valid until 12 midnight on 7 September 1988
21. In the case of a second invitation to tender:
 - (a) deadline for the submission of tenders: 20 September 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 21 September 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 21 October to 21 November 1988
 - (c) deadline for the supply: 9 December 1988
22. Amount of the tendering security: 15 ECU/tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ECU
24. Address for submission of tenders (3): 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 Bruxelles, telex: AGREC 22037 B
25. Refund payable on request by the successful tenderer: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer:
Luigi Boselli, EEC Delegate, Calle Orinoco, Las Mercedes, Apartado 67076, Las Americas 1061 A, Caracas, Venezuela Tel. 91 51 33, Telex 27298 COMEU VC, Telefax 91 88 76.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 level.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) 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.

COMMISSION REGULATION (EEC) No 2582/88

of 17 August 1988

concerning the stopping of fishing for herring by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3977/87 of 21 December 1987, fixing, for certain fish stocks and groups of fish stocks, total allowable catches for 1988 and certain conditions under which they may be fished⁽²⁾, provides for total allowable catches of herring for 1988;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to total allowable catches, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the total allowable catches;

Whereas, according to the information communicated to the Commission, catches of herring in the waters of ICES

divisions VI a South and VII b, c by vessels flying the flag of a Member State or registered in a Member State have reached the total allowable catches for 1988,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions VI a South and VII b, c by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the total allowable catches for 1988.

Fishing for herring in the waters of ICES divisions VI a South and VII b, c by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

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

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

Done at Brussels, 17 August 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 375, 31. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 2583/88
of 18 August 1988

amending Regulation (EEC) No 2325/86 on communications from the Member States to the Commission with regard to peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1104/88⁽²⁾, and in particular Article 5 thereof,

Whereas in order to apply the system of maximum guaranteed quantities the Commission should be in possession, before mid-August, of the latest production estimates from the Member States for peas, field beans and sweet lupins; whereas an amendment to Commission Regulation (EEC) No 2325/86⁽³⁾ is therefore necessary;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Regulation (EEC) No 2325/86 is replaced by the following:

Article 6

Before the 15 August of each year, Member States shall forward to the Commission the following information:

- the areas under peas, field beans and sweet lupins and the quantities of those crops grown for the preceding marketing year,
- the areas under peas, field beans and sweet lupins and the quantities of those crops grown for the current marketing year¹.

However, the information required under the second indent and relating to the 1988/89 marketing year shall be forwarded before 20 August 1988.

Article 2

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

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

Done at Brussels, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 202, 25. 7. 1986, p. 21.

COMMISSION REGULATION (EEC) No 2584/88

of 18 August 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80
of 27 June 1980 on the common organization of the
market in sheepmeat and goatmeat ⁽¹⁾, as last amended by
Regulation (EEC) No 1115/88 ⁽²⁾,

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

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

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

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

Whereas in the Annex to Commission Regulation (EEC)
No 1310/88 of 11 May 1988 on the application of the
guarantee limitation arrangements for sheepmeat and
goatmeat ⁽⁵⁾ the weekly amounts of the guide level are set
out pursuant to Article 9a (3) of Regulation (EEC) No
1837/80;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 5, within the meaning of Article 3 (5)
of Regulation (EEC) No 1837/80, for the variable
slaughter premium during the week beginning 25 July
1988, the level of the premium is fixed at 16,453
ECU/100 kilograms of estimated or actual dressed carcase
weight within the limits laid down by Article 1 (1) (b) of
Regulation (EEC) No 1633/84.

Article 2

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

Article 3

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

It shall apply with effect from 25 July 1988.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

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

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	7,733	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	16,453	0
0204 21 00	16,453	0
0204 50 11		0
0204 22 10	11,517	
0204 22 30	18,098	
0204 22 50	21,389	
0204 22 90	21,389	
0204 23 00	29,944	
0204 30 00	12,340	
0204 41 00	12,340	
0204 42 10	8,638	
0204 42 30	13,574	
0204 42 50	16,042	
0204 42 90	16,042	
0204 43 00	22,459	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	21,389	
0210 90 19	29,944	
1602 90 71		
— unboned (bone-in)	21,389	
— boned or boneless	29,944	

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

COMMISSION REGULATION (EEC) No 2585/88
of 18 August 1988

suspending Regulation (EEC) No 2020/88 on the sale of skimmed-milk powder

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 7 (5) thereof.

Whereas the objective of Commission Regulation (EEC) No 2020/88 of 7 July 1988 permitting suppliers of Community food aid to purchase skimmed-milk powder from the intervention agencies and derogating from Regulation (EEC) No 2213/76 ⁽³⁾ can no longer be achieved; whereas the quantities of skimmed-milk powder available in public storage are substantially lower than food-aid supply requirements; whereas that Regulation should accordingly be suspended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2020/88 is hereby suspended.

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 to food-aid supplies allocated after that date.

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

Done at Brussels, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 177, 8. 7. 1988, p. 37.

COMMISSION REGULATION (EEC) No 2586/88

of 18 August 1988

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

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 common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2210/88 ⁽²⁾, and in particular Article 27a (6) thereof,

Whereas the way the system of maximum guaranteed quantities provided for in Article 27a of Regulation No 136/66/EEC is to operate should be specified and Commission Regulation (EEC) No 2681/83 ⁽³⁾, as last amended by Regulation (EEC) No 2009/88 ⁽⁴⁾, should be amended accordingly;

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

Article 32a of Regulation (EEC) No 2681/83 is hereby replaced by the following:

'Article 32a

1. On the basis of data supplied by the Member States or otherwise obtained, the Commission shall fix for the Community as constituted at 31 December 1985, for Spain and Portugal, before the end of the second month of each marketing year and in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, for rape seed on the one hand and for sunflower on the other:

— the estimated production referred to in the first subparagraph of Article 27a (3) of Regulation No 136/66/EEC for the current marketing year,

— the actual production referred to in the second subparagraph of Article 27a (3) of Regulation No 136/66/EEC for the preceding marketing year, and, in accordance with paragraph 2:

— the amount by which the subsidy for the marketing year in question shall, where appropriate, be adjusted.

2. The amount by which the aid for a given marketing year is to be adjusted shall be given by the algebraic sum of:

— the reduction for the marketing year in question, calculated on the basis of the estimated production in accordance with the first subparagraph of Article 27a (3) of Regulation No 136/66/EEC and with Article 1 (2) of Regulation (EEC) No 1594/83, and

— the positive or negative reduction carried over from the previous marketing year and resulting from the difference between, on the one hand, the reduction which would have been calculated for that marketing year if actual production had been taken into account instead of estimated production, and on the other hand the reduction on the basis of estimated production.

3. The amounts of the subsidy fixed provisionally for a given marketing year before the adjustment for that marketing year is published in the *Official Journal of the European Communities*, shall be adjusted accordingly by the Commission.

4. The Member States shall forward to the Commission before 15 August each year in respect of rape seed and before 15 September each year in respect of sunflower seed, the figures on:

— areas and production harvested during the preceding marketing year,
— areas and production to be harvested during the current marketing year.

However, the figures referred to in the second indent concerning the 1988/89 marketing year for rape seed shall be forwarded before 20 August 1988⁵.

Article 2

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

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 177, 8. 7. 1988, p. 18.

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

Done at Brussels, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2587/88
of 18 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 2572/88 ⁽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 19 August 1988.

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

Done at Brussels, 18 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 229, 18. 8. 1988, p. 29.

ANNEX

to the Commission Regulation of 18 August 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,52 ⁽¹⁾
1701 11 90	34,52 ⁽¹⁾
1701 12 10	34,52 ⁽¹⁾
1701 12 90	34,52 ⁽¹⁾
1701 91 00	45,28
1701 99 10	45,28
1701 99 90	45,28 ⁽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 2588/88
of 18 August 1988

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 2367/88 ⁽³⁾, as last amended by Regulation (EEC) No 2559/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2367/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 2367/88 are hereby altered to the amounts shown 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, 18 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 205, 30. 7. 1988, p. 27.

⁽⁴⁾ OJ No L 228, 17. 8. 1988, p. 27.

ANNEX

to the Commission Regulation of 18 August 1988 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4528	—
1702 20 90	0,4528	—
1702 30 10	—	52,35
1702 40 10	—	52,35
1702 60 10	—	52,35
1702 60 90	0,4528	—
1702 90 30	—	52,35
1702 90 60	0,4528	—
1702 90 71	0,4528	—
1702 90 90	0,4528	—
2106 90 30	—	52,35
2106 90 59	0,4528	—

COMMISSION REGULATION (EEC) No 2589/88

of 18 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 2573/88 ⁽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 17 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 19 August 1988.

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

Done at Brussels, 18 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 229, 18. 8. 1988, p. 31.

⁽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 18 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
1102 90 90 ⁽²⁾	154,73	151,71
1103 19 90 ⁽²⁾	154,73	151,71
1103 29 90 ⁽²⁾	154,73	151,71
1104 19 99 ⁽²⁾	273,77	267,73
1104 29 10*30 ⁽²⁾ ⁽⁸⁾	241,00	237,98
1104 29 10*40 ⁽²⁾ ⁽⁹⁾	241,00	237,98
1104 29 10*90 ⁽²⁾ ⁽¹⁰⁾	241,00	237,98
1104 29 30*30 ⁽²⁾ ⁽⁸⁾	241,00	237,98
1104 29 30*40 ⁽²⁾ ⁽⁹⁾	241,00	237,98
1104 29 30*90 ⁽²⁾ ⁽¹⁰⁾	241,00	237,98
1104 29 99 ⁽²⁾	154,73	151,71

⁽²⁾ 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.

⁽⁸⁾ Taric code: millet.

⁽⁹⁾ Taric code: sorghum.

⁽¹⁰⁾ Taric code: others.

COMMISSION REGULATION (EEC) No 2590/88**of 18 August 1988****amending Regulation (EEC) No 2518/88 introducing a countervailing charge on certain varieties of plums originating in Yugoslavia**

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 2518/88⁽³⁾, introduced a countervailing charge on certain varieties of plums originating in Yugoslavia;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced 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 certain varieties of plums originating in Yugoslavia must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2518/88, '23,56 ECU' is hereby replaced by '38,54 ECU'.

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, 18 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, p. 1.

⁽³⁾ OJ No L 220, 11. 8. 1988, p. 22.

COMMISSION REGULATION (EEC) No 2591/88

of 18 August 1988

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 2221/88 ⁽²⁾, and in particular the fourth subparagraph
of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds ⁽³⁾, provides that when
refunds are being fixed, account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand, and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports and
the need to avoid disturbances on the Community
market;

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

Whereas these specific criteria are defined, as far as wheat
and rye flour, groats and meal are concerned, in Article 4
of Regulation (EEC) No 2746/75; whereas furthermore,
when the refund on these products is being calculated,

account must be taken of the quantities of cereals
required for their manufacture; whereas these quantities
were fixed in Commission Regulation No 162/67/EEC ⁽⁴⁾,
as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

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

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

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

- in the case of currencies which are maintained in rela-
tion to each other at any given moment within a band
of 2,25 % a rate of exchange based on their central
rate, multiplied by the corrective factor provided for in
the last paragraph of Article 3 (1) of Council Regula-
tion (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regula-
tion (EEC) No 1636/87 ⁽⁷⁾;
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded over a given period in rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

Article 1

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

Article 2

This Regulation shall enter into force on 19 August 1988.

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

Done at Brussels, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 August 1988 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	30,00 (2)
	05	25,00 (2)
	07	24,00 (2)
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	03	15,00
	08	11,00
	06	14,00
	02	10,00
1002 00 00 000	03	36,00
	06	35,00
	02	15,00
1003 00 10 000	02	0
1003 00 90 000	03	15,00
	07	11,00
	02	10,00
1004 00 10 000	02	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	35,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	60,00
1101 00 00 120	01	60,00
1101 00 00 130	01	52,00
1101 00 00 150	01	42,00
1101 00 00 170	01	32,00
1101 00 00 180	01	22,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	60,00
1102 10 00 200	01	60,00
1102 10 00 300	01	60,00
1102 10 00 500	01	60,00
1102 10 00 900	—	—
1103 11 10 100	05	200,00
	02	170,00
1103 11 10 200	05	200,00
	02	161,00
1103 11 10 500	01	144,00
1103 11 10 900	01	135,00
1103 11 90 100	01	60,00
1103 11 90 900	—	—

(1) The destinations are identified as follows :

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

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

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

COMMISSION REGULATION (EEC) No 2592/88

of 18 August 1988

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2221/88⁽²⁾,Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and,

furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

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

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

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

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the preceding indent and the aforesaid coefficient;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 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 281, 1. 11. 1975, p. 78.⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 18 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 August 1988 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	+ 40,00	+ 40,00	+ 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	+ 30,00	+ 30,00	+ 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	+ 30,00	+ 30,00	+ 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	- 1,50	- 3,00	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1101 00 00 120	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1101 00 00 130	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1101 00 00 150	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1101 00 00 170	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1101 00 00 180	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1102 10 00 200	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1102 10 00 300	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1102 10 00 500	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	+ 18,00	+ 18,00	+ 18,00	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 All third countries.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 July 1988

relating to a proceeding under Article 85 of the EEC Treaty
(IV/31.902 — IVECO/FORD)

(Only the English and Dutch texts are authentic)

(88/469/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 6 and 8 thereof,

Having regard to the notification of agreements on a joint arrangement relating to heavy vehicles made on 24 June 1986 by the Ford Motor Company Ltd, Brentwood, Essex, United Kingdom, and Iveco Industrial Vehicles Corporation BV, Amstelveen, The Netherlands,

Having regard to the summary of the notification published ⁽²⁾ in accordance with Article 19 (3) of Regulation No 17,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

(1) The proceeding relates to an agreement between two motor vehicle manufacturers in the heavy vehicle sector on the setting up of a joint venture

to take over Ford's previous manufacture of the 'Cargo' line and to market the latter together with Iveco heavy vehicles in the United Kingdom.

The parties

(2) The Ford Motor Company Ltd (Ford UK) is a subsidiary of the Ford Motor Company, Dearborn, Michigan, United States (Ford USA), and the only Ford Group company in Europe which manufactures and distributes heavy vehicles; the only heavy vehicle it produces being the Cargo line, in the 6 tonnes and above gross vehicle weight range. Outside Europe, the Ford Group still produces heavy vehicles in the United States and Brazil.

(3) Iveco Industrial Vehicles Corporation BV (Iveco) is a holding company within the Fiat Group; its subsidiaries include Iveco-Fiat SpA, Turin, Italy; in the heavy vehicles sector, Iveco produces vehicles in the 3,5 tonnes and above gross vehicle weight range.

(4) The joint venture, Iveco-Ford Truck Ltd, (the JV), was set up with an initial equity of 39,6 million pounds sterling and its registered office in Watford, United Kingdom. Ford UK and Iveco each have a 48 % holding, the remaining 4 % being held by Credit Suisse First Boston Ltd, London.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 287, 27. 10. 1987, p. 10.

The agreements

- (5) The basic agreement (referred to as the Omnibus Agreement), concluded on 15 April 1986, describes the objectives of the joint arrangement. The JV is to take over the production and sale of the heavy vehicles previously manufactured by Ford UK and marketed as the 'Cargo' line. In addition, though only in the United Kingdom, it is for the time being to market the heavy vehicles manufactured by Iveco that are to supplement the Cargo line (4 tonnes and above gross vehicle weight). Later, when Iveco's planned new generation of heavy vehicles replaces the Cargo line, the JV is to market the entire range of Iveco heavy vehicles in the United Kingdom.
- (6) Other agreements provided for in the Omnibus Agreement relate to the internal make up of the JV, the transfer of Ford UK's Cargo business and related assets to the JV, licensing, production, supplies and marketing. All the arrangements are regarded by the parties as constituting one and the same transaction together with the Omnibus Agreement.

Under the Shareholders Agreement, Iveco has the right to appoint a majority of the members of the Board of Directors of the JV and to appoint its Chairman. The Chairman is also to be the Chief Executive. Iveco also has the right to appoint the Company Secretary and the Sales and Finance Managers. Ford UK has the right to appoint the Deputy Chairman, the Industrial Operations Manager and the Personnel Manager. In important matters relating to the JV, a qualified majority, which must include the vote of at least one Board member appointed by each of Iveco and Ford UK, is required. Important matters are deemed to include in particular changes affecting production, supplies of components, the Cargo, other heavy vehicle models and distribution.

- (7) Ford UK sold to the JV the equipment necessary for the production of the Cargo line and Ford UK arranged for the transfer to the JV of the personnel employed there. The JV is granted the authority to use the industrial property rights necessary for production. A lease on the Langley plant has been concluded between Ford UK and the JV for a term of up to 17 years.
- (8) Ford UK and the JV have agreed, with the concurrence of Iveco, that Ford UK will supply and the JV will purchase all of the JV's requirements of

certain Cargo components, in particular engines and transmissions (Component Supply Agreement).

- (9) The parties have agreed that the JV will give Ford UK the exclusive right to distribute all spare parts for the Cargo line and that it will supply to Ford UK spare parts which it manufactures itself (Parts Agreement, Service Parts Supply Agreement). The JV is required to continue to handle the Cargo supply agreements with third parties, using the Ford accounting system (Bought Out Parts Agreement/Service Agreement).
- (10) The joint distribution by the JV of the Cargo and of the Iveco heavy vehicles complementing it is agreed only in respect of the United Kingdom, where the two specialized dealer networks of Ford UK and Iveco are to be combined and to be continued by the JV on a basis of exclusive and selective distribution on the pattern developed by Ford (Truck Specialist Dealer Agreement).
- (11) The JV has the right to distribute Iveco products under the combined Iveco-Ford trademark; the JV was originally obliged to market the Cargo line produced by it under the Ford trademark only (Trademark Licence Agreement). Since the entry into effect of the notified agreements, the parties have agreed that, as regards Cargos sold in the United Kingdom, the Ford trademark can be used in conjunction with the Iveco trademark.
- (12) Iveco has undertaken to bear the costs to the JV of marketing Iveco products in the United Kingdom (Marketing Services Agreement).
- (13) The parties have stipulated that the JV must distribute the Cargo line on the European continent solely through the local Ford subsidiaries acting as importers (Distribution Agreement). Exports of Cargos to Greek and to non-European overseas Ford dealers are to be accomplished using the 'Ford Direct Market Operations' (FDMO), a special sales system developed by Ford US.
- (14) Ford UK has undertaken in the Omnibus Agreement not to manufacture or sell heavy vehicles in Europe and the non-European Mediterranean area; Ford USA acting on its own behalf and on behalf of other Ford companies has undertaken not to manufacture or market heavy trucks in Europe and not to manufacture or market the 'Cargo Ram' heavy vehicle currently being manufactured in Brazil and in the Mediterranean area. These no-competition undertakings apply for as long as Ford UK is a shareholder in the JV and for a period five years thereafter, provided that this period shall not extend beyond the end of 1995.

Iveco has undertaken not to compete with the JV in the United Kingdom and to market in the United Kingdom, through the JV alone, only the 'complementary' Iveco products covered by the agreement; and Iveco has undertaken to procure that the JV shall not sell the Cargo in the United States, Canada, Brazil or Australia, except in a substantially differentiated form.

- (15) The no-competition clause imposed on Iveco was originally to have applied for as long as Ford UK was a shareholder in the JV. The trademark licences granted by Ford UK were to apply beyond that period for a further five years. Following approaches by the Commission, the parties have amended the agreements in such a way that neither the ban on competition by Iveco nor the licensing agreements regarding the 'Ford Cargo' and 'Iveco-Ford' trademarks will now extend beyond 31 December 1995.
- (16) Under the Omnibus Agreement, neither party may transfer its shares in the JV to third parties. Each party is entitled, as soon as the Cargo line is replaced by a new Iveco line, or otherwise at any time after 31 December 1992, to require the transfer of Ford UK's shares in the JV to Iveco. Ford UK can require that this be done with immediate effect (put option), whereas Iveco must give two years' prior notice (call option). If either option is exercised, the JV will be completely incorporated into the Fiat Group. This need not necessarily occur, since there is no provision in the agreements for an automatic termination of the joint arrangement.

The relevant markets

- (17) The Cargo line has been manufactured in Europe since 1981 in 6 to 10,9 tonne, 11 to 24 tonne and 16 to 33 tonne gross vehicle weight models. The

bulk of sales of Cargo vehicles is accounted for by the 6 to 11 tonne range of models. Neither Ford UK nor Iveco is including lighter transport vehicles, under 4 tonne gross vehicle weight, in the joint venture arrangement. Ford UK continue to be represented on this market with its Transit range of vehicles, independently of Iveco.

- (18) Iveco's heavy vehicle range comprises the following types and models:

- the 'S' range of 3,5 to 5 tonne transport vehicles,
- the 'Z' range of 5,1 to 8 tonne or 10,9 tonne transport vehicles and lorries,
- the 'M' range of 12 to 17,5 tonnes,
- the 'T' and 'TS' or 'P' and 'PA' ranges of 16 to 24 or 33 tonnes, and buses and special transport vehicles of 4 to 33 tonnes.

As a result of the agreements, Iveco vehicles in the 6 to 15,9 tonne range are largely excluded from distribution through the JV. The successful Iveco types 'T' in the 16 tonne + range may be sold through the JV in the United Kingdom. Iveco heavy vehicles in the 'S' range below 4 tonnes are excluded.

With the combining of the dealer networks, the JV has over 115 authorized dealers in the United Kingdom.

- (19) The market for heavy vehicles normally includes all lorries, buses and special transport vehicles above 3,5 tonnes gross vehicle weight. Heavy vehicles are sold by a number of other undertakings in the United Kingdom and the other Community countries that are in competition with one another and in some cases have substantial market shares. Sales of heavy vehicles continue to be marked by a preference among buyers for national suppliers:

	Registrations of heavy vehicles of 4 tonnes and above in 1985									
	UK %	I %	D %	F %	NL %	B %	DK %	IRL %	P %	E %
Daimler-Benz	11,6	8,7	62,6	21,1	23,5	28,6	13,8	8,7	3,1	6,3
Iveco	3,6	69,4	13,6	14,5	4,2	7,8	10,3	4,3	12,5	5,3
RVI	7,9	2,3	1	39	2,5	9,1	3,4	4,3	6,3	25,3
Volvo	8,4	4,1	1,9	10	15,1	14,3	25,9	8,7	9,4	3,2
Ford	18,7	1,4	1	2,6	1,7	2,6	6,9	13	6,3	—
MAN	2,6	2,3	16,7	1,4	7,6	5,2	6,9	—	—	5,3
Scania	4,9	6,8	2,3	4,8	13,4	10,4	22,4	4,3	3,1	3,2
DAF	5,6	2,3	0,6	4,8	27,7	15,6	5,2	4,3	3,1	2,1
Leyland	16,6	—	—	—	—	—	—	4,3	—	—
GM	11,2	—	—	—	—	—	—	4,3	—	—
Others	9	2,7	0,2	1,7	4,2	6,5	5,2	43,5	56,2	49,2

- (20) Ford UK had a considerable market position in the United Kingdom with its sales of the Cargo line (in 1984 some 19%, 1985 some 18,7 % of sales of heavy vehicles in the 4 tonne+ class). Iveco, by contrast, had a much weaker market position in the United Kingdom (in 1984 some 3,5 %, 1985 some 3,6 %). Ford UK did not have major market shares in any of the other Member States with its lorries in the relevant classes. Iveco, by contrast, is one of the undertakings which have been able to penetrate beyond their home market into the other Member States and win substantial market shares there (see point 19). After Daimler-Benz (1985 : 114 059 units in the 3,5 tonne+ gross vehicle weight class), Iveco is the second largest producer of heavy vehicles in the Community (76 636 units); Ford UK is the fifth largest (17 160 units).
- (21) Following the publication pursuant to Article 19 (3) of Regulation No 17, the Commission received comments from the Associazione Nazionale Industria dell'Ottica Meccanica Fine e di Precisione-Assottica, Milan, Italy. The Association objects to the requirement that the JV give Ford UK the exclusive right to deal in spare parts and, in particular, supply the spare parts it manufactures itself to Ford UK. It argues that this sort of restriction can be justified only in so far as Ford itself manufactures the components for the Cargo line. The Association also points to the distortions of competition that result from the vehicle manufacturers' practice of branding exclusively with their own trademark components and parts not manufactured by them.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (22) The Omnibus Agreement between Ford UK and Iveco on the setting up of the joint venture (JV) and the series of agreements which the parties regard as being inextricably linked with it fall within the scope of Article 85 (1). They have as their object and effect the restriction of competition within the common market and may affect trade between Member States. However, they may be exempted under Article 85 (3).
- (23) The JV is controlled jointly by Ford UK and Iveco through their equal shareholdings. Although Ford UK is giving up the production of heavy vehicles in Europe, the JV is not as yet incorporated into the Fiat-Iveco Group. It is indeed uncertain whether that will happen in the future. Iveco has

the right to appoint a majority and the Chairman of the Board of Directors. For the day to day operations of the JV Iveco has the greater influence, especially as regards marketing. Ford UK is enabled to retain substantial influence on production and sale of the Cargo line by the JV, e.g. through the appointment of the Industrial Operations Manager and through the determination of the production and marketing programme. Major decisions relating to the JV must be approved by a qualified majority of the Board of Directors, which requires the affirmative vote of at least one Board member appointed both by the Iveco Group and by the Ford UK Group (see point 6).

- (24) The JV is a business formation between competitors. It cannot be considered to be an independent new competitor in the heavy vehicles sector. Although the transfer of its previous heavy vehicle production to the JV means that Ford UK is withdrawing as a direct competitor, the Ford Group will continue to produce heavy vehicles in the relevant ranges in the United States and elsewhere overseas. Ford remains an important supplier there, and one which could also export to Europe.

Following the entry into force of the agreements on the setting up of the JV, therefore, a potential competitors' relationship continues to exist between Ford UK and Iveco or the JV. Iveco is indeed a direct competitor of the JV, since Iveco manufactures products that are in competition with the category to which the Cargo line belongs and is in a position to supply them everywhere in the common market. The fact that the parent companies of the JV, namely Ford UK and Iveco, have undertaken not to compete with the JV in a specific geographical area and for a limited period (see points 14 and 15) reinforces the conclusion that the setting up of the JV falls within the scope of Article 85 (1).

- (25) The JV is associated with a series of agreements between the partners relating both to their competitive behaviour and to that of the JV.

The prohibitions of competition imposed on the partners are of differing scope. Iveco is prohibited from competing with the JV in the United Kingdom (see point 14 and 15). In line with the objectives of the JV, Iveco is required to sell its own heavy vehicles in the United Kingdom only through the JV, and in conjunction with the Ford Cargo line. So as to promote joint marketing through the JV, Iveco is required not to supply certain heavy vehicles to the United Kingdom in so far as they are in direct competition with the Ford Cargo. Competition between the two parties'

various heavy vehicle ranges is thus restricted and consumer choice in the United Kingdom reduced. The production and supply ban imposed on Ford UK (see points 14 and 15) prevents Ford UK until the end of 1995 from producing heavy vehicles of 4 tonnes+ gross vehicle weight in Europe or from supplying them to Europe, which reduces the number of suppliers in this sector.

- (26) In so far as Iveco heavy vehicles and spare parts may also be branded with the Ford trademark and in so far as such products using the combined trademark may only be distributed in the United Kingdom, these measures contribute to the regionalization of the sales markets of the JV and Iveco. They may have the effect of making parallel imports more difficult.
- (27) Joint marketing by the JV results in restrictions at the commercial level in so far as the dealers of the combined distribution network may distribute only the range of heavy vehicle products specified by the partners (the Ford Cargo line and the complementary Iveco vehicles, see points 5 and 10).
- (28) In so far as the JV is required to continue to purchase all its requirements of certain components for the production of the Cargo from Ford UK, in particular engines and transmissions (see point 8), the scope for Iveco and other undertakings to supply such parts is limited, and hence demand competition is restricted to the detriment of other suppliers. The same applies to the trade in spare parts for the Cargo, which is reserved to Ford UK alone (see point 9). The JV cannot, therefore, operate on the market itself in this respect.
- (29) The agreements may appreciably affect trade between Member States. The two parties, whose registered offices are situated in different Member States, operate throughout the common market. Trade between Member States is affected particularly because of the restrictions to which Iveco is subject in selling its heavy vehicles in the United Kingdom and to which the JV is subject in producing and selling heavy vehicles within the common market.

B. Article 85 (3)

- (30) The conditions for exempting agreements under Article 85 (3) are fulfilled. The Omnibus Agreement on the setting up of the JV and the agreements associated with it improve the production and distribution of goods, while allowing consumers a fair share of the resulting benefit, without (a) imposing on the undertakings concerned restrictions that are not indispensable to the attainment of those objectives, or (b) affording such undertakings the possibility of eliminating competition in

respect of a substantial part of the products in question.

- (31) The JV makes it possible to achieve rationalization effects. The market forces heavy vehicle manufacturers to produce a variety of types, since, particularly in the case of customers with large vehicle fleets, vehicles from a single manufacturer are often sought so as to take advantage of uniform maintenance and spare parts systems for different vehicle types and models (see Commission Decision 83/668/EEC 'VW-MAN')⁽¹⁾. The JV makes it possible for the Cargo line to be supplemented and for the time pending the introduction of a new product range to be bridged. Iveco is able to move into Ford UK's previous position in the United Kingdom. It is already in a position to fill the existing gaps in Ford UK's range, and indeed to do so in the United Kingdom where Iveco has hitherto not been able to achieve any significant market share, while Ford UK has in the past held fairly substantial market shares and enjoyed a well-known brand image. After phasing out the Cargo line, advantages are to be expected as soon as the JV and Iveco produce and market a common range of vehicles with common components.
- (32) The combining of Iveco's dealer network with the substantially larger Ford UK distribution network similarly increases the scope for Iveco's sales and reduces its costs.
- (33) Ford dealers had already felt the lack of a complete range; their market shares had fallen in recent years. The addition of the complementary Iveco models will improve their competitiveness. Their distribution and service capacities can be maintained since there is now a chance that the existing vehicle will be replaced by a new generation of vehicles.
- (34) The JV and the restrictions associated with it must be regarded as essential for achieving the objective of the cooperation and for improving the production and distribution of the goods.

The JV must be regarded as indispensable because it permits the rationalized and smooth transition from the old range of models to a new generation of vehicles; this could not be achieved with the same prospects of success in any other way. The JV's success is ensured in particular by the fact that Ford UK will give up production and distribution of heavy vehicles in Europe in favour of the JV by the end of 1995 and that, up to that time, Iveco will not sell directly (i.e. outside the JV) in the United Kingdom (see points 14, 15, 24 and 25).

⁽¹⁾ OJ No L 376, 31. 12. 1983, p. 11.

The JV needs to be certain, during the period in which the Cargo has not yet been replaced by new lines, that the parent companies will not jeopardise the situation through their own competitive actions. The prohibitions on competition apply only until five years after one of the parent companies has withdrawn from the JV, and at any rate only to the end of 1995 (see point 15). It must be assumed that the introduction phase will last that long. Iveco in particular, which would have been able to compete effectively against the JV, is subject to a ban on the distribution of competing products, albeit only in the United Kingdom. In the rest of the common market, the competitive situation between the Ford Cargo line and Iveco vehicles remains unchanged. This geographical distribution of tasks between Iveco and the JV can be accepted up to the end of 1995.

- (35) The agreements related to the carrying of trademarks (see points 11 and 26) and the combining of dealer networks (see points 10 and 27) are similarly a necessary consequence of joint distribution. Until such time as a new complete range of products is created, Ford UK's existing goodwill can be maintained and exploited in the area of cooperation with Iveco by means of the JV.

- (36) Ford UK's right to supply Cargo components (see points 8 and 28) makes it possible for the Cargo to continue to be manufactured by the JV during the transitional period. In so far as Ford UK also reserves the right to market spare parts for the Cargo (see points 9 and 28), the continuing supply of spare parts to dealers in accordance with the Ford distribution system is ensured, especially if these dealers distribute other Ford vehicles needing the same or similar parts. The undertaking of the JV to supply to Ford UK all spare parts which it manufactures itself matches the practice of all vehicle manufacturers, to commercialise the whole range of spare parts only through their own distribution networks. This undertaking does not affect the possibility for a third party supplier of the JV to distribute its own spare parts on the free market.

- (37) The agreement does not result in competition being eliminated in respect of a substantial part of the relevant goods. It is to be assumed that effective competition exists in the common market in the heavy vehicles sector.

The extent of the restrictions of competition resulting from the agreements and of remaining competition is to be measured in terms of the relevant

markets. These are primarily determined by the products covered by the cooperation agreement. The cooperation relates to heavy vehicles of 4 tonnes and above gross vehicle weight. This covers all lorries, but also buses and special transport vehicles, which are included because of the numerous similarities in their construction.

The 6 to 15,9 tonne range accounted for 40 % of all sales of heavy vehicles of 3,5 tonnes and above in the United Kingdom in 1985; Ford UK had a share of 37 % in this category. However, this range cannot be taken in isolation as a reference in assessing the competitive situation. Heavy vehicles of a greater or lesser gross vehicle weight must also be taken into account, in so far as they are regarded by consumers as substitute products and in so far as the cooperation has an impact on their manufacture or distribution. In particular, demand by large-scale purchasers is focused on the supply of a broad range of heavy vehicles from a single supplier. Supply by most heavy vehicle manufacturers is indeed in line with this requirement.

- (38) On the basis of this market definition, the parties to the agreement together accounted in the United Kingdom in 1985 for 24,06 % of sales of heavy vehicles, while in 1986 (the year in which the cooperation began) and 1987 the shares of the suppliers were as follows:

	Sales/Registration of heavy vehicles of 3,5 tonnes in the United Kingdom		
	1985	1986	1987
DAF-Leyland	—	22,98 %	22,44 %
Iveco-Ford	—	19,35 %	22,92 %
Ford	18,04 %	—	—
Leyland	15,99 %	—	—
Daimler-Benz	11,45 %	14,11 %	14,41 %
GM-Bedford	10,89 %	9,12 %	2,01 %
Renault	8,57 %	8,32 %	8,7 %
Volvo	8,1 %	8,42 %	10,46 %
Iveco	6,02 %	—	—
DAF	5,3 %	—	—
Scania	4,63 %	4,85 %	4,89 %
MAN-VW	2,82 %	4,7 %	4,43 %

Given this structure, it may be assumed that effective competition exists in the part of the common market in which the cooperation has its main impact.

- (39) It must also be assumed that the cooperation between the parties in the United Kingdom does not lead to any significant reduction in the intensity of competition in the other areas of the common market. Although Iveco is, after Daimler-Benz, the second largest manufacturer of heavy vehicles in the common market, and although both have substantial market shares in other member countries as well as in their home country (see point 19), the parties together achieved a share of only 20,4 % of total sales of heavy vehicles in the common market in 1985 and a share of 19,33 % (of which Iveco-Ford had 4,74 %) in 1986 and of 18,4 % (of which Iveco-Ford had 4,9 %) in 1987.

	Sales/Registration of heavy vehicles of 3,5 tonnes + in the common market		
	1985	1986	1987
Daimler-Benz	24,1 %	27,5 %	26,3 %
Iveco	16,7 %	13,64 %	12,4 %
Iveco-Ford		4,74 %	4,9 %
Renault	10,7 %	11,91 %	11,7 %
MAN-VW	4,0 %	7,97 %	7,8 %
Volvo	6,1 %	7,58 %	8,0 %
DAF	3,3 %	(5,58 %)	(5,4 %)
DAF-Leyland		9,98 %	9,49 %
Scania	4,6 %	5,49 %	5,49 %
Leyland	4,0 %	(4,4 %)	(4,0 %)
Pegaso/ENASA		2,47 %	2,5 %
GM-Bedford	2,1 %	2,33 %	1,0 %
Ford (Cargo)	3,7 %	0,95 %	1,1 %

- (40) For the rest, the JV does not wholly exclude competition between Ford UK and Iveco. In the Member States other than the United Kingdom, the relevant heavy vehicles continue to be sold under different trade marks and through entirely separate distribution channels.

- (41) It is to be expected that consumers will enjoy a fair share of the resulting benefit. Customers who previously preferred Ford vehicles now have the possibility of purchasing vehicles complementary to the Cargo, within the same distribution network.

Such customers can also look forward to a new and complete range of vehicles produced by the JV. A broad range of vehicles manufactured in accordance with the modular principle means that vehicles and components can be manufactured and hence costs reduced. Since competitive pressure from other suppliers is intense (see point 38), it may be expected that the resulting benefit will at least partly be passed on to consumers. There are also the advantages deriving from improved customer and after-sales service that will be brought about through joint distribution and the combining of the dealer networks. The advantages to be expected from the agreements on a whole outweigh the disadvantages associated with the restrictions of competition.

- (42) The comments submitted to the Commission by third parties in response to publication of the summary of the notification in accordance with Article 19 (3) of Regulation No 17 (see point 21) do not give rise to any assessment of the agreement notified other than that set out above: as already stated (see point 36), the exclusive right to distribute spare parts for the Cargo is essential to the cooperation so as to ensure the continuing supply of spare parts to dealers in accordance with the Ford distribution system. It is, moreover, limited in time to the period until the new range is introduced. Furthermore, it is a fact known to the Commission that some motor-vehicle manufacturers pursue a policy of not tolerating any parts-suppliers' marks in addition to their own trade-marks. This is a phenomenon which the Commission cannot examine from a competition angle in this proceeding, but which it intends to make the subject of special investigations.

C. Terms of the exemption

- (43) Pursuant to Article 6 (1) of Regulation No 17, the exemption under Article 85 (3) of the Treaty may be applied with retroactive effect from 24 June 1986, the day of notification, since the conditions of Article 85 (3) were fulfilled from that date. Pursuant to Article 8 (1) of Regulation No 17, the exemption may be granted for the period up to 31 December 1995.

- (44) In view of the shortness of this period, it is not necessary to require the parties, in accordance with Article 8 (1) of Regulation No 17, to present, as is otherwise the case, reports on the implementation of the cooperation before 31 December 1995. Should the cooperation be continued and a new notification made, the parties must in any case show that the conditions of Article 85 (3) continue to be fulfilled.

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with Article 85 (3) of the EEC Treaty, the provisions of Article 85 (1) are hereby declared inapplicable to the agreements of 15 April 1986 between The Ford Motor Company Limited and Iveco Industrial Vehicles Corporation BV.

2. The exemption granted in paragraph 1 shall apply from 24 June 1986 to 31 December 1995.

Article 2

This Decision is addressed to the following undertakings:

1. The Ford Motor Company Limited,
Eagle Way, Brentwood, Essex,
United Kingdom

2. Iveco Industrial Vehicles Corporation BV,
Professor Bavinklaan 5, Amstelveen
Netherlands

3. Iveco-Ford Truck Limited,
Station Road, Watford, Hertfordshire,
United Kingdom.

Done at Brussels, 20 July 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2024/88 of 23 June 1988 amending for the fifth time Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources

(Official Journal of the European Communities No L 179 of 9 July 1988)

On page 2, in the Annex, under the entry concerning Tails of Norway lobster, in the second column, on the penultimate line :

for: 'Except West of Scotland and Irish',

read: 'West of Scotland and Irish'.
