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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3874/88
of 12 December 1988**

amending Regulation (EEC) No 1654/86 introducing a common measure for replanting and converting olive groves damaged by frost in 1985 in certain regions of the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1654/86 of 26 May 1986 introducing a common measure for replanting and converting olive groves damaged by frost in 1985 in certain regions of the Community⁽¹⁾, and in particular Article 5 (6) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 2 of Regulation (EEC) No 1654/86, some of the regions concerned have organized special programmes for the implementation of the common measure set up by the said Regulation;

Whereas frost in the winter of 1985 destroyed much of the olive nurseries and whereas, accordingly, the effort to reconstitute the groves was severely delayed because of a serious shortage of young seedlings;

Whereas the areas in which reconstitution takes the form of replanting are those that suffered most from frost;

Whereas conversion work has been incomplete and whereas it should be pursued in view of the need to ensure types of production tailored more closely to the requirements of the common agricultural policy;

Whereas, if the problems taken as a whole raised by the delays in implementing the common measure are to be solved and the objectives of Regulation (EEC) No 1654/86 are to be achieved, the common measure should be

extended by one year as regards action to reconstitute the olive groves by replanting and olive grove conversion;

Whereas the programmes approved by the Commission must remain in force during the extension period as regards those parts relating to the reconstitution of olive groves by replanting or conversion,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 of Regulation (EEC) No 1654/86 is hereby amended as follows:

1. The following subparagraph shall be added to paragraph 5:

‘However, as regards the application of the measures:

- for reconstitution of olive groves by replanting which are eligible for the aids referred to in the first indent and the fifth indent of the first subparagraph of paragraph 1,
- for conversion of olive groves which are eligible for the aids referred to in the first and second subparagraphs of paragraph 2

the common measure shall last three years from the date of approval of the first programme and shall come to an end, in any event, on 30 June 1989.’

2. Paragraph 6 is hereby deleted.

Article 2

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

⁽¹⁾ OJ No L 145, 30. 5. 1986, p. 13.

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

Done at Brussels, 12 December 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 3875/88

of 12 December 1988

amending Regulation (EEC) No 1360/78 on producer groups and associations thereof

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas Regulation (EEC) No 1360/78 ⁽³⁾, as last amended by Regulation (EEC) No 1760/87 ⁽⁴⁾, introduced a common measure for certain regions of the Community to encourage the formation of producer groups in order to concentrate the supply of agricultural products and adapt production to the needs of the market; whereas provision was made at the time of the adoption of the said common measure for the system to be extended to other regions with needs similar to those of the regions initially designated;

Whereas in Ireland serious deficiencies in the supply structure have been noted in a number of sectors; whereas the cereals market is supplied by a large number of small farmers, with only 2,3 % of production marketed by producer organizations set up to market produce; whereas in the potato, beef and veal and sheepmeat and goatmeat sectors, such organizations are extremely rare or market only a minimal proportion of production;

Whereas in France such structural deficiencies have been noted in certain areas in the south in the sector of wine of fresh grapes;

Whereas the last amendment to the common measure, carried out by Regulation (EEC) No 1760/87, sought primarily to adapt the system of aid for producer groups and did not simultaneously adjust the relevant financial provisions; whereas those provisions should now be adapted;

Whereas Regulation (EEC) No 2658/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 3491/88 ⁽⁶⁾, instituted a combined goods nomenclature, based on the harmonized

commodity description and coding system, to take effect from 1 January 1988;

Whereas the descriptions of goods and tariff codes appearing in Regulation (EEC) No 1360/78 must therefore be amended to conform with the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1360/78 is hereby amended as follows:

1. The following indent is added to Article 2:

— the whole of Ireland.'

2. Article 3 is replaced by the following:

'Article 3

1. In the case of Italy, Greece, Spain and Portugal this Regulation shall apply to the following products, provided that such products are produced in those countries:

— the products of the soil and the livestock products listed in Annex II to the Treaty, excluding:

— products referred to in Article 1 (2) of 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⁾,

— hops (CN code 1210),

— silkworms (CN code 0106 00 99),

— the processed agricultural products listed in the Annex hereto.

2. In the case of the French regions, this Regulation shall apply to the following products:

— wine of fresh grapes and grape must in fermentation or with fermentation arrested, including mistelles (CN codes ex 2204 10, 2204 21, ex 2204 29 and 2204 30 10), in Languedoc-Roussillon, Provence-Côte d'Azur, Midi-Pyrénées and Corsica,

— plants used in perfumery and lavender (CN code ex 1211) in Provence-Côte d'Azur and the departments of Drôme and Ardèche,

⁽¹⁾ Opinion delivered on 18 November 1988 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 27 October 1988 (not yet published in the Official Journal).

⁽³⁾ OJ No L 166, 23. 6. 1978, p. 1.

⁽⁴⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 306, 11. 11. 1988, p. 18.

- table olives (CN code 0710 80 10) in Languedoc-Roussillon, Provence-Côte d'Azur, Corsica and the department of Drôme,
- tropical fruit (CN codes 0803 00, 0804 30 00 and 0804 40), live bovine animals (CN code 0102) and beef and veal carcasses and quarters (CN codes ex 0201 and ex 0202) in the French overseas departments,
- olive oil (CN code 1509) in the metropolitan areas listed in the second indent of Article 2.

3. In the case of Belgium, this Regulation shall apply to the following products:

- cereals (CN codes 1001 to 1005, 0709 90 60 and 0712 90 19),
- live bovine animals (CN code 0102, with the exception of CN code 0102 90 90),
- piglets (CN code ex 0103),
- lucerne (CN code ex 1214).

4. In the case of Ireland, this Regulation shall apply to the following products:

- cereals (CN codes 1001, 1003 and 1004),
- potatoes (CN code 0701 90),
- live bovine animals (CN code 0102, with the exception of CN code 0102 90 90) and beef and veal carcasses and quarters (CN codes ex 0201 and ex 0202),

- live sheep and goats (CN code 0104) and sheep and goat carcasses (CN code ex 0204).

The following footnotes are added at the foot of the page:

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ NO L 198, 26. 7. 1988, p. 1.

3. In Article 10 (4) the words 'paragraphs 2 and 3' are replaced by 'paragraphs 2, 2a and 3'.

4. The first sub-indent of the second indent of Article 11 (1) is replaced by the following:

— in existence for more than three years on the date of entry into force of this Regulation, in the case of Greece, Spain and Portugal on the date of accession, and in the case of Ireland on the date on the date of entry into force of Regulation (EEC) No 3875/88 ⁽¹⁾.

The following footnote is added:

⁽¹⁾ OJ No L 346, 15. 12. 1988, p. 3.

5. In Article 14:

(i) the words 'Article 10 (1), (2) and (3)' in the first subparagraph of paragraph 1 are replaced by 'Article 10 (1), (2), (2a) and (3)';

(ii) the words 'Article 10 (2) and (3)' in the first subparagraph of paragraph 3 are replaced by 'Article 10 (2), (2a) and (3)'.

6. The Annex is replaced by the following:

ANNEX

List of processed products referred to in Article 3 (1)

CN code	Description
ex 0201 } ex 0202 } ex 0203 ex 0204 ex 0205 00 00	Meat: — of bovine animals, in quarters — of swine, in half-carcases — of sheep, in whole carcasses — of horses
ex 0206	Edible offal of bovine animals, swine and sheep
ex 0207 with the exception of 0207 31 00 0207 39 90 and 0207 50	Meat and edible offal (with the exception of livers) of the poultry of CN code 0105, fresh, chilled or frozen
0207 31 00 0207 39 0207 50 0210 90 71 0210 90 79	Poultry livers, fresh, chilled, frozen, salted or in brine

CN code	Description
0208 10 10	Meat of domestic rabbits
0406	Cheese and curd
ex 1214 10 00 ex 1214 90 90	Dehydrated fodder
1509 1510 00	Olive oil
2204 30 10	Grape must, in fermentation or with fermentation arrested otherwise than by addition of alcohol
2204 10 2204 21 2204 29	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol (including mistelles)

Article 2

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

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

Done at Brussels, 12 December 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 3876/88**of 12 December 1988****fixing for the 1989/90 milk year the guideline figure for the fat content of standardized whole milk imported into Ireland and the United Kingdom**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1411/71 of 29 June 1971 laying down additional rules on the common organization of the market in milk and milk products for drinking milk⁽¹⁾, as last amended by Regulation (EEC) No 222/88⁽²⁾, and in particular Article 3 (6) (b) thereof,

Having regard to the Proposal from the Commission,

Whereas, pursuant to Article 3 (5) of Regulation (EEC) No 1411/71, Ireland and the United Kingdom apply within their territories the formula of non-standardized whole milk within the meaning of the second indent of Article 3 (1) (b) of that Regulation;

Whereas, pursuant to Article 3 (6) and (7), a guideline figure must be fixed for the 1989/90 milk year for the fat which standardized whole milk coming from another Member State must contain to be able to be marketed

within the territories of the two abovementioned Member States, whereas this guideline figure must be the weighted average fat content of the whole milk produced and marketed in the importing Member State during the previous year,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 milk year, the guideline figure referred to in Article 3 (6) (b) of Regulation (EEC) No 1411/71 shall be:

- 3,60 % for Ireland,
- 3,90 % for the United Kingdom.

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

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

Done at Brussels, 12 December 1988.

*For the Council**The President*

Y. POTTAKIS

⁽¹⁾ OJ No L 148, 3. 7. 1971, p. 4.⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

COUNCIL REGULATION (EEC) No 3877/88

of 12 December 1988

laying down general rules on the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2964/88 ⁽²⁾, and in particular the second subparagraph of Article 37 (2) and Article 40 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Article 37 (2) Regulation (EEC) No 822/87 provides that alcohol from the distillation operations provided for in Articles 35 and 36 of that Regulation is to be disposed of in other sectors, under conditions to be determined; whereas, in the case of alcohol from the distillation operations provided for in Article 39 of that Regulation, the conditions under which intervention agencies may carry out operations concerning products taken over before they are put on the market and the arrangements for disposal of products held by intervention agencies should also be laid down;

Whereas the procedure for disposal of alcohol from the distillation operations provided for in Article 39 of Regulation (EEC) No 822/87 should be the same as that for alcohol from the operations provided for in Articles 35 and 36 of that Regulation, held by intervention agencies;

Whereas the alcohol should be sold by the tendering procedure, which offers the same guarantees of non-discrimination between Community operators as the auction procedure also provided for in Article 40 (3) of Regulation (EEC) No 822/87 since it offers the advantage of being generally more accessible to operators in the alcohol sector;

Whereas experience in the two attempts to sell alcohol by tender, organized in 1986 under Council Regulation (EEC) No 139/86 of 20 January 1986 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 39, 40 and 41 of Regulation (EEC) No 337/79 and held by intervention

agencies ⁽³⁾, shows that there is no point in trying to sell alcohol from those distillation operations on the markets for the various normal uses, because those markets are at present saturated; whereas therefore the first stage of the tendering procedure as laid down in Article 2 (a) and (b) of Regulation (EEC) No 139/86 may be dispensed with;

Whereas disturbance of the markets in alcohol and spirituous beverages produced in the Community in accordance with Articles 37 and 40 of Regulation (EEC) No 822/87 should be definitely avoided;

Whereas the possibility of such alcohol creating additional difficulties which could arise under the present conditions of the market in other sectors of utilization or for certain destinations should also be avoided; whereas such difficulties seem slighter in the fuel sector; whereas a preferential outlet must be sought in that sector without however excluding any other opportunities of sale;

Whereas, in order not to disturb competition with products which may be replaced by alcohol the Commission should be granted the possibility of taking no action on tenders received;

Whereas these measures should apply to stocks of alcohol taken over by intervention agencies under Community rules since 1 September 1982 in the case of the Community of Ten and since 1 March 1986 in the case of Spain and still held by those agencies and also to alcohol taken over in such fashion as from entry into force of those measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. Alcohol obtained from the distillation operations provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies shall be disposed of by tendering procedures. Such procedures shall be initiated in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

2. The conditions governing invitations to tender must ensure equality of treatment for all interested parties wherever they are established in the Community.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽³⁾ OJ No L 19, 25. 1. 1986, p. 1.

3. Invitations to tender shall be opened for a given utilization and/or destination.

4. Admission to the tendering procedures referred to in paragraph 1 shall be limited to interested parties who have guaranteed compliance with their obligations by putting up a security.

5. The alcohol may not be denatured before the invitation to tender.

Article 2

For each tendering procedure referred to in Article 1 (1), which may be subject to special conditions, particularly to avoid market disruptions, the Commission may, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, either take action on the tenders received or take no action.

Article 3

The conditions under which invitations to tender are organized and in particular those relating to checks to be performed and guarantees to be provided (e.g. securities

and possible denaturing) shall be determined in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 4

During the third year of application of this Regulation the Commission shall submit a report on alcohol sales. The Council shall, acting on a Commission proposal, decide whether it is necessary to retain or adjust the measures introduced.

Article 5

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

It shall apply to products taken over by the intervention agencies under Community rules and held when this Regulation enters into force and to products taken over as from the entry into force of this Regulation.

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

Done at Brussels, 12 December 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 3878/88

of 12 December 1988

establishing Community supervision for the imports of certain agricultural products originating in the Canary Islands (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, and in particular Articles 4, 6 and 10 thereof,

Having regard to the proposal from the Commission,

Whereas, in Regulation (EEC) No 1391/87, the Council decided, for certain agricultural products originating in the Canary Islands, upon a progressive reduction of the customs duties applicable in the limits of reference quantities with the possibility for the Community to replace in future the facilities by a system of tariff quotas if it should appear that under the preferential system imported quantities exceed, during the course of a determined year, the reference quantities laid down, and if simultaneously these imports cause damage on the Community market; whereas the application of such a system demands that the Community is regularly informed of the development of these imports originating in the Canary Islands; whereas it is therefore indicated to submit the imports of these products to a system of supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the reference quantities at Community level, as and when these products are entered with customs authorities for free circulation;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the reference quantities and keep the Member States informed,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of certain goods originating in the Canary Islands shall be subject to

Community supervision and to annual reference quantities.

The description of the goods referred to in the preceding subparagraph, their order numbers, their CN codes and the levels and periods of application of the reference quantities are indicated in the annexed table.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph.

Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 3.

3. Member States shall forward to the Commission:

- not later than 1 July 1989, the final amounts set off for products mentioned under Order Nos 17.0003 and 17.0005,
- by 15 October 1989, the cumulative amounts set off for the period from 1 January to 30 September, and by not later than the 20th day of each following month those set off during the preceding month, for the product mentioned under Order No 17.0001.

Article 2

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 3

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

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

Done at Brussels, 12 December 1988.

For the Council

The President

Y. POTTAKIS

ANNEX

Order No	CN code	Description	Reference quantity (tonnes)
17.0001	0804 40 10 } 0804 40 90 }	Avocados, from 1 January to 31 December	} 2 100
17.0003	ex 0807 10 90	Melons each weighing 600 grams or less, from 1 January to 31 March	100
17.0005	ex 0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.), from 1 January to 30 April	100

**COUNCIL REGULATION (EEC) No 3879/88
of 12 December 1988**

**setting for the 1988/89 marketing year the percentages mentioned in Article 3
(1a) of Regulation (EEC) No 426/86 in connection with aid for products processed
from tomatoes**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2247/88 ⁽²⁾, and in particular Article 3 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, in order to encourage the conclusion of contracts between groups of tomato producers and processors and groups of processors, Regulation (EEC) No 426/86 made provision for the granting on certain terms of an additional processing premium;

Whereas in order to permit payment of the said premium in respect of the 1988/89 marketing year the 'significant specific percentage' for the total quantity of processed tomatoes covered by contracts concluded with producers' groups must be set;

Whereas a specific percentage should be set for Spain and for Portugal, since the role of producers' groups in these two Member States is still limited,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1988/89 marketing year, the percentages mentioned in Article 3 (1a) of Regulation (EEC) No 426/86 shall be:

- for the Community as constituted on 31 December 1985: 70 %,
- for Spain and for Portugal: 26 %.

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, 12 December 1988.

For the Council
The President
Y. POTTAKIS

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

COUNCIL REGULATION (EEC) No 3880/88

of 12 December 1988

amending Regulation (EEC) No 2262/84 laying down special measures in respect of olive oil

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

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

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

Whereas, pursuant to Article 1 (1) of Regulation (EEC) No 2262/84 ⁽³⁾, as last amended by Regulation (EEC) No 3462/87 ⁽⁴⁾, producer Member States must set up agencies for the purpose of carrying out certain checks and duties in connection with the olive oil production aid scheme; whereas, in accordance with Article 1 (5) of the said Regulation, the Council must adopt, before 1 January 1989, the method for financing the agencies' expenditure as from the 1989/90 marketing year;

Whereas, taking account of the important role that these bodies can play in ensuring that the production aid arrangements are applied correctly and in a uniform manner, provision should be made for a method of financing their actual expenditure which enables them to operate smoothly and efficiently within the framework of administrative autonomy provided for in the rules concerned; whereas that objective can be achieved via a method which combines Community financing and financing by the Member State;

Whereas the agencies in the four producer Member States concerned are not in an identical situation; whereas administrative and legal difficulties have resulted in delays in the setting-up and/or operation of the agencies in certain Member States; whereas those Member States did not make effective use of the maximum amounts which were earmarked for them during the initial phase when expenditure was fully chargeable to the Community; whereas the period covered by the said phase should therefore be extended by one year without increasing the maximum amounts already allocated under the existing rules,

Article 1

Article 1 (5) of Regulation (EEC) No 2262/84 is hereby replaced by the following:

'5. Over a period of five years from 1 November 1984, the following percentages of the agency's actual expenditure shall be chargeable to the general budget of the European Communities:

- in the case of Italy, 100 % for the first three years, up to a maximum of Ecu 14 million, and 50 % for the fourth and fifth years,
- in the case of Greece, 100 % up to a maximum of Ecu 7 million.

Over a period of three years from 1 November 1989, 50 % of the actual expenditure of the Italian and the Greek agencies shall be chargeable to the general budget of the European Communities.

In the case of Spain and Portugal, 100 % of the agency's actual expenditure during the period from 1 March 1986 to 31 October 1990 shall be covered by the general budget of the European Communities up to a maximum of Ecu 9 300 000 for Spain and Ecu 4 700 000 for Portugal. During the period from 1 November 1990 to 31 October 1992, 50 % of the expenditure in question shall be covered by the said budget.

Member States may, under conditions to be determined in accordance with the procedure provided for in Article 38 of Regulation No 136/66/EEC, cover part of the expenditure to be borne by them by a deduction from the Community aid granted for olive oil.

The Council, acting by qualified majority on a proposal from the Commission, shall adopt by 1 January 1992 the method for financing the expenditure in question as from the 1992/93 marketing year.'

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 C 258, 5. 10. 1988, p. 5.

⁽²⁾ Opinion delivered on 18 November 1988 (not yet published in the Official Journal).

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 11.

⁽⁴⁾ OJ No L 329, 20. 11. 1987, p. 2.

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

Done at Brussels, 12 December 1988.

For the Council

The President

Y. POTTAKIS

COMMISSION REGULATION (EEC) No 3881/88

of 14 December 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 13 December 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 15 December 1988.

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

Done at Brussels, 14 December 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. 96.

ANNEX

to the Commission Regulation of 14 December 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	1,10	130,70
0712 90 19	1,10	130,70
1001 10 10	31,98	186,20 ⁽¹⁾ ⁽⁵⁾
1001 10 90	31,98	186,20 ⁽¹⁾ ⁽⁵⁾
1001 90 91	0,00	133,57
1001 90 99	0,00	133,57
1002 00 00	35,82	115,88 ⁽⁶⁾
1003 00 10	29,59	124,15
1003 00 90	29,59	124,15
1004 00 10	85,40	75,38
1004 00 90	85,40	75,38
1005 10 90	1,10	130,70 ⁽²⁾ ⁽³⁾
1005 90 00	1,10	130,70 ⁽²⁾ ⁽³⁾
1007 00 90	24,28	138,52 ⁽⁴⁾
1008 10 00	29,59	44,48
1008 20 00	29,59	118,14 ⁽⁴⁾
1008 30 00	29,59	0,00 ⁽⁷⁾
1008 90 10	(7)	(7)
1008 90 90	29,59	0,00
1101 00 00	0,41	200,08
1102 10 00	63,20	176,08
1103 11 10	62,89	301,96
1103 11 90	0,72	215,18

⁽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 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 3882/88
of 14 December 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 13 December 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 15 December 1988.

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

Done at Brussels, 14 December 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 14 December 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 12	1st period 1	2nd period 2	3rd period 3
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	1,38	1,38	1,38
1001 90 99	0	1,38	1,38	1,38
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	3,73	3,73	3,73
1004 00 90	0	3,73	3,73	3,73
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	1,93	1,93	1,93

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	2,46	2,46	2,46	2,46
1107 10 19	0	1,84	1,84	1,84	1,84
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 3883/88

of 13 December 1988

concerning the stopping of fishing for common sole 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⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 3472/88⁽⁴⁾, provides for common sole total allowable catches 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 common sole in the waters of ICES division VIII a and b 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 common sole in the waters of ICES division VIII a and b 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 common sole in the waters of ICES division VIII a and b 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 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, 13 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.
⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.
⁽³⁾ OJ No L 375, 31. 12. 1987, p. 1.
⁽⁴⁾ OJ No L 305, 10. 11. 1988, p. 12.

COMMISSION REGULATION (EEC) No 3884/88
of 13 December 1988

concerning the stopping of fishing for whiting, plaice, megrim and common sole by vessels flying the flag of France

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⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 3472/88⁽⁴⁾, provides for whiting, plaice, megrim and common sole quotas for 1988;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, 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 quota allocated;

Whereas, according to the information communicated to the Commission, catches of whiting in the waters of ICES division VII b, c, d, e, f, g, h, j and k, of plaice in the waters of ICES divisions VII h, j, k and VIII, IX, X; CECAF 34.1.1 (EC zone), of megrim in the waters of ICES division VIII a, b, d and e and of common sole in the waters of ICES division VIII a and b by vessels flying the flag of France or registered in France have reached the quotas allocated for 1988; whereas France prohibited

fishing for these stocks as from 6 December 1988; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of whiting in the waters of ICES area VII b, c, d, e, f, g, h, j and k, of plaice in the waters of ICES areas VII h, j, k and VIII, IX, X; CECAF 34.1.1 (EC zone), of megrim in the waters of ICES area VIII a, b, d and e and of common sole in the waters of ICES division VIII a and b by vessels flying the flag of France or registered in France are deemed to have exhausted the quotas allocated to France for 1988.

Fishing for whiting in the waters of ICES area VII b, c, d, e, f, g, h, j and k, for plaice in the waters of ICES areas VII h, j, k and VIII, IX, X; CECAF 34.1.1 (EC zone), for megrim in the waters of ICES area VIII a, b, d and e and for common sole in the waters of ICES area VIII a and b by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 6 December 1988.

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

Done at Brussels, 13 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 375, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 305, 10. 11. 1988, p. 12.

COMMISSION REGULATION (EEC) No 3885/88

of 13 December 1988

amending Regulation (EEC) No 4128/87 in respect of conditions for the entry of certain tobacco falling within CN codes 2401 10 10 to 2401 10 49 and 2401 20 10 to 2401 20 49

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 3174/88⁽²⁾, and in particular Article 11 thereof,

Whereas Commission Regulation (EEC) No 4128/87⁽³⁾ laid down conditions for the entry of flue-cured Virginia type, light air-cured Burley type (including Burley hybrids), light air-cured Maryland type and fire-cured tobacco, falling within CN codes 2401 10 10 to 2401 10 49 and 2401 20 10 to 2401 20 49; whereas these conditions amount to the presentation of a certificate of authenticity meeting the requirements laid down in that Regulation; whereas this certificate can only be issued in accordance with Article 5 (1) of the said Regulation, by countries for which an issuing authority appears within the list in Annex II to that same Regulation;

Whereas, in order to increase the efficiency and substantiating power of the certificate, the term 'or printed seal' should no longer appear in box II of Annex I;

Whereas it is appropriate to include, at the request of the Republic of Cuba, in the said Annex II the 'Empresa Cubana del Tabaco "CUBATABACO"' at Havana which satisfies the requirements laid down in Article 6 of the said Regulation;

Whereas, furthermore, at the request of Thailand, it is appropriate to replace, in column 2 of the same Annex II, the description 'Ministry of Commerce' by 'Department of Foreign Trade, Ministry of Commerce';

Whereas, finally, it is appropriate to add, at the request of Yugoslavia, three Yugoslavian issuing authorities to the aforementioned Annex II;

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

Article 1

Regulation (EEC) No 4128/87 is hereby amended as follows:

1. in Annex I, box II, 'or printed seal' is deleted;
2. Annex II is amended as follows:
 - (a) in columns 1, 2 and 3 respectively, after the texts relating to South Korea, add:

'Cuba
Empresa Cubana del Tabaco "CUBATABACO"
or its authorized agents⁽¹⁾
Havana.;
 - (b) in column 2, the text relating to Thailand is replaced by the following:

'Department of Foreign Trade, Ministry of Commerce or its authorized agents⁽¹⁾;
 - (c) in columns 2 and 3 respectively, the following text is added for Yugoslavia:

<i>column 2</i>	<i>column 3</i>
'Centroprom Export-Import or its authorized agents ⁽¹⁾	Belgrad
Apro Hercegovina Ro Istrazivacko Razvojni Institut or its authorized agents ⁽¹⁾	Mostar
Slozena Organizacija na Zdruzen Trud "Jugotutun" — Skopje Institut Za Tutun or its authorized agents ⁽¹⁾	Prilep
Univerzitet "Veljko Vlahovic" Poljoprivredni Institut or its authorized agents ⁽¹⁾	Titograd
Duhanski Institut Zagreb or its authorized agents ⁽¹⁾	Zagreb'

Article 2

This Regulation shall enter into force on 1 January 1989.

Nevertheless, notwithstanding Article (1), until 31 December 1990, tobacco referred to in Article 1 of Regulation (EEC) No 4128/87 shall be admitted to the CN codes indicated in the latter Article on presentation of a certificate of authenticity corresponding to the specimen in Annex I of the aforesaid Regulation but bearing the words 'or printed seal'.

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 298, 31. 10. 1988, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1987, p. 1.

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

Done at Brussels, 13 December 1988.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 3886/88**of 13 December 1988****amending Regulation (EEC) No 1368/88 specifying the conditions for the inclusion of certain live animals of the domestic bovine species and certain meat of the bovine species from Yugoslavia within the CN codes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 3174/88⁽²⁾, and in particular Article 11 thereof,

Whereas Commission Regulation (EEC) No 1368/88⁽³⁾ laid down conditions for the entry of certain live animals of the domestic bovine species and certain meat of the bovine species within the CN codes listed in Annex E to the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia establishing new trade arrangements;

Whereas the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia establishing new trade arrangements, approved by the Council in Decision 87/605/EEC⁽⁴⁾, refers in its Annex E, amongst others 'compensated' quarters fresh or chilled, of a weight of not less than 90 kilograms but not more than

150 kilograms; whereas, at the time of establishing Regulation (EEC) No 1368/88, these quarters were proper to CN codes 0201 20 11 and 0201 20 19; whereas with effect from 1 January 1989 the combined nomenclature will be amended in such a way that the abovementioned quarters are only proper to CN code 0201 20 29; whereas, consequently, it is appropriate, to replace, in the abovementioned Regulation, the reference to the two previous GN codes by the new CN code 0201 20 29;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Nomenclature Committee.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1368/88, 'ex 0201 20 11' and 'ex 0201 20 19' are replaced by 'ex 0201 20 29'.

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 13 December 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 298, 31. 10. 1988, p. 1.

⁽³⁾ OJ No L 126, 20. 5. 1988, p. 26.

⁽⁴⁾ OJ No L 389, 31. 12. 1987, p. 72.

COMMISSION REGULATION (EEC) No 3887/88

of 13 December 1988

amending Regulation (EEC) No 4130/87 laying down conditions for the entry of fresh table grapes of the variety Emperor (*Vitis vinifera cv*) falling within CN code 0806 10 11

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 3174/88⁽²⁾, and in particular Article 11 thereof,

Whereas Commission Regulation (EEC) No 4130/87⁽³⁾ laid down conditions for the entry of fresh table grapes of the variety Emperor (*Vitis vinifera cv*) falling within CN code 0806 10 11; whereas these conditions are exercised by the presentation of a certificate of authenticity meeting the requirements laid down in that Regulation;

Whereas, in order to increase the efficiency and substantiating power of this certificate, the term 'or printed seal' should no longer appear in box 12 of Annex I;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Nomenclature Committee.

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I, box 11, of Regulation (EEC) No 4130/87, 'or printed seal' is hereby deleted.

Article 2

This Regulation shall enter into force on 1 January 1989. Nevertheless, notwithstanding Article 1, until 31 January 1989 the grapes referred to in Article 1 of Regulation (EEC) No 4130/87 shall be admitted to the CN codes indicated in the latter Article on presentation of a certificate of authenticity corresponding to the specimen in Annex I of that Regulation but bearing the words 'or printed seal'.

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

Done at Brussels, 13 December 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 298, 31. 10. 1988, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1987, p. 16.

COMMISSION REGULATION (EEC) No 3888/88

of 14 December 1988

re-establishing the levying of customs duties on silicides, falling within CN code 2850 00 70, originating in Brazil, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3635/87 of 17 November 1987 applying generalized tariff preferences for 1988 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 16 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3635/87, duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 15;

Whereas, as provided for in Article 15, where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 5 % of the total importations into the Community, originating from third countries in 1986;

Whereas, in the case of silicides, falling within CN code 2850 00 70, the reference base is fixed at ECU 306 000;

whereas, on 1 September 1988, imports of these products into the Community originating in Brazil, reached the reference base in question after being charged thereagainst; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 18 December 1988, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3635/87, shall be re-established on imports into the Community of the following products originating in Brazil:

CN code	Description
2850 00 70	Silicides

Article 2

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

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

Done at Brussels, 14 December 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 350, 12. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 3889/88

of 14 December 1988

re-establishing the levying of customs duties on methenamine (INN) and benzimidazole-2-thiol falling within CN code 2933 90 10, originating in Romania, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3635/87 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3635/87 of 17 November 1987 applying generalized tariff preferences for 1988 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 16 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3635/87, duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 15;

Whereas, as provided for in Article 15, where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 5 % of the total importations into the Community, originating from third countries in 1986;

Whereas in the case of methenamine (INN) and benzimidazole-2-thiol, falling within CN code 2933 90 10, the reference base is fixed at ECU 174 000; whereas on 1

September 1988, imports of these products into the Community originating in Romania, reached the reference base in question after being charged there-against; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against Romania,

HAS ADOPTED THIS REGULATION:

Article 1

As from 18 December 1988, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3635/87, shall be re-established on imports into the Community of the following products originating in Romania:

CN code	Description
2933 90 10	Methenamine (INN) (hexamethylene-tetramine); benzimidazole-2-thiol (mercapto-benzimidazole)

Article 2

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

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

Done at Brussels, 14 December 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 350, 12. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 3890/88

of 14 December 1988

amending Regulation (EEC) No 3152/85 laying down detailed rules for the application of Council Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 1636/87⁽²⁾, and in particular Article 12 thereof,

Whereas Article 6 (3) of Regulation (EEC) No 1676/85 provides for the cancellation of certain documents where adjustments in the amounts fixed in advance, following changes in the agricultural conversion rates, are to the detriment of the parties concerned; whereas Article 1 of Commission Regulation (EEC) No 3152/85⁽³⁾, as last amended by Regulation (EEC) No 3521/88⁽⁴⁾, specifies certain cases in which the cancellation provided for in Article 6 (3) of Regulation (EEC) No 1676/85 may not be granted on the grounds that the detriment is assumed to have been accepted by the parties concerned where they enter into an operation to be executed after the change in the agricultural conversion rate at a time when that adjustment and its various consequences are known;

Whereas the automatic dismantlement of the monetary gaps created by a realignment within the framework of the European Monetary System, as provided for in Article 6 (3) of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽⁵⁾, as last amended by Regulation (EEC) No 1889/87⁽⁶⁾, enables the change in the agricultural conversion rate and the reduction in prices fixed in ecu

occurring at the beginning of the marketing year following that monetary realignment to be determined in advance; whereas it is therefore necessary, to avoid risks of speculation, to exclude the possibility of cancellation in the case of adjustments resulting from the arrangements on the dismantlement of the monetary gaps provided for in Article 6 of Regulation (EEC) No 1677/85 where the application for advance fixing takes place at a time when those adjustments could be determined, i.e. from the date of the realignment in question;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 3 is hereby added to Article 1 of Regulation (EEC) No 3152/85:

'3. No cancellation under Article 6 (3) of Regulation (EEC) No 1676/85 shall be allowed in the case of adjustments following the application of the first subparagraph of Article 6 (3) of Regulation (EEC) No 1677/85 where the application for advance fixing, within the meaning of paragraph 1, is made on the date or after the date of the realignment within the framework of the European Monetary System which is the cause of the adjustments in question.'

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, 14 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁴⁾ OJ No L 307, 12. 11. 1988, p. 28.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 1.

COMMISSION REGULATION (EEC) No 3891/88

of 14 December 1988

fixing, for 1989, the quota for imports into Spain of pigmeat products from third countries and certain detailed rules for the application thereof

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 491/86 of 25 February 1986 laying down the detailed rules concerning quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 3 thereof,

Whereas the quota for 1988 for imports into Spain of pigmeat products from third countries is set out in the Annex to Commission Regulation (EEC) No 3717/87⁽³⁾; whereas Article 3 of the said Regulation also lays down a minimum rate of progressive increases of the quota of 10 %; whereas this increase still reflects market needs; whereas the quota for 1989 should be fixed;

Whereas, to ensure proper management of the quota, applications for import authorizations should be subject to the lodging of a security to cover, as a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽⁴⁾, as amended by Regulation (EEC) No 1181/87⁽⁵⁾, the effective importation of the goods; whereas provision should also be made for the quotas to be staggered over the year;

Whereas provision should be made for Spain to communicate information to the Commission on the application of the quota;

Whereas this Regulation replaces Regulation (EEC) No 3717/87; whereas the said Regulation should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quota for 1989 that Spain may apply, pursuant to Article 77 of the Act of Accession, to imports of pigmeat

products from third countries shall be as shown in the Annex hereto.

Article 2

1. The Spanish authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between the applicants.

The quota shall be staggered over the year as follows:

- 50 % during the period from 1 January to 30 June 1989,
- 50 % during the period from 1 July to 31 December 1989.

2. Applications for import authorizations shall be subject to the lodging of a security. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 covered by the security shall consist in the effective importation of the goods.

Article 3

The minimum rate of progressive increase of the quotas shall be 10 % at the beginning of each year.

The increase shall be added to each quota and the subsequent increase shall be calculated on the basis of the total figure obtained.

Article 4

The Spanish authorities shall communicate to the Commission the measures which they adopt for the application of Article 2.

They shall transmit, not later than the 15th of each month, the following information on import authorizations issued in the preceding month:

- the quantities covered by the import authorizations issued, by country of provenance,
- the quantities imported, by country of provenance.

Article 5

Regulation (EEC) No 3717/87 is hereby repealed.

Article 6

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 349, 12. 12. 1987, p. 21.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁵⁾ OJ No L 113, 30. 4. 1987, p. 31.

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

Done at Brussels, 14 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

		(tonnes)
CN code	Description	Quota for 1989
ex 0103	Live swine, of domestic species, other than pure-bred breeding animals	1 331
ex 0203	Meat of domestic swine, fresh, chilled, or frozen	
ex 0206	Edible offal of domestic swine, other than for the manufacture of pharmaceutical products, fresh, chilled or frozen	
ex 0209	Pig fat free of lean meat (not rendered), fresh, chilled, frozen, salted, in brine, dried or smoked	
ex 0210	Meat and edible meat offal of domestic swine, salted, in brine, dried or smoked	
1501 00 11	Lard and other pig fat, rendered, whether or not pressed or solvent extracted	
1501 00 19		
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	
1602 10	Homogenized preparations of meat, meat offal or blood	
1602 20 90	Preparations or preserves of liver of any animal, other than goose or duck	
1602 41 10	Other preparations and preserves containing meat or offal of domestic swine	
1602 42 10		
1602 49 11		
to		
1602 49 50		
1602 90 10	Preparations of blood of any animal	
1602 90 51	Other preparations or preserves containing meat or meat offal of domestic swine	
1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin	

COMMISSION REGULATION (EEC) No 3892/88

of 14 December 1988

amending Regulation (EEC) No 2670/81 laying down detailed implementing rules in respect of sugar production in excess of the quota

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 26 (3) thereof,

Whereas Article 26 of Regulation (EEC) No 1785/81 provides that C sugar or C isoglucose, produced in respect of a marketing year and not carried forward as production of the following marketing year, cannot be disposed of on the internal market and must be exported in the natural state; whereas in order to ensure a uniform application of this provision in the Community it has become necessary to define exactly what is meant by export within the context of the said Article and to amend as a consequence the relevant dates, while allowing Member States, as far as the time limit for communication of the proof of export is concerned, to grant longer periods;

Whereas Article 1 of Commission Regulation (EEC) No 2670/81⁽³⁾, as last amended by Regulation (EEC) No 1714/88⁽⁴⁾, provides that C sugar and C isoglucose must be exported from the Member State on whose territory they were produced; whereas that same Regulation allows the manufacturer in question, for the purpose of export, to replace his C sugar or C isoglucose by a white sugar or an isoglucose produced by another manufacturer established on the territory of the same Member State subject to payment of an amount to neutralize the economic advantage that he can gain from such a replacement;

Whereas, however, it transpires by virtue of the evolution of storage techniques that the C sugar or the C isoglucose is sometimes stored for export in storage facilities located outside the factory, in the Member State of production or in another Member State, together with other sugars and other isoglucose produced by other undertakings or by the same undertaking without it being possible to distinguish physically between them; whereas it is necessary as a consequence, on the one hand to ensure compliance with the abovementioned rule and on the other for technical reasons particular to this type of storage, to make clear that the substitution in the same place of storage between sugars and isoglucose from different origins is to be allowed when the product in question is kept until acceptance of the export declaration under an administrative control providing equivalent guarantees to those of customs control and, after that

acceptance, is kept under customs control, without this substitution giving rise to payment of the amount referred to in Article 2 (2) of Regulation (EEC) No 2670/81; whereas the controls in other respects must ensure in particular that a quantity of sugar or isoglucose corresponding to the quantity of the C sugar or the C isoglucose in question is held in the same place of storage until the moment of its release from storage with a view to its export outside of the customs territory of the Community;

Whereas it is desirable for administrative reasons that these provisions be made applicable only to production of C sugar and C isoglucose as from the 1988/89 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2670/81 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

1. The export referred to in Article 26 (1) of Regulation (EEC) No 1785/81 shall be considered to have taken place if:
 - (a) the C sugar or the C isoglucose is exported from the Member State on whose territory it was produced;
 - (b) the export declaration in question is accepted by the Member State referred to under (a) before 1 January following the end of the marketing year during which the C sugar or the C isoglucose was produced;
 - (c) the C sugar or the C isoglucose or a corresponding quantity within the meaning of Article 2 (3) left the customs territory of the Community at the latest within 60 days from 1 January referred to under (b);
 - (d) the product has been exported without refund or levy as white sugar or raw sugar, non denatured, or as syrups, obtained prior to the crystallizing stage, falling within CN codes 1702 60 90 and 1702 90 90, or as isoglucose in its natural state, from the Member State referred to under (a).

Except in the case of *force majeure*, if all of the conditions provided for in the first subparagraph are not complied with, the quantity of C sugar or C isoglucose in question shall be considered to have been disposed of on the internal market.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 262, 16. 9. 1981, p. 14.

⁽⁴⁾ OJ No L 152, 18. 6. 1988, p. 23.

In the case of *force majeure*, the competent agency of the Member State on whose territory the C sugar or the C isoglucose has been produced shall adopt the measures which are necessary by virtue of the circumstances invoked by the interested party.

2. The quantities of sugar exported in the form of syrups as referred to under (d) of the first subparagraph of paragraph 1 must be determined on the basis of their extractable sugar content as established in accordance with the second subparagraph of Article 1 (5) of Regulation (EEC) No 1443/82.

The provisions of Article 34 of Commission Regulation (EEC) No 3665/87 (*) may not be invoked with regard to application of this Regulation.

(*) OJ No L 351, 14. 12. 1987, p. 1.';

2. Article 2 (1) is replaced by the following:

'1. The proof that the conditions referred to in Article 1 (1) have been complied with by the manufacturer in question must be furnished to the competent agency of the Member State on whose territory the C sugar or C isoglucose was produced and before 1 April following the end of the marketing year during which it was produced.

However, in special cases, the competent agency of the Member State in question may allow a longer time limit.';

3. in Article 2 (2) (b), first subparagraph, 'referred to in Article 30' is replaced by 'referred to in Articles 30 and 31';

4. the following is added to the first subparagraph of Article 2 (2):

'(d) and, in the case referred to in paragraph 3, where the release from storage takes place:

- before the acceptance of the export declaration referred to in Article 1 (1) (b), a supplementary proof established by the competent authority of the Member State where the storage took place,
- or
- after the acceptance of the export declaration referred to in Article 1 (1) (b), a supplementary proof within the meaning of Article 31 (2) (a) of Regulation (EEC) No 3183/80, established by the customs agency of the Member State where the storage took place.

The supplementary proof must in the two cases attest to the release from storage of the product in question or of the corresponding substituted quantity within the meaning of paragraph 3.';

5. Article 2 (3) is replaced by the following:

'3. Where the C sugar or the C isoglucose produced by a manufacturer is stored, with a view to its export, in a silo, warehouse or tank located in a place outside

the factory of the manufacturer, in the Member State of production or in another Member State, and in which are stored other sugars or isoglucose produced by other manufacturers or by the manufacturer in question, without it being possible to distinguish physically between them, all of the sugars or the isoglucose so stored must be placed under an administrative control providing equivalent guarantees to those of customs control until the acceptance of the export declaration referred to in Article 1 (1) (b) and to be kept under customs control as from the moment of the said acceptance. In this case a quantity of sugar or isoglucose produced in the Community corresponding to the quantity of C sugar or C isoglucose in question, to be kept in the same silo, warehouse or tank until the moment of its release from storage, shall be allowed to be exported in substitution for that C sugar or that C isoglucose outside of the customs territory of the Community without giving rise to payment of the charge referred to in paragraph 2.';

6. Article 3 (2) and (3) are replaced by the following:

'2. The Member State concerned shall, before 1 May following 1 January referred to in Article 1 (1) (b), notify those manufacturers who are required to pay the charge referred to in paragraph 1 of the total amount to be paid.

Such total amount shall be paid by the manufacturers in question before 20 May of the same year.

3. However, where the competent agency has, pursuant to the second subparagraph of Article 2 (1), extended the time limit for furnishing the proof, the dates 1 May and 20 May referred to in paragraph 2 shall be replaced by the dates determined by the competent agency on the basis of the extension allowed.';

7. Article 4 is replaced by the following:

Article 4

1. The Member State concerned shall, before 15 April following 1 January referred to in Article 1 (1) (b), notify those manufacturers who are required to pay the charge referred to in the second subparagraph of Article 2 (2) of the total amount to be paid.

2. The total amount shall be paid by the manufacturers in question before 1 May of the same year.'

Article 2

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

It shall be applicable to the C sugar and the C isoglucose produced as from the 1988/89 marketing year.

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

Done at Brussels, 14 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3893/88
of 14 December 1988

**amending Regulation (EEC) No 2290/83 laying down provisions for the
implementation of Articles 50 to 59 of Council Regulation (EEC) No 918/83
setting up a Community system of reliefs from customs duty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March setting up a Community system of reliefs from customs duty ⁽¹⁾, as last amended by Regulation (EEC) No 1315/88 ⁽²⁾, and in particular Article 143 thereof,

Whereas Articles 63a and 63b of Regulation (EEC) No 918/83 introduced on a definitive basis into the Community system of reliefs from customs duty the previously optional provisions of Articles 137 and 138 of that Regulation in respect of instruments and apparatus used in medical research, establishing medical diagnoses or carrying out medical treatment;

Whereas such implementing provisions may to some extent be based on those of Commission Regulation (EEC) No 2290/83 ⁽³⁾, as amended by Regulation (EEC) No 1745/85 ⁽⁴⁾; whereas it would therefore seem appropriate to deal with all the analogous situations in a single instrument, through an amendment to extend the scope of Regulation (EEC) No 2290/83;

Whereas practical experience of the procedure laid down by present provisions shows that certain adaptations should be made;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty-free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2290/83 is hereby amended as follows:

1. The title is replaced by the following:

'Commission Regulation (EEC) No 2290/83 of 29 July 1983 laying down provisions for the implementation of Articles 50 to 59 and Articles 63a and 63b of

Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty';

2. Article 1 is replaced by the following:

Article 1

This Regulation lays down provisions for the implementation of Articles 50 to 59 and Articles 63a and 63b of Regulation (EEC) No 918/83, hereinafter referred to as the "basic Regulation".;

3. In Article 7 (2) the second subparagraph is replaced by the following:

'Pending a decision on the application for duty-free admission in accordance with this Article, the competent authority may authorize the provisional importation free of import duties of the instrument or apparatus concerned, subject to an undertaking by the establishment or organization to which the goods are consigned to pay the relevant import duties should admission free of import duties not be granted.';

4. The following sentence is added to Article 7 (7):

'The period may, however, be extended, provided that the period in total does not exceed nine months, where the Commission has found it necessary to seek further information from the Member State in order to reach a decision. In this case the Commission must inform the requesting competent authority before the initial six-month period expires.';

5. The following Title Va is inserted:

TITLE Va

**SPECIAL PROVISIONS RELATING TO THE
ADMISSION FREE OF IMPORT DUTIES OF
MEDICAL INSTRUMENTS OR APPARATUS
UNDER ARTICLES 63a AND 63b OF THE BASIC
REGULATION**

Article 15a

1. In order to obtain admission free of import duties of instruments or apparatus under Articles 63a and 63b of the basic Regulation, the head of the establishment or organization to which the goods are consigned, or his authorized representative, must submit an application to the competent authority of the Member State in which the establishment or organization is situated.

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ OJ No L 123, 17. 5. 1988, p. 2.

⁽³⁾ OJ No L 220, 11. 8. 1983, p. 20.

⁽⁴⁾ OJ No L 167, 27. 6. 1985, p. 21.

2. The application referred to in paragraph 1 must contain the following information relating to the instrument or apparatus in question :

- (a) the precise trade description of the instrument or apparatus used by the manufacturer, and its presumed classification in the tariff nomenclature ;
- (b) the name or business name and address of the manufacturer and, if available, of the supplier ;
- (c) the country of origin of the instrument or apparatus ;
- (d) the place where the instrument or apparatus is to be used ;
- (e) the use which the instrument or apparatus is to be put.

3. In the case of a gift, the application shall also include :

- (a) the name of business name and address of the donor ;
- (b) a declaration by the applicant to the effect that :
 - (i) the donation of the instrument or apparatus in question does not conceal any commercial intent on the part of the donor ;
 - (ii) the donor is no way associated with the manufacturer of the instruments or apparatus whose duty-free admission is requested.

Article 15b

1. Where the competent authority of a Member State is considering granting duty-free admission of apparatus or instruments as defined in Article 63a of the basic Regulation, it shall consult the other Member States to ascertain whether equivalent apparatus or instruments are being manufactured in the Community.

2. If no reply is received by the consulting authority within four months, it shall take the view that no instruments equivalent to that for which duty-free admission is requested are being manufactured in the Member States consulted.

3. Where the four-month period proves insufficient for the authority consulted, that authority shall inform

the consulting authority accordingly and at the same time state the period within which a final reply may be expected from it. Such period shall not, however, exceed a further two months.

4. Where on completion of the consultation procedure provided for in paragraphs 1 to 3, the consulting authority finds that the conditions laid down in Article 63a (1) (a), (b) and (c) of the basic Regulation are met it shall grant the relief. Otherwise it shall refuse it.

Article 15c

Where the competent authority of the Member State in which the establishment or body to which the goods are consigned is situated is unable to take a decision as referred to in Article 15b, the provisions governing the procedure laid down in Article 7 (2) to (7) in respect of the duty-free admission of scientific instruments and apparatus shall apply *mutatis mutandis*.

Article 15d

The provisions of Articles 15a to 15c shall apply *mutatis mutandis* to spare parts, components, specific accessories and tools to be used for the maintenance, checking, calibration or repair of instruments or apparatus admitted duty-free pursuant to Article 63a (2) (a) and (b) of the basic Regulation.

Article 15e

The provisions of Article 8 shall apply, *mutatis mutandis*;

6. The first subparagraph of Article 16 (1) is replaced by the following :

'Each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds Ecu 5 000 and for which it has authorized or refused admission free of import duties under Article 7 (1), 14 (1) or 15b (4).'

Article 2

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 14 December 1988.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 3894/88
of 14 December 1988
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 3723/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3723/88 to the prices 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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 December 1988.

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

Done at Brussels, 14 December 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 326, 30. 11. 1988, p. 6.

ANNEX

to the Commission Regulation of 14 December 1988 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		16,00
0401 10 90		14,79
0401 20 11		22,53
0401 20 19		21,32
0401 20 91		28,43
0401 20 99		27,22
0401 30 11		74,40
0401 30 19		73,19
0401 30 31		144,47
0401 30 39		143,26
0401 30 91		243,83
0401 30 99		242,62
0402 10 11		107,28
0402 10 19		100,03
0402 10 91	(¹)	1,0003/kg + 29,74
0402 10 99	(¹)	1,0003/kg + 22,49
0402 21 11		143,36
0402 21 17		136,11
0402 21 19		136,11
0402 21 91		183,65
0402 21 99		176,40
0402 29 11	(¹) (²)	1,3611/kg + 29,74
0402 29 15	(¹)	1,3611/kg + 29,74
0402 29 19	(¹)	1,3611/kg + 22,49
0402 29 91	(¹)	1,7640/kg + 29,74
0402 29 99	(¹)	1,7640/kg + 22,49
0402 91 11		34,27
0402 91 19		34,27
0402 91 31		42,84
0402 91 39		42,84
0402 91 51		144,47
0402 91 59		143,26
0402 91 91		243,83
0402 91 99		242,62
0402 99 11		49,76
0402 99 19		49,76
0402 99 31	(¹)	1,4084/kg + 26,12
0402 99 39	(¹)	1,4084/kg + 24,91
0402 99 91	(¹)	2,4020/kg + 26,12
0402 99 99	(¹)	2,4020/kg + 24,91

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

CN code	Note	Import levy
0403 10 11		24,94
0403 10 13		30,84
0403 10 19		76,81
0403 10 31	(¹)	0,1890/kg + 28,53
0403 10 33	(¹)	0,2480/kg + 28,53
0403 10 39	(¹)	0,7077/kg + 28,53
0403 90 11		107,28
0403 90 13		143,36
0403 90 19		183,65
0403 90 31	(¹)	1,0003/kg + 29,74
0403 90 33	(¹)	1,3611/kg + 29,74
0403 90 39	(¹)	1,7640/kg + 29,74
0403 90 51		24,94
0403 90 53		30,84
0403 90 59		76,81
0403 90 61	(¹)	0,1890/kg + 28,53
0403 90 63	(¹)	0,2480/kg + 28,53
0403 90 69	(¹)	0,7077/kg + 28,53
0404 10 11		19,03
0404 10 19	(¹)	0,1903/kg + 22,49
0404 10 91	(²)	0,1903/kg
0404 10 99	(²)	0,1903/kg + 22,49
0404 90 11		107,28
0404 90 13		143,36
0404 90 19		183,65
0404 90 31		107,28
0404 90 33		143,36
0404 90 39		183,65
0404 90 51	(¹)	1,0003/kg + 29,74
0404 90 53	(¹)	1,3611/kg + 29,74
0404 90 59	(¹)	1,7640/kg + 29,74
0404 90 91	(¹)	1,0003/kg + 29,74
0404 90 93	(¹)	1,3611/kg + 29,74
0404 90 99	(¹)	1,7640/kg + 29,74
0405 00 10		251,41
0405 00 90		306,72
0406 10 10		262,30
0406 10 90		313,77
0406 20 10	(³)	392,18
0406 20 90		392,18
0406 30 10	(³)	202,66
0406 30 31	(³)	198,30
0406 30 39	(³)	202,66
0406 30 90	(³)	299,38
0406 40 00	(³)	157,44
0406 90 11	(³)	248,56

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

CN code	Note	Import levy
0406 90 13	(³)	232,42
0406 90 15	(³)	232,42
0406 90 17	(³)	232,42
0406 90 19	(³)	392,18
0406 90 21	(³)	248,56
0406 90 23	(³)	217,05
0406 90 25	(³)	217,05
0406 90 27	(³)	217,05
0406 90 29	(³)	217,05
0406 90 31	(³)	217,05
0406 90 33		217,05
0406 90 35	(³)	217,05
0406 90 37	(³)	217,05
0406 90 39	(³)	217,05
0406 90 50	(³)	217,05
0406 90 61		392,18
0406 90 63		392,18
0406 90 69		392,18
0406 90 71		262,30
0406 90 73		217,05
0406 90 75		217,05
0406 90 77		217,05
0406 90 79		217,05
0406 90 81		217,05
0406 90 83		217,05
0406 90 85		217,05
0406 90 89	(³)	217,05
0406 90 91		262,30
0406 90 93		262,30
0406 90 97		313,77
0406 90 99		313,77
1702 10 90	(⁴)	36,85
2106 90 51		36,85
2309 10 15		77,44
2309 10 19		100,45
2309 10 39		94,57
2309 10 59		79,07
2309 10 70		100,45
2309 90 35		77,44
2309 90 39		100,45
2309 90 49		94,57
2309 90 59		79,07
2309 90 70		100,45

-
- (1) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
 - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this subheading is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (3) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (4) Lactose and lactose syrup falling within subheading 1702 10 10 are subject, pursuant to Council Regulation (EEC) No 2730/75, to the same levy as that applicable to lactose falling within subheading 1702 10 90.
-

COMMISSION REGULATION (EEC) No 3895/88
of 14 December 1988
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2368/88 ⁽³⁾, as last amended by Regulation (EEC) No 3819/88 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2368/88 to the information at present available to the Commission

that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, 0,73 ECU/100 kg.

Article 2

This Regulation shall enter into force on 15 December 1988.

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

Done at Brussels, 14 December 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. 29.

⁽⁴⁾ OJ No L 337, 8. 12. 1988, p. 19.

COMMISSION REGULATION (EEC) No 3896/88
of 14 December 1988

**correcting Commission Regulation (EEC) No 3740/88 fixing the rates of the
refunds applicable to certain cereal and rice products exported in the form of
goods not covered by Annex II to the Treaty**

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

Having regard to 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 first sentence of the
fourth subparagraph of Article 16 (2) 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 the first sentence of the
fourth subparagraph of Article 17 (2) thereof,

Whereas the rates of the refunds applicable from 1
December 1988 to certain cereals and rice products
exported in the form of goods not covered by Annex II to
the Treaty were fixed by Commission Regulation (EEC)
No 3740/88 ⁽⁵⁾;

Whereas a check has shown that the amounts in the
Annex thereto do not correspond to the measures

submitted for an opinion to the Management Committee;
whereas the Regulation in question should be corrected
accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3740/88, under CN
code 1003 00 90, '6,798' is replaced by '6,802'.

Article 2

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

At the request of the interested party, it shall apply with
effect from 1 December 1988.

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

Done at Brussels, 14 December 1988.

For the Commission

COCKFIELD

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 328, 1. 12. 1988, p. 21.

COMMISSION REGULATION (EEC) No 3897/88
of 14 December 1988

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

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3811/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3811/88 to the information known to the Commission that the export refunds

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3811/88, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 December 1988.

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

Done at Brussels, 14 December 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 337, 8. 12. 1988, p. 5.

ANNEX

to the Commission Regulation of 14 December 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	34,09 ⁽¹⁾	
1701 11 90 910	33,77 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	34,09 ⁽¹⁾	
1701 12 90 910	33,77 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3706
1701 99 10 100	37,06	
1701 99 10 910	36,71	
1701 99 10 950	36,71	
1701 99 90 100		0,3706

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

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

COMMISSION REGULATION (EEC) No 3898/88**of 14 December 1988****amending Regulation (EEC) No 3820/88 introducing a countervailing charge on fresh lemons originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 3820/88⁽³⁾ introduced a countervailing charge on fresh lemons originating in Turkey;

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 fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3820/88 '2,68' ECU is hereby replaced by '4,02' ECU.

Article 2

This Regulation shall enter into force on 15 December 1988.

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

Done at Brussels, 14 December 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 337, 8. 12. 1988, p. 20.

COMMISSION REGULATION (EEC) No 3899/88

of 14 December 1988

fixing the maximum export refund for white sugar for the 33rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 33rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 33rd partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 39,529 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 15 December 1988.

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

Done at Brussels, 14 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 3900/88

of 14 December 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 3689/88 ⁽⁷⁾, as last amended by Regulation (EEC) No 3872/88 ⁽⁸⁾;

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

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 13 December 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⁾, as last amended by Regulation (EEC) No 1740/78 ⁽¹²⁾, 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 3689/88 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 15 December 1988.

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

Done at Brussels, 14 December 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 321, 26. 11. 1988, p. 28.

⁽⁸⁾ OJ No L 345, 14. 12. 1988, p. 24.

⁽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.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

ANNEX

to the Commission Regulation of 14 December 1988 altering the import levies on products processed from cereals and rice

CN code	Import levies (ECU/tonne)	
	Third countries (other than ACP or OCT)	ACP or OCT
1102 20 10 ⁽²⁾	244,74	238,70
1102 20 90 ⁽²⁾	138,28	135,26
1103 13 11 ⁽²⁾	235,74	229,70
1103 13 19 ⁽²⁾	244,74	238,70
1103 13 90 ⁽²⁾	138,28	135,26
1103 29 40 ⁽²⁾	244,74	238,70
1104 19 50 ⁽²⁾	244,74	238,70
1104 23 10 ⁽²⁾	215,20	212,18
1104 23 30 ⁽²⁾	215,20	212,18
1104 23 90 ⁽²⁾	138,28	135,26
1104 30 90	105,50	99,46
1106 20 91	226,00	201,82 ⁽³⁾
1106 20 99	234,05	209,87 ⁽³⁾
1108 12 00	226,00	205,45
1108 13 00	226,00	205,45
1108 14 00	226,00	102,72 ⁽³⁾
1108 19 90	226,00	102,72
1702 30 91 ⁽³⁾	364,70	267,98
1702 30 99 ⁽³⁾	271,94	205,45
1702 40 90 ⁽³⁾	271,94	205,45
1702 90 50	271,94	205,45
1702 90 75	377,46	280,74
1702 90 79	261,73	195,24
2106 90 55	271,94	205,45
2303 10 11	436,56	255,22

⁽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.

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the customs treatment in respect of glucose and glucose syrup of subheadings 1702 30 91, 1702 30 99 and 1702 40 90 shall also apply to glucose and glucose syrup of subheadings 1702 30 51 and 1702 30 59.

⁽⁴⁾ In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrow-root falling within subheading 0714 90 10,
- flours and meal of arrow-root falling within subheading 1106 20,
- arrow-root starch falling within subheading 1108 19 90.

COMMISSION REGULATION (EEC) No 3901/88
of 14 December 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 3856/88 ⁽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 15 December 1988.

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

Done at Brussels, 14 December 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 343, 13. 12. 1988, p. 15.

ANNEX

to the Commission Regulation of 14 December 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,98 ⁽¹⁾
1701 11 90	34,98 ⁽¹⁾
1701 12 10	34,98 ⁽¹⁾
1701 12 90	34,98 ⁽¹⁾
1701 91 00	43,84
1701 99 10	43,84
1701 99 90	43,84 ⁽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 Commission 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.