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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4073/88

of 19 December 1988

amending Regulation (EEC) No 1975/82 on the acceleration of agricultural development in certain regions of Greece

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas, in accordance with Regulation (EEC) No 1975/82 ⁽³⁾, as last amended by Regulation (EEC) No 3157/84 ⁽⁴⁾, the Hellenic Republic implemented a programme of works and other activities for the development of the mountain and hill and less-favoured areas of 22 administrative areas which was approved by Commission Decision 83/387/EEC ⁽⁵⁾;

Whereas Article 16 (2) of the said Regulation provides that before the expiry of the common measure the Council must decide, on a proposal from the Commission, whether the measure should be extended;

Whereas the implementation of the programme has encountered difficulties caused particularly by certain changes in priorities, the limited financial resources available under the budget of the Member State concerned and administrative problems; whereas, as a result of these difficulties, implementation has fallen well behind schedule;

Whereas this situation made it necessary to revise the initial programme, and this revision was approved by Commission Decision 88/425/EEC ⁽⁶⁾;

Whereas it became apparent that this revision would not be sufficient to make up the backlog of work under the programme or to supply the necessary funding; whereas, therefore, the duration of the common measure should be extended until 31 December 1989 and the Community's financial contribution should be increased, in order to achieve the aims of the programme as nearly as possible,

while taking account of the fact that in the light of the reform of the structural Funds the emphasis must be placed on the less-developed regions of the Community;

Whereas the increase in the Community's financial contribution should be varied to take account of the needs of the different sectors involved in the programme and the priorities of the Community; whereas that contribution should therefore be increased to 70 % in the case of rural infrastructure, the development of stock rearing (cattle, sheep and goats) and forestry improvement measures, and to 60 % in the case of irrigation, the improvement of facilities for agricultural training and land improvement,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1975/82 is hereby amended as follows:

1. Article 16 (1) shall be replaced as follows:

'1. The duration of the common measure shall be from the date on which the programme referred to in Article 1 (4) is approved until 31 December 1989.'

2. Article 18 shall be amended as follows:

(i) The following subparagraph shall be added to paragraph 2:

'However, for expenditure incurred from 29 July 1988 onwards, the Fund shall reimburse the Hellenic Government the following percentages of its actual expenditure, while observing the maximum eligible amounts laid down in the first subparagraph:

- 70 % for the work referred to in Article 4. However, this amount may not exceed 60 % of the total cost of the investment;
- 70 % for the measures and work referred to in Articles 10 (1) and 14 (1);
- 60 % for the work and measures referred to in Articles 6, 8 and 12 (1).'

⁽¹⁾ OJ No C 294, 18. 11. 1988, p. 5.

⁽²⁾ Opinion delivered on 16 December 1988 (not yet published in the *Official Journal*).

⁽³⁾ OJ No L 214, 22. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 301, 24. 10. 1987, p. 3.

⁽⁵⁾ OJ No L 222, 13. 8. 1983, p. 43.

⁽⁶⁾ OJ No L 208, 2. 8. 1988, p. 28.

(ii) Paragraph 2a shall be replaced by the following :

without, however, exceeding the estimated cost specified in Article 16 (3).'

'2a. The Commission may on the occasion of the approval, in accordance with the procedure laid down in Article 21, of an adjustment of the programme referred to in Article 1 (4) alter the limits set in the first subparagraph of paragraph 2,

Article 2

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

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

Done at Brussels, 19 December 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 4074/88**of 19 December 1988****amending, in respect of Spain, Regulation (EEC) No 4007/87 extending the period referred to in Article 90 (1) and Article 257 (1) of the Act of Accession of Spain and Portugal**

THE COUNCIL 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, and in particular Article 90 (2) thereof,

Having regard to the proposal from the Commission,

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

Whereas Articles 90 (1) and 257 (1) of the Act of Accession provide for a period during which transitional measures may be taken to facilitate the passage from the arrangements existing in Spain and in Portugal on accession to the arrangements resulting from the application of the common organization of the markets as defined in the Act, and in particular to deal with appreciable difficulties in the implementation of the new arrangements on the date laid down; whereas the date of expiry of that period, fixed as 31 December 1987 in the

Act of Accession, was extended by Regulation (EEC) No 4007/87 ⁽²⁾ to 31 December 1988 for Spain and to 31 December 1990 for Portugal;

Whereas, in certain sectors, such difficulties cannot be overcome by 31 December 1988 in the case of Spain; whereas the period in question should therefore be extended to 31 December 1989 for that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

In the first subparagraph of Article 1 of Regulation (EEC) No 4007/87, the date '31 December 1988' is hereby replaced by '31 December 1989'.

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, 19 December 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ Opinion delivered on 16 December 1988 (not yet published in the Official Journal).

⁽²⁾ OJ No L 378, 31. 12. 1987, p. 1.

COUNCIL REGULATION (EEC) No 4075/88

of 19 December 1988

opening a Community tariff quota for high quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the General Agreement on Tariffs and Trade (GATT), to open an annual tariff quota at a rate of duty of 20 % for 34 300 tonnes expressed in weight of the product of high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91; whereas that quota should therefore be opened for 1989;

Whereas there should be a guarantee of, in particular, equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the rate laid down for that quota, to all imports of the products in question, in all the Member States, up to the limit of the quota; whereas it seems appropriate, to that end, to set up a system for using the Community tariff quota, based on the presentation of a certificate of authenticity guaranteeing the nature of the product, where it comes from and its origin;

Whereas detailed rules for the implementation of this Regulation should be drawn up in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 2248/88⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 is hereby opened for 1989.

The total quota shall be 34 300 tonnes expressed in weight of the product.

2. Under the quota, the applicable duty of the Common Customs Tariff shall be 20 %.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, and in particular:

- (a) provisions to guarantee the nature of the product, where it comes from and its origin;
- (b) provisions concerning recognition of the document to enable verification of the guarantees referred to in (a).

Article 3

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

It shall apply from 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 24.

COUNCIL REGULATION (EEC) No 4076/88

of 19 December 1988

opening, allocating and providing for the administration of a Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota at a rate of duty of 20 % for 53 000 tonnes expressed in weight of boned or boneless frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91; whereas that quota should therefore be opened for 1989;

Whereas there should be a guarantee, in particular, of equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the rate laid down for that quota, to all imports of the product in question, in all the Member States, up to the limit of the quota; whereas, for pressing reasons of a technical and administrative nature preventing the immediate application of Community administration, the current system of administration based on allocation between the Member States should, nevertheless, be partially retained;

Whereas, for 1989, the quota volume should be divided into two parts, the first part being divided between the Member States and the second being held as a reserve to which the Member States return any unused quantities of their shares; whereas the allocation between the Member States must be made on a *pro rata* basis according to the requirements of the Member States, calculated, on the one hand, on the basis of statistical data relating to imports from third countries over a representative reference period, and, on the other hand, on the basis of the economic outlook for the quota year considered;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to the said economic union can be carried out by any one of its members;

Whereas the detailed rules for implementation of these special import arrangements must be taken in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 2248/88⁽²⁾,

Article 1

1. A Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91, totalling 53 000 tonnes expressed as boned or boneless meat, is hereby opened for 1989 and subsequent years.

For the purpose of charging imports against that quota, 100 kilograms of unboned meat shall be taken to be equivalent to 77 kilograms of boned or boneless meat.

2. Under this Regulation, meat which at the time of the acceptance of the import declaration is presented in a frozen state shall be considered as frozen meat.

3. Imports of the products in question which have been admitted under the benefit of another preferential tariff regime shall not be set off against the tariff quota.

4. Under the quota, the applicable duty of the Common Customs Tariff shall be 20 %.

Article 2

1. The quota of 53 000 tonnes shall be divided into two parts, one totalling 47 700 tonnes, divided between the Member States, and the other totalling 5 300 tonnes, the latter being administered subject to conditions determined in accordance with the procedure provided for in Article 27 of Regulation (EEC) No 805/68.

2. The first part of 47 700 tonnes shall be subdivided into two parts, one of 32 850 tonnes, the other of 14 850 tonnes, broken down as follows between the Member States:

Member States	For the part of the quota totalling 32 850 tonnes	For the part of the quota totalling 14 850 tonnes
Benelux	3 140,0	1 419,5
Denmark	306,5	138,5
Germany	6 665,5	3 013,5
Greece	990,5	448,0
Spain	916,0	414,0
France	4 781,0	2 161,5
Ireland	262,5	118,5
Italy	6 952,0	3 142,5
Portugal	449,5	203,0
United Kingdom	8 386,5	3 791,0

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 24.

3. The amounts provided for in paragraph 2 which are not used up by 30 September 1989 shall be added to the second part of 5 300 tonnes.

Article 3

1. Member States shall take all necessary measures to guarantee to all operators concerned established on their territory free access to the shares allocated to them.

2. The recording of unused amounts referred to in Article 2 (3) shall be carried out, on the basis of imports declared for customs purposes for entry into free circulation, at the end of the third quarter of 1989.

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

Done at Brussels, 19 December 1988.

Article 4

Member States shall inform the Commission of the unused amounts of their shares at the end of the third quarter of 1989.

Article 5

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

Article 6

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

It shall apply from 1 January 1989.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 4077/88

of 19 December 1988

opening a Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota at a rate of duty of 20 % for 2 250 tonnes of frozen buffalo meat falling within CN code 0202 30 90; whereas that quota should therefore be opened for 1989;

Whereas there should be a guarantee of, in particular, equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the rate laid down for that quota, to all imports of the product in question, in all the Member States, up to the limit of the quota; whereas it seems appropriate, to that end, to set up a system for using the Community tariff quota, based on the presentation of a certificate of authenticity guaranteeing the nature of the product, where it comes from and its origin;

Whereas detailed rules for the implementation of this Regulation must be drawn up in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common

organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 2248/88⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90 is hereby opened for 1989.

The total quota shall be 2 250 tonnes.

2. Under the quota, the applicable duty of the Common Customs Tariff shall be 20 %.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, and in particular:

- (a) provisions to guarantee the nature of the product, where it comes from and its origin;
- (b) provisions concerning recognition of the document to enable verification of the guarantees referred to in (a).

Article 3

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

It shall apply from 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 24.

COUNCIL REGULATION (EEC) No 4078/88

of 19 December 1988

opening and providing for the administration of a Community tariff quota for cut flowers and flower buds, fresh, originating in Israel (1988/89)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of the Additional Protocol to the Agreement between the European Economic Community and the State of Israel⁽¹⁾ provides that fresh cut flowers and flower buds, falling within the CN codes appearing in Article 1, originating in that country, may be imported into the Community at reduced rates of customs duty within the limits of an annual Community tariff quota for 17 000 tonnes;

Whereas, within these limits of that quota, Common Customs Tariff duties are to be abolished progressively over the same periods and in accordance with the same timetables as laid down in Articles 75 and 243 of the Act of Accession of Spain and Portugal; whereas, for the period 1 December 1988 to 31 October 1989, the quota duties are to be equal to 62,5 % of the basic duties from 1 December to 31 December 1988 and to 50 % of the basic duties from 1 January to 31 October 1989;

Whereas, within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic are to apply duties calculated in accordance with Council Regulation (EEC) No 4162/87 of 21 December 1987 laying down the arrangements for Spain's and Portugal's trade with Israel and amending Regulations (EEC) No 449/86 and (EEC) No 2573/87⁽²⁾; whereas the tariff quota in question should therefore be opened for the period from 1 December 1988 to 31 October 1989 amounting, by virtue of the *pro rata temporis* clause, to 15,583 tonnes for the period in question;

Whereas large-flowered and small flowered roses and unifloral and multifloral carnations are only covered by these quotas subject to the conditions laid down by Council Regulation (EEC) No 4088/87 of 21 December

1987 establishing conditions for the application of preferential customs duties on imports of certain floricultural products originating in Cyprus, Israel and Jordan⁽³⁾; whereas these favourable tariff arrangements apply only to imports in respect of which certain price conditions are observed; whereas, in addition, Israel has undertaken to respect the traditional division of trade flows between roses and carnations;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing, on the tariff quota, of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the tariff quota is used and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of quota shares collected by that economic union may be carried out by any of its members;

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 December 1988 to 31 October 1989 the customs duties applicable to imports into the Community of the products listed below, originating in Israel, shall be suspended at the level and within the limits of the Community tariff quota in respect of each product;

⁽¹⁾ OJ No L 327, 30. 11. 1988, p. 36.

⁽²⁾ OJ No L 396, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 382, 31. 12. 1987, p. 22.

Order No	CN code	Description	Country of origin	Volume of quota (tonnes)	Quota duties (%)
09.1306	0603 10 51 0603 10 53 0603 10 55 0603 10 61 0603 10 65 0603 10 69 0603 10 11 0603 10 13 0603 10 15 0603 10 21 0603 10 25 0603 10 29	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared : — Fresh : — — From 1 November to 31 May — — From 1 June to 31 October	Israel	15 583	From 1 December to 31 December 1988 : 10,6 From 1 January to 31 May 1989 : 8,5 From 1 June to 31 October 1989 : 12

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with Regulation (EEC) No 4162/87.

2. Access to the quota may be halted for large-flowered and small-flowered roses and unifloral and multifloral carnations if it is found at Community level that the price conditions laid down by Regulation (EEC) No 4088/87 are not being observed.

In such cases, the Commission shall adopt regulations re-establishing the duties applicable to the products in question and, where appropriate, re-introducing this Regulation on the dates and in respect of the products and periods indicated in the Regulations in question.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the products concerned have free access to the quota for such times as the balance of the tariff quota so permits.

3. Member States shall charge imports of the said products against their drawings as and when the goods are entered with the customs authorities under cover of declarations of entry into free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 5

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 6

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

Article 7

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

It shall apply from 1 December 1988.

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

Done at Brussels, 19 December 1988.

For the Council

The President

Th. PANGALOS

COMMISSION REGULATION (EEC) No 4079/88

of 27 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 26 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 28 December 1988.

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

Done at Brussels, 27 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 27 December 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	0,34	124,09
0712 90 19	0,34	124,09
1001 10 10	31,98	185,60 ⁽¹⁾ ⁽²⁾
1001 10 90	31,98	185,60 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	127,36
1001 90 99	0,00	127,36
1002 00 00	35,82	113,81 ⁽³⁾
1003 00 10	29,59	122,23
1003 00 90	29,59	122,23
1004 00 10	85,40	72,74
1004 00 90	85,40	72,74
1005 10 90	0,34	124,09 ⁽²⁾ ⁽³⁾
1005 90 00	0,34	124,09 ⁽²⁾ ⁽³⁾
1007 00 90	24,28	133,11 ⁽⁴⁾
1008 10 00	29,59	41,21
1008 20 00	29,59	116,11 ⁽⁴⁾
1008 30 00	29,59	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	29,59	0,00
1101 00 00	0,41	192,15
1102 10 00	63,20	173,18
1103 11 10	62,89	301,00
1103 11 90	0,72	206,62

⁽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 4080/88

of 27 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 26 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 28 December 1988.

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

Done at Brussels, 27 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 27 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	4,55	4,55	4,55
1001 90 99	0	4,55	4,55	4,55
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	6,37	6,37	6,37

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	8,10	8,10	8,10	8,10
1107 10 19	0	6,05	6,05	6,05	6,05
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 4081/88

of 27 December 1988

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

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing the reference price for fresh lemons for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of December 1988 at 47,15 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 4 % should be reintroduced.

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 3,98 ECU per 100 kilograms net is applied on imports of fresh lemons falling within CN code ex 0805 30 10 originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 29 December 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 4082/88
of 27 December 1988
fixing the export refunds on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas to Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾;
- 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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

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, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 27 December 1988 fixing the export refunds on rice and broken rice

(ECU / tonne)		
Product code	Destination (1)	Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	197,60
1006 20 15 000	01	197,60
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	197,60
1006 20 96 000	01	197,60
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	197,60
1006 30 25 000	01	197,60
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	197,60
1006 30 46 000	01	197,60
1006 30 48 000	—	—
1006 30 61 000	—	—
1006 30 63 100	01	247,00
	03	266,00
	05	266,00
	06	271,00
	07	271,00
	08	266,00
	09	266,00
	10	271,00
	11	271,00
	12	271,00
	13	247,00
	14	271,00
1006 30 63 900	01	247,00
	13	247,00
1006 30 65 100	01	247,00
	03	266,00
	05	266,00
	06	271,00
	07	271,00
	08	266,00
	09	266,00
	10	271,00
	11	271,00
	12	271,00
	13	247,00
	14	271,00
1006 30 65 900	01	247,00
	13	247,00
1006 30 67 100	—	—
1006 30 67 900	—	—
1006 30 92 000	—	—

Product code	Destination (1)	Amount of refunds
1006 30 94 100	01	247,00
	03	266,00
	05	266,00
	06	271,00
	07	271,00
	08	266,00
	09	266,00
	10	271,00
	11	271,00
	12	271,00
	13	247,00
	14	271,00
1006 30 94 900	01	247,00
	13	247,00
1006 30 96 100	01	247,00
	03	266,00
	05	266,00
	06	271,00
	07	271,00
	08	266,00
	09	266,00
	10	271,00
	11	271,00
	12	271,00
1006 30 96 900	01	247,00
	13	247,00
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie
- 03 Zone I
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of Zone I
- 05 Zone II b)
- 06 Zone IV a)
- 07 Zone IV b)
- 08 Zone VI
- 09 Canary Islands, Ceuta and Melilla
- 10 Zone V a)
- 11 Zone VII c)
- 12 Canada
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1)
- 14 Zone VIII, except Surinam, Guyana and Madagascar.

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

The export refunds are to be converted into national currencies using the specific agricultural conversion rates fixed in amended Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986).

COMMISSION REGULATION (EEC) No 4083/88

of 27 December 1988

fixing the corrective amount applicable to the refund on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence;

Whereas Commission Regulation No 474/67/EEC ⁽³⁾, as amended by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than 0,30 ECU per tonne; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than 0,30 ECU per tonne;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76; whereas the cif forward delivery price is that determined in accor-

dance with Article 3 (2) of Council Regulation (EEC) No 1428/76 ⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 27 December 1988 fixing the corrective amount applicable to the refund on rice and broken rice

Product code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
1006 20 11 000	—	—	—	—
1006 20 13 000	0	0	0	0
1006 20 15 000	0	0	0	0
1006 20 17 000	—	—	—	—
1006 20 92 000	—	—	—	—
1006 20 94 000	0	0	0	0
1006 20 96 000	0	0	0	0
1006 20 98 000	—	—	—	—
1006 30 21 000	—	—	—	—
1006 30 23 000	0	0	0	0
1006 30 25 000	0	0	0	0
1006 30 27 000	—	—	—	—
1006 30 42 000	—	—	—	—
1006 30 44 000	0	0	0	0
1006 30 46 000	0	0	0	0
1006 30 48 000	—	—	—	—
1006 30 61 000	—	—	—	—
1006 30 63 100	0	0	0	0
1006 30 63 900	0	0	0	0
1006 30 65 100	0	0	0	0
1006 30 65 900	0	0	0	0
1006 30 67 100	—	—	—	—
1006 30 67 900	—	—	—	—
1006 30 92 000	—	—	—	—
1006 30 94 100	0	0	0	0
1006 30 94 900	0	0	0	0
1006 30 96 100	0	0	0	0
1006 30 96 900	0	0	0	0
1006 30 98 100	—	—	—	—
1006 30 98 900	—	—	—	—
1006 40 00 000	—	—	—	—

COMMISSION REGULATION (EEC) No 4084/88

of 27 December 1988

fixing the export refunds 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 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 fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 ⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68 ⁽⁹⁾, as amended by Regulation (EEC) No 2764/71 ⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

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

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽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 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas Commission Regulation (EEC) No 2806/71⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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

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

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

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, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 27 December 1988 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	121,07	1104 22 10 100	57,70
1102 20 10 300	103,78	1104 22 10 900	—
1102 20 10 900	—	1104 22 30 100	61,30
1102 20 90 100	103,78	1104 22 30 900	—
1102 20 90 900	—	1104 22 50 000	—
1102 30 00 000	—	1104 23 10 100	129,72
1102 90 10 100	104,79	1104 23 10 300	99,45
1102 90 10 900	71,26	1104 23 10 900	—
1102 90 30 100	64,91	1104 29 10 100	—
1102 90 30 900	—	1104 29 10 900	—
1103 12 00 100	64,91	1104 29 91 000	61,65
1103 12 00 900	—	1104 29 95 000	61,65
1103 13 11 100	155,66	1104 30 10 000	19,54
1103 13 11 300	121,07	1104 30 90 000	21,62
1103 13 11 500	103,78	1107 10 11 000	139,11
1103 13 11 900	—	1107 10 91 000	124,35
1103 13 19 100	155,66	1108 11 00 100	142,30
1103 13 19 300	121,07	1108 11 00 900	—
1103 13 19 500	103,78	1108 12 00 100	130,37
1103 13 19 900	—	1108 12 00 900	—
1103 13 90 100	103,78	1108 13 00 100	130,37
1103 13 90 900	—	1108 13 00 900	—
1103 14 00 000	—	1108 14 00 100	—
1103 19 10 000	61,65	1108 14 00 900	—
1103 19 30 100	108,28	1108 19 10 100	172,64
1103 19 30 900	—	1108 19 10 900	—
1103 21 00 000	79,71	1108 19 90 100	—
1103 29 20 000	71,26	1108 19 90 900	—
1103 29 30 000	—	1109 00 00 100	0,00
1103 29 40 000	88,21	1109 00 00 900	—
1104 11 90 100	104,79	1702 30 91 000	170,29
1104 11 90 900	—	1702 30 99 000	130,37
1104 12 90 100	72,12	1702 40 90 000	130,37
1104 12 90 300	57,70	1702 90 50 100	170,29
1104 12 90 900	—	1702 90 50 900	130,37
1104 19 10 000	79,71	1702 90 75 000	178,44
1104 19 50 110	138,37	1702 90 79 000	123,85
1104 19 50 130	112,42	2106 90 55 000	130,37
1104 19 50 150	—	2302 10 10 000	18,76
1104 19 50 190	—	2302 10 90 100	18,76
1104 19 50 900	—	2302 10 90 900	—
1104 19 91 000	—	2302 20 10 000	18,76
1104 21 10 100	104,79	2302 20 90 100	18,76
1104 21 10 900	—	2302 20 90 900	—
1104 21 30 100	104,79	2302 30 10 000	18,76
1104 21 30 900	—	2302 30 90 000	18,76
1104 21 50 100	139,72	2302 40 10 000	18,76
1104 21 50 300	111,78	2302 40 90 000	18,76
1104 21 50 900	—	2303 10 11 100	65,18
		2303 10 11 900	—

NB: The products codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 4085/88

of 27 December 1988

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EEC) No 944/87⁽⁵⁾, provides

that, when export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 296/88⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 30, 2. 2. 1988, p. 9.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case

of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

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, 27 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.

ANNEX

to the Commission Regulation of 27 December 1988 fixing the export refunds on
cereal-based compound feedingstuffs

(ECU / tonne)

Product code	Destination (1)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	4,76
	09	—
2309 10 11 190	01	3,88
	09	—
2309 10 11 210	01	9,51
	09	—
2309 10 11 290	01	7,75
	09	—
2309 10 11 310	01	19,03
	09	—
2309 10 11 390	01	15,51
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	4,76
	09	—
2309 10 13 190	01	3,88
	09	—
2309 10 13 210	01	9,51
	09	—
2309 10 13 290	01	7,75
	09	—
2309 10 13 310	01	19,03
	09	—
2309 10 13 390	01	15,51
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	4,76
	09	—
2309 10 31 190	01	3,88
	09	—
2309 10 31 210	01	9,51
	09	—
2309 10 31 290	01	7,75
	09	—
2309 10 31 310	01	19,03
	09	—
2309 10 31 390	01	15,51
	09	—
2309 10 31 410	01	28,54
	09	—
2309 10 31 490	01	23,26
	09	—
2309 10 31 510	01	38,05
	09	—

(ECU/tonne)

Product code	Destination (1)	Amount of refund
2309 10 31 590	01	31,01
	09	—
2309 10 31 610	01	47,56
	09	—
2309 10 31 690	01	38,76
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	4,76
	09	—
2309 10 33 190	01	3,88
	09	—
2309 10 33 210	01	9,51
	09	—
2309 10 33 290	01	7,75
	09	—
2309 10 33 310	01	19,03
	09	—
2309 10 33 390	01	15,51
	09	—
2309 10 33 410	01	28,54
	09	—
2309 10 33 490	01	23,26
	09	—
2309 10 33 510	01	38,05
	09	—
2309 10 33 590	01	31,01
	09	—
2309 10 33 610	01	47,56
	09	—
2309 10 33 690	01	38,76
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	4,76
	09	—
2309 10 51 190	01	3,88
	09	—
2309 10 51 210	01	9,51
	09	—
2309 10 51 290	01	7,75
	09	—
2309 10 51 310	01	19,03
	09	—
2309 10 51 390	01	15,51
	09	—
2309 10 51 410	01	28,54
	09	—
2309 10 51 490	01	23,26
	09	—
2309 10 51 510	01	38,05
	09	—
2309 10 51 590	01	31,01
	09	—
2309 10 51 610	01	47,56
	09	—

Product code	Destination (1)	Amount of refund (ECU/tonne)
2309 10 51 690	01	38,76
	09	—
2309 10 51 710	01	57,08
	09	—
2309 10 51 790	01	46,52
	09	—
2309 10 51 810	01	62,27
	09	—
2309 10 51 890	01	50,75
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	4,76
	09	—
2309 10 53 190	01	3,88
	09	—
2309 10 53 210	01	9,51
	09	—
2309 10 53 290	01	7,75
	09	—
2309 10 53 310	01	19,03
	09	—
2309 10 53 390	01	15,51
	09	—
2309 10 53 410	01	28,54
	09	—
2309 10 53 490	01	23,26
	09	—
2309 10 53 510	01	38,05
	09	—
2309 10 53 590	01	31,01
	09	—
2309 10 53 610	01	47,56
	09	—
2309 10 53 690	01	38,76
	09	—
2309 10 53 710	01	57,08
	09	—
2309 10 53 790	01	46,52
	09	—
2309 10 53 810	01	62,27
	09	—
2309 10 53 890	01	50,75
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	4,76
	09	—

Product code	Destination (1)	Amount of refund (ECU/tonne)
2309 90 31 190	01	3,88
	09	—
2309 90 31 210	01	9,51
	09	—
2309 90 31 290	01	7,75
	09	—
2309 90 31 310	01	19,03
	09	—
2309 90 31 390	01	15,51
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	4,76
	09	—
2309 90 33 190	01	3,88
	09	—
2309 90 33 210	01	9,51
	09	—
2309 90 33 290	01	7,75
	09	—
2309 90 33 310	01	19,03
	09	—
2309 90 33 390	01	15,51
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	4,76
	09	—
2309 90 41 190	01	3,88
	09	—
2309 90 41 210	01	9,51
	09	—
2309 90 41 290	01	7,75
	09	—
2309 90 41 310	01	19,03
	09	—
2309 90 41 390	01	15,51
	09	—
2309 90 41 410	01	28,54
	09	—
2309 90 41 490	01	23,26
	09	—
2309 90 41 510	01	38,05
	09	—
2309 90 41 590	01	31,01
	09	—
2309 90 41 610	01	47,56
	09	—
2309 90 41 690	01	38,76
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	4,76
	09	—
2309 90 43 190	01	3,88
	09	—

(ECU / tonne)

Product code	Destination (1)	Amount of refund
2309 90 43 210	01	9,51
	09	—
2309 90 43 290	01	7,75
	09	—
2309 90 43 310	01	19,03
	09	—
2309 90 43 390	01	15,51
	09	—
2309 90 43 410	01	28,54
	09	—
2309 90 43 490	01	23,26
	09	—
2309 90 43 510	01	38,05
	09	—
2309 90 43 590	01	31,01
	09	—
2309 90 43 610	01	47,56
	09	—
2309 90 43 690	01	38,76
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	4,76
	09	—
2309 90 51 190	01	3,88
	09	—
2309 90 51 210	01	9,51
	09	—
2309 90 51 290	01	7,75
	09	—
2309 90 51 310	01	19,03
	09	—
2309 90 51 390	01	15,51
	09	—
2309 90 51 410	01	28,54
	09	—
2309 90 51 490	01	23,26
	09	—
2309 90 51 510	01	38,05
	09	—
2309 90 51 590	01	31,01
	09	—
2309 90 51 610	01	47,56
	09	—
2309 90 51 690	01	38,76
	09	—
2309 90 51 710	01	57,08
	09	—
2309 90 51 790	01	46,52
	09	—
2309 90 51 810	01	62,27
	09	—

(ECU/tonne)

Product code	Destination ⁽¹⁾	Amount of refund
2309 90 51 890	01	50,75
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	4,76
	09	—
2309 90 53 190	01	3,88
	09	—
2309 90 53 210	01	9,51
	09	—
2309 90 53 290	01	7,75
	09	—
2309 90 53 310	01	19,03
	09	—
2309 90 53 390	01	15,51
	09	—
2309 90 53 410	01	28,54
	09	—
2309 90 53 490	01	23,26
	09	—
2309 90 53 510	01	38,05
	09	—
2309 90 53 590	01	31,01
	09	—
2309 90 53 610	01	47,56
	09	—
2309 90 53 690	01	38,76
	09	—
2309 90 53 710	01	57,08
	09	—
2309 90 53 790	01	46,52
	09	—
2309 90 53 810	01	62,27
	09	—
2309 90 53 890	01	50,75
	09	—
2309 90 53 900	—	—

⁽¹⁾ The destinations are as follows:

01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77,

09 Other destinations.

NB : The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 4086/88

of 21 December 1988

establishing for 1989 the list of vessels exceeding eight metres length overall and permitted to use within certain coastal areas of the Community beam trawls whose aggregate length exceeds eight metres

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Council Regulation (EEC) No 3287/88⁽²⁾, and in particular Article 15 thereof,

Whereas Article 9 (3) (c) of Council Regulation (EEC) No 3094/86 provides for the establishment of an annual list of vessels exceeding eight metres length overall authorized to fish inside the continental coastal zone of the North Sea for sole using beam trawls of which the aggregate beam length exceeds eight metres and Article 9 (5) of that Regulation provides for the adoption of detailed rules for the implementation of this provision;

Whereas the list is to consist of those vessels which at the date these restrictions take effect comply with the criteria set out in Article 9 (3) (b) and (c) of the Regulation and with the technical requirements for access to the said area, as determined by the legislation of their flag State or State of registration;

Whereas inclusion in the list is without prejudice to the application of other measures for the conservation of fishery resources provided for or adopted in conformity with Regulation (EEC) No 3094/86 or Council Regulation (EEC) No 170/83⁽³⁾;

Whereas it is therefore necessary to establish this list and to lay down detailed rules for its establishment and modification;

Whereas it is necessary to define the primary activity of a vessel;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of vessels authorized by virtue of Article 9 (3) (c) of Regulation (EEC) No 3094/86 to use beam trawls whose aggregate length exceeds eight metres inside the area within 12 miles of the coasts of France, north of latitude 51°00' N, Belgium, the Netherlands, the Federal Republic of Germany, and the west coast of Denmark as far as the Hirtshals Lighthouse, measured from the baselines from which the territorial waters are measured, is given in the Annex.

2. The list shall consist of those vessels exceeding eight metres length overall:

- whose primary activity is fishing for shrimps, and
- which entered into service before 1 January 1987, and have been fishing with beam trawls in waters beyond the baselines before that date, and
- which complied on 1 January 1987 with the technical requirements determined by the legislation of the Member State whose flag they fly or in which they are registered for fishing with beam trawls in the area referred to in Article 9 (3) (a) of Regulation (EEC) No 3094/86, and
- whose engine power on 1 January 1987 did not exceed 221 kW and in the case of derated engines did not exceed 300 kW before derating.

3. Vessels which went out of service between 1 July 1986 and 1 January 1987 for reasons of *force majeure* but which would otherwise comply with the conditions set out in paragraph 2 may appear on the list.

Vessels for the construction of which a binding contract was signed before 11 October 1986 may also appear on the list provided that when constructed they comply with the conditions set out in paragraph 2 apart from the references to 1 January 1987.

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 292, 26. 10. 1988, p. 5.

⁽³⁾ OJ No L 24, 27. 1. 1983, p. 1.

4. The list is valid from 1 January to 31 December 1989. The list shall be supplemented, if necessary, before 30 June 1989, in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 3094/86, to take account of any other vessels which entered into service before 1 January 1987 but were not included on the list on the date of entry into force of this Regulation.

5. Member States shall verify that vessels included on the list comply with the conditions set out in paragraph 2 and shall, if necessary, notify the Commission of a request for modification of the list in accordance with Article 2.

Article 2

1. Requests for modification of the information in the Annex shall be notified to the Commission by the Member State whose flag the vessel concerned flies or in which it is registered.

2. However, where the modification involves a change of flag or country of registration the request shall be made by the Member State whose flag the vessel flies or in which it is registered after the change.

3. A request shall include all information necessary to evaluate its compliance with the provisions laid down in Article 1. It shall also include the name of the vessel, its external identification letters and numbers, its port of registry, its radio call sign and the make and type of engine.

4. The Commission shall evaluate the information submitted. The Commission shall then modify the list referred to in Article 1 in respect of those requests which have been found to conform with the aforementioned provisions. It shall notify all Member States of these

modifications, which shall take effect from a date determined by the Commission.

Article 3

Vessels whose primary activity is fishing for shrimps are those vessels which have permanently installed on board a boiler suitable for the processing of shrimps and a sieve designed to separate juvenile flatfish from shrimps, and :

- which fished for shrimps for more than half of the time spent at sea during a representative period of twelve consecutive months within the two years preceding the date of entry into force of this Regulation, or
- whose income from the sale of shrimps during a representative period of twelve consecutive months within the two years preceding the date of entry into force of this Regulation, calculated as a proportion of the total first-hand sales, constituted 50 % or more of their earnings, or
- whose total landings during a representative period of twelve consecutive months within the two years preceding the date of entry into force of this Regulation included 50 % or more by weight of shrimps.

In the case of a vessel replacing another vessel on the list, primary activity may be proved by taking into account the activity of the vessel which it replaces.

Article 4

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1989.

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

Done at Brussels, 21 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

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

Letras y cifras exteriores de identificación	Nombre del barco	Indicativo de llamada de radio	Puerto de registro	Potencia del motor (kW)
Havnekendings-bogstaver og -nummer	Fartøjets navn	Radio-kaldesignal	Registreringshavn	Maskin-effekt (kW)
Äußere Identifizierungsbuchstaben und -nummern	Name des Schiffes	Rufzeichen	Registrierhafen	Motorstärke (kW)
Εξωτερικά στοιχεία και αριθμοί αναγνώρισης	Όνομα σκάφους	Αριθμός κλήσης ασυρμάτου	Λιμένας νηολόγησης	Ισχύς κινητήρα (kW)
External identification letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
Numéro d'immatriculation lettres + chiffres	Nom du bateau	Indicatif d'appel radio	Port d'attache	Puissance motrice (kW)
Identificazione esterna lettere + numeri	Nome del peschereccio	Indicativo di chiamata	Porto di immatricolazione	Potenza motrice (kW)
Op de romp aangebrachte identificatieletters en -cijfers	Naam van het vaartuig	Roepletters	Haven van registratie	Motorvermogen (kW)
Identificação externa letras + números	Nome do navio	Indicativo de chamada	Porto de registo	Potência motriz (kW)
1	2	3	4	5

BÉLGICA / BELGIEN / BELGIEN / БЕЛГІО / BELGIUM / BELGIQUE / BELGIO / BELGIË / BÉLGICA

A 2	Nancy	OPAB	Antwerpen	213
B 42	Branko	OPBP	Blankenberge	184
B 601	Van Maerlant	OPYA	Blankenberge	99
BOU 4	Astrid	OPAD	Boekhoute	79
BOU 6	Anja	OPAF	Boekhoute	103
BOU 7	De Enige Zoon	OPAG	Boekhoute	219
BOU 24	Beatrix	OPAX	Boekhoute	202
K 8	Yvonne	OPAH	Kieldrecht	217
K 13	Vijf Gebroeders	OPAM	Kieldrecht	154
N 22	Zeester	OPAV	Nieuwpoort	216
N 555	Valentino	OPVY	Nieuwpoort	110
N 782	Nancy	OQFD	Nieuwpoort	110
O 20	Goewind	OPAT	Oostende	110
O 32	Roland	OPBF	Oostende	55
O 62	Seabird II	OPCJ	Oostende	206
O 64	Black Jack	OPCL	Oostende	110
O 82	St. Antoine	OPDD	Oostende	138
O 100	Emilie	OPDV	Oostende	110
O 101	Benny	OPDW	Oostende	184
O 110	Jeaninne-Margaret	OPEF	Oostende	192
O 142	Hermes	OPFL	Oostende	110
O 211	Christoph	OPIC	Oostende	107
O 225	Normankim	OPIQ	Oostende	184

1	2	3	4	5
O 349	The Lady	OPNK	Oostende	169
O 455	Zeesymphonie	OPSC	Oostende	184
O 481	BI-SI-TI	OPTC	Oostende	166
O 533	Virtus	OPVC	Oostende	147
O 552	Marathon	OPVV	Oostende	99
O 599	Zeevogel	OPXQ	Oostende	165
Z 12	Sabrina	OPAL	Zeebrugge	210
Z 31	Doe Stille Voort	OPBE	Zeebrugge	132
Z 201	Marie-Madeleine	OPHS	Zeebrugge	110
Z 403	Stern	OPQC	Zeebrugge	110
Z 430	Margibel	OPRD	Zeebrugge	184
Z 445	Marina	OPRS	Zeebrugge	220
Z 447	Hurricane	OPRU	Zeebrugge	143
Z 472	Condor	OPST	Zeebrugge	154
Z 474	Argo	OPSV	Zeebrugge	220
Z 536	Zeevalk	OPVF	Zeebrugge	165
Z 548	Flamingo	OPVR	Zeebrugge	110
Z 554	Lucky Star II	OPVX	Zeebrugge	140
Z 586	Mermaid	OPXD	Zeebrugge	143

DINAMARCA / DANMARK / DÄNEMARK / ΔANIA / DENMARK / DANEMARK / DANIMARCA /
DENEMARKEN / DINAMARCA

E 9	Monika	XPBF	Esbjerg	110
E 16	Ovaj	OYML	Esbjerg	110
E 28	Lakolk	OZMF	Esbjerg	80
E 35	Karen Lund	OUIB	Esbjerg	200
E 45	Jette Susanne	OXDU	Esbjerg	201
E 428	Holmsland	XP3312	Esbjerg	161
E 454	Anna-Ester	OUOT	Esbjerg	169
E 562	Helle Nymann	OWCU	Esbjerg	220
E 614	Leif Brink	OWAS	Esbjerg	165
E 641	Rune Egholm	OXAO	Esbjerg	214
HV 3	Lone	OZYP	Haderslev	170
HV 6	Niels	5QIX	Haderslev	132
HV 13	Britta Tudsborg	XP3272	Haderslev	92
HV 35	Svend Åge	OZNX	Haderslev	169
HV 41	Havsand	XP3685	Haderslev	147
HV 58	Komet	XP2918	Haderslev	197
HV 67	Juvredyb	XP3614	Haderslev	104
HV 73	Røm	OXTW	Haderslev	165
HV 80	Nordlyset	XP4787	Haderslev	144
HV 89	Helga-Vera	5QEV	Haderslev	168
RI 450	Perkredes	OXUL	Ringkøbing	213

ALEMANIA / TYSKLAND / DEUTSCHLAND / ΓΕΡΜΑΝΙΑ / GERMANY / ALLEMAGNE / GERMANIA /
DUITSLAND / ALEMANHA

ACC 1	Delphin	DCDK	Accumersiel	184
ACC 2	Emma	DCGK	Accumersiel	92
ACC 3	Nordmark	DCBX	Accumersiel	114
ACC 4	Freya	DCGU	Accumersiel	169
ACC 6	Uranus	DCCA	Accumersiel	175
ACC 7	Elke	DCGN	Accumersiel	92
ACC 8	Orion	DCFM	Accumersiel	184
ACC 9	Ozean	DCHJ	Accumersiel	219
ACC 10	Komet	DCWK	Accumersiel	218
ACC 11	Johanne		Accumersiel	110
ACC 12	Poseidon	DCFL	Accumersiel	184
ACC 13	Erika	DCJD	Accumersiel	162
ACC 14	Atlantis	DDAN	Accumersiel	106

1	2	3	4	5
ACC 15	Nordlicht	DEEY	Accumersiel	175
ACC 16	Edelweiß	DCPJ	Accumersiel	147
AG 8	Eltje Looden	CKKC	Greetsiel	146
AZ 5	Gebrüder	DCGW	Neuharlingersiel	145
BAH 2	Katrin	DB3121	Hodorf	114
BEN 1	Germania	DCBG	Bensersiel	184
BEN 2	Möwe	DCET	Bensersiel	188
BOR 1	Poseidon	DCWE	Borkum	132
BOR 2	Insulaner	DLZN	Borkum	183
BOR 5-N	Insulaner		Borkum	51
BUR 3	Nordstern		Burhave	93
BÜS 1	Gebeca		Büsum	70
BÜS 2	Blume		Büsum	66
BÜS 4	Adler	DJIC	Büsum	110
BÜS 6	Daggi	DJID	Büsum	125
BÜS 7	Robbe		Büsum	31
BÜS 218	Imke		Büsum	26
CUX 1	Cuxi	DFNB	Cuxhaven	104
CUX 3	Seestern	DFJO	Cuxhaven	130
CUX 4	Jan Cux		Cuxhaven	51
CUX 5	Steenreff	DJLB	Cuxhaven	103
CUX 6	Heimkehr	DFKJ	Cuxhaven	130
CUX 7	Edelweiß	DFBO	Cuxhaven	162
CUX 8	Johanna		Cuxhaven	88
DAN 3	Seestern		Dangast	74
DED 1	Tanja	DIUD	Dedesdorf	220
DIT 1	Berendine	DCSY	Ditzum	110
DIT 2	Annäus Bruhns	DCIC	Ditzum	110
DIT 3	Jan Janssen Bruhns	DCSR	Ditzum	146
DIT 4	Spekulant		Ditzum	51
DIT 5	Gertje Bruhns	DCPE	Ditzum	107
DIT 6	Heike	DCRE	Ditzum	170
DIT 18	Jan Bruhns	DETV	Ditzum	220
DOR 2	Hoffnung	DESX	Dorum	165
DOR 4	Saphir		Dorum	219
DOR 5	Stör	DFAT	Dorum	146
DOR 8	Delphin		Dorum	138
DOR 12	Sirius	DESC	Dorum	165
DOR 13	Dithmarschen	DIZM	Dorum	130
DOR 15	Else		Dorum	74
DOR 16	Poseidon	DECS	Dorum	219
FED 1	Orion	DDMP	Fedderwardsiel	199
FED 2	Sirius		Fedderwardsiel	147
FED 3	Venus	DLIL	Fedderwardsiel	199
FED 4	Christine	DLIG	Fedderwardsiel	184
FED 5	Butjadingen	DDHN	Butjadingen	184
FED 6	Vörut	DDDT	Fedderwardsiel	93
FED 8	Seerose	DDGE	Fedderwardsiel	184
FED 9	Bianka	DLIX	Fedderwardsiel	147
FED 10	Edelweiß	DDJB	Fedderwardsiel	147
FRI 1	Saturn	DIRJ	Friedrichskoog	138
FRI 3	Holsatia	DIST	Friedrichskoog	152
FRI 6	Nordwind	DIQQ	Friedrichskoog	125
FRI 7	Polarstern	DIRH	Friedrichskoog	152
FRI 18	Adler	DIQL	Friedrichskoog	136
FRI 20	Falke	DIQT	Friedrichskoog	130
FRI 23	Marschenland	DIRK	Friedrichskoog	152
FRI 35	Lilli	DRIQ	Friedrichskoog	107
FRI 36	Heimatland	DIUP	Friedrichskoog	138

1	2	3	4	5
FRI 42	Fahrwohl	DD4413	Friedrichskoog	105
FRI 75	Luise	DIJK	Friedrichskoog	147
FRI 76	Anneliese	DITD	Friedrichskoog	125
FRI 86	Sirius	DB5381	Friedrichskoog	125
GRE 1	Edde	DCSJ	Greetsiel	146
GRE 2	Erna	DCOH	Greetsiel	110
GRE 3	Horizont	DCMU	Greetsiel	219
GRE 4	Wiking	DCRP	Greetsiel	125
GRE 5	Oberon		Greetsiel	220
GRE 6	Albatros	DCJJ	Greetsiel	107
GRE 7	Emsstrom	DCCH	Greetsiel	184
GRE 8	Nordsee II	DCVE	Greetsiel	147
GRE 10	Jan Ysker	DDAY	Greetsiel	164
GRE 11	Korsar	DCEJ	Greetsiel	217
GRE 12	Condor	DCVO	Greetsiel	147
GRE 13	Jan Looden	DCRA	Greetsiel	72
GRE 14		DCEQ	Greetsiel	184
GRE 15	Zwei Gebrüder	DCEP	Greetsiel	124
GRE 16	Angelika	DCEV	Greetsiel	147
GRE 17	Odysseus	DCEP	Greetsiel	147
GRE 18	Karl Zink	DCVO	Greetsiel	132
GRE 19	Flamingo	DCFW	Greetsiel	176
GRE 20	Sechs Gebrüder	DCGO	Greetsiel	176
GRE 21	Sturmvogel	DCGR	Greetsiel	147
GRE 22	Frieda Luise	DCPU	Greetsiel	191
GRE 23	Merkur III	DITL	Greetsiel	220
GRE 24	Friedrich Conradi	DCVW	Greetsiel	221
GRE 25	Delphin	DCME	Greetsiel	190
GRE 28	Vorwärts	DCDN	Greetsiel	110
GRE 29	Paloma	DCEL	Greetsiel	219
HAR 1	Gesine Albrecht	DCQM	Harlesiel	191
HAR 2	Jens Albrecht II		Harlesiel	150
HAR 4	Hilde		Harlesiel	147
HAR 5	Ruth Albrecht	DCMJ	Harlesiel	170
HAR 6	Gudrun Albrecht	DCCD	Harlesiel	180
HAR 8	Christine	DCLC	Harlesiel	220
HAR 9	Jens Albrecht	DCEV	Harlesiel	180
HAR 10	Wangerland		Harlesiel	176
HAR 14	Georg Albrecht	DCBU	Harlesiel	170
HAR 20	Marion Albrecht	DCGF	Harlesiel	129
HOO 1	Heye Laurenz	DJIS	Hooge	136
HOO 2	Hartje	DJGO	Hooge	184
HOO 3	Nartiane	DLYL	Hooge	132
HOO 52	Aggi	DDAE	Hooksiel	199
HOO 61	Samland	DDEP	Hooksiel	110
HÖR 4	Alk		Hörnum	57
HÖR 8	Butsch II		Hörnum	46
HOR 1	Falke	DEPJ	Horumersiel	110
HUS 2	Heike	DJGJ	Husum	129
HUS 4	Stefanie	DCIU	Husum	136
HUS 6	Oland	DJFU	Husum	85
HUS 7	Gila		Husum	97
HUS 9	Edelweiß	DJGC	Husum	180
HUS 10	Ramona	DJDF	Husum	184
HUS 16	Falke	DJDW	Husum	129
HUS 18	Friesland	DJGB	Husum	184
HUS 19	Marion	DJGF	Husum	184
HUS 25	Hildegard	DJCH	Husum	138
HUS 28	Zukunft	DLYQ	Husum	165

1	2	3	4	5
HUS 33	Freya I	DCPF	Husum	146
HUS 51	Dörte		Husum	33
LIST 1	Alwine	DCWM	List/Sylt	110
LIST 10	Tümmeler		List/Sylt	34
NC 211	Lucie		Cuxhaven	74
NC 458	Ramona	DFNZ	Cuxhaven	147
NEU 149	Sonja		Neufeld	31
NEU 225	Condor	DCVS	Neuharlingersiel	180
NEU 226	Keen Tied	DCBG	Neuharlingersiel	166
NEU 227	Störtebeker	DLYJ	Neuharlingersiel	132
NEU 228	Gorch Fock II	DCMO	Neuharlingersiel	147
NEU 229	Falke	DCGQ	Neuharlingersiel	147
NEU 230	Polaris	DCCX	Neuharlingersiel	125
NEU 231	Medusa	DCFU	Neuharlingersiel	184
NEU 235	Nordlicht		Neuharlingersiel	110
NEU 240	Anna I	DDFS	Neuharlingersiel	147
NEU 241	Liebe		Neuharlingersiel	114
NEU 243	Seeschwalbe	DFNS	Neuharlingersiel	146
NEU 245	Seestern	DCJS	Neuharlingersiel	213
NEU 319	Nordlicht		Neuhaus	118
NOR 201	Roswietha	DCDN	Norddeich	213
NOR 202	Pirola	DCRK	Norddeich	184
NOR 203	Sperber	DFND	Norddeich	169
NOR 205	Anette	DCEM	Norddeich	165
NOR 206	Neptun	DCKS	Norddeich	197
NOR 207	Seestern	DCJS	Norddeich	147
NOR 208	Erika	DCHU	Norddeich	180
NOR 209	Sirius	DCLS	Norddeich	107
NOR 210	Hildegard	DCMI	Norddeich	103
NOR 211	Helga	DCPP	Norddeich	102
NOR 212	Alwine	DCNM	Norddeich	110
NOR 223	Nordlicht	DCTH	Norddeich	110
NOR 224	Nordland	DCTA	Norddeich	72
NOR 225	Nordmeer	DCDB	Norddeich	110
NOR 228	Nordstern	DCWV	Norddeich	185
NOR 230	Nordsee	DCKR	Norddeich	110
NOR 231	Nordstrom I	DCJO	Norddeich	219
NOR 232	Nordstrand	DCTA	Norddeich	110
NOR 236	Seepferdchen	DITX	Norderney	99
NOR 421	Ute		Nordstrand	74
NOR 422	Rörbeck		Nordstrandisch-Moor	24
ON 180	Jupiter	DLHG	Fedderwardsiel	221
PEL 1	Yvonne	DJIG	Pellworm	184
PEL 2	Annemarie	DJFK	Pellworm	132
PEL 3	Helene	DJDR	Pellworm	183
PEL 9	Norderoog	DLZC	Pellworm	176
POG 2	Jan	DCRD	Pogum	146
SC 1	Godenwind	DJHV	Büsum	184
SC 2	Stolper Bank II	DICQ	Büsum	221
SC 4	Wattenmeer		Büsum	184
SC 5	Atlantis	DIXG	Büsum	183
SC 6	Keen Tied	DISU	Büsum	184
SC 7	Seefuchs	DIUQ	Büsum	184
SC 8	Birgit	DIJR	Büsum	179
SC 14	Maret	DJIJ	Büsum	184
SC 15	Martina	DIWD	Büsum	184

1	2	3	4	5
SC 18	Gaby Engel	DITV	Büsum	184
SC 20	Antje Möller	DIQJ	Büsum	168
SC 21	Blauort	DDEZ	Büsum	184
SC 30	Beate Wika	DKDV	Büsum	183
SC 32	Cornelia	DIUR	Husum	184
SC 33	Merkur	DJGS	Büsum	162
SC 34	Dithmarschen	DIRV	Büsum	184
SC 36	Achat		Büsum	100
SC 37	Rochelsteert	DCSV	Büsum	147
SC 44	Klaus Groth	DIUC	Büsum	184
SC 45	Bussard	DJNR	Büsum	135
SC 52	Sabine	DJHT	Büsum	184
SC 54	Schwalbe	DJHS	Büsum	162
SC 55	Rebecca	DJIW	Büsum	184
SC 57	Südwind	DJRS	Büsum	110
SC 58	Oderbank	DKLS	Büsum	206
SCHL 1	Orion		Schlüttsiel	55
SD 1	Hornsriff	DIZQ	Friedrichskoog	162
SD 3	Germania	DITK	Friedrichskoog	184
SD 4	Kerstin	DFCQ	Friedrichskoog	165
SD 5	Hoffnung	DISX	Friedrichskoog	138
SD 6	Cap Arcona	DIRF	Friedrichskoog	184
SD 7	Delphin	DIUY	Friedrichskoog	184
SD 8	Rugenort	DIWK	Friedrichskoog	165
SD 9	Dieksand	DIRB	Friedrichskoog	184
SD 10	Bussard	DFNM	Friedrichskoog	184
SD 11	Hindenburg	DISC	Friedrichskoog	184
SD 12	Wiking	DISE	Friedrichskoog	173
SD 13	Antares	DITA	Friedrichskoog	147
SD 14	Condor	DISD	Friedrichskoog	159
SD 15	Hanseat	DIVW	Friedrichskoog	184
SD 16	Polli	DIUZ	Friedrichskoog	180
SD 18	Atlantik	DISR	Friedrichskoog	180
SD 19	Albatros	DISO	Friedrichskoog	182
SD 20	Seerose	DISP	Friedrichskoog	165
SD 21	Rungholt	DLKA	Friedrichskoog	182
SD 22	Kormoran	DITY	Friedrichskoog	184
SD 23	Odin I	DCWX	Friedrichskoog	184
SD 24	Venus	DITW	Friedrichskoog	184
SD 25	Nordfriesland	DLUW	Friedrichskoog	147
SD 26	Paloma G	DEWG	Friedrichskoog	147
SD 27	Friesland I	DJFL	Friedrichskoog	110
SD 28	Teutonia I	DIUO	Friedrichskoog	181
SD 29	Jupiter	DD6372	Friedrichskoog	131
SD 30	Cormoran	DFOC	Friedrichskoog	140
SD 31	Utholm	DJEE	Friedrichskoog	129
SD 32	Tümmler	DIXU	Friedrichskoog	165
SD 33	Marlies	DQCD	Friedrichskoog	184
SD 34	Keen Tied	DDEW	Friedrichskoog	146
SD 35	Catja	DIQK	Friedrichskoog	184
SPI 1	Sonny-Boy	DFBI	Spieka	114
SPI 2	Skua	DERI	Spieka	169
SPI 3	Möwe	DCSP	Spieka	146
SPI 4	Seehund		Spieka	184
SPI 5	Nixe II		Spieka	187
SPI 6	Nordstern	DFBG	Spieka	107
ST 1	Seeburg	DJEZ	Tönning	162
ST 2	Boreas	DJBC	Tönning	184
ST 3	Nordland	DJBB	Tönning	180
ST 4	Gretel	DJFH	Ording	125
ST 5	Friesland	DJDU	Tönning	176

1	2	3	4	5
ST 6	Nis Randers	DJGK	Tönning	107
ST 7	Heimatland	DLXW	Tönning	184
ST 8	Sigrid	DJEP	Tönning	184
ST 11	Sylvia	DJFY	Ording	124
ST 12	Anja II	DJIV	Tönning	165
ST 14	Eiderstedt	DJAF	Tönning	184
ST 15	Neptun I	DJHK	Tönning	125
ST 17	Tina I	DLYX	Tönning	165
ST 18	Gebrüder	DJDC	Tönning	184
ST 20	Poseidon	DJHQ	Tönning	165
ST 21	Seeschwalbe II	DIZY	Tönning	184
ST 22	Sabine	DIUU	Tönning	182
ST 24	Karl Nohme	DJIF	Ording	99
ST 26	Wega	DJCE	Tönning	184
ST 28	Glück Auf	DLZP	Tönning	184
ST 29	Britta	DJBR	Tönning	147
ST 30	Fabian	DJMP	Tönning	213
SU 1	Lundenberg	DJDV	Lundenberg	145
SU 2	Süderoog	DJFC	Husum	180
SU 3	Theodor Storm	DJDM	Husum	176
SU 4	Alk	DDBX	Nordstrand	162
SU 5	Andrea	DJIM	Husum	184
SU 6	Ostpreußen	DJEL	Husum	184
SU 7	Holstein	DIRM	Husum	110
SU 8	Heimatland	DLZK	Husum	184
SU 9	Antares II	DLXU	Husum	165
SU 11	Anneliese	DJES	Husum	184
SU 12	Marianne I	DJDS	Husum	184
SU 13	Fortuna	DJEN	Husum	88
SU 14	Rümhart	DIVK	Husum	130
SW 1	Elfriede	DLZV	Wyk/Föhr	125
TÖN 1	Paloma	DJET	Tönning	74
TÖN 2	Hai		Tönning	26
TÖN 4	Pornstrom	DJGD	Tönning	88
TÖN 15	Blondi	DJKW	Tönning	99
TÖN 32	Capella II	DJES	Tönning	166
VAR 1	Sturmvogel		Varel	162
VAR 6	Hein Godenwind	DDBL	Varel	147
VAR 18	Helga		Varel	110
WIT 1	Kehrwieder	DJFM	Wittdün	146
WIT 2	Karl-Georg	DDHQ	Wittdün	137
WIT 3	Kleine Liebe		Wittdün	88
WIT 12	Nausikaa	DDFA	Wittdün	135
WRE 1	Apollo	DFCM	Wremen	132
WRE 2	Koralle	DFBB	Wremen	131
WRE 3	Falke	DESJ	Wremen	169
WRE 4	Wremen	DFAZ	Wremen	216
WRE 5	Land Wursten	DEQW	Wremen	171
WRE 6	Condor	DETZ	Wremen	110
WRE 7	Seerose	DCFJ	Wremen	138
WRE 8	Playboy		Wremen	180
WRE 9	Neptun	DISK	Wremen	184
WRE 10	Julia	DJHL	Wremen	220
WYK 23	Pirat		Wyk/Föhr	59

FRANÇIA / FRANKRIG / FRANKREICH / ΓΑΛΛΙΑ / FRANCE / FRANCE / FRANCA / FRANKRIJK /
FRANÇA

DK 341077L	Nautilus	FP 7466	Dunkerque	55
DK 6594450Y	Eric Marie Ange	FU 4888	Dunkerque	180

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PAÍSES BAJOS / NEDERLANDENE / NIEDERLANDE / ΚΑΤΩ ΧΩΡΕΣ / NETHERLANDS / PAYS-BAS /
PAESI BASSI / NEDERLAND / PAÍSES BAIXOS

BR	7	Res Nova		Oostburg-Breskens	221
BR	10	Johanna	PFDQ	Oostburg-Breskens	221
BR	11	Zeester		Oostburg-Breskens	136
BR	19	Adriana		Oostburg-Breskens	165
BR	23	Nellie	PGEL	Oostburg-Breskens	179
BR	50	Johanna	PFDJ	Oostburg-Breskens	221
DZ	3	Alina	PCMH	Delfzijl	174
DZ	7	Nely	PGFS	Delfzijl	177
GO	13	Rigeja	PHAU	Goedereede	221
GO	33	De Hinder		Goedereede	221
GO	52	Elisabeth		Goedereede	113
GO	57	Johanna Maria		Goedereede	218
HA	11	Anja		Harlingen	113
HA	13	Wobbeijen		Harlingen	113
HA	14	Grietje	PEKN	Harlingen	134
HA	39	Anna		Harlingen	134
HA	41	Antje		Harlingen	132
HA	50	Zeevalk	PIXY	Harlingen	166
HA	62	Willem Tjitsche		Harlingen	154
HA	75	Elizabeth	PDWR	Harlingen	221
KG	2	Maris Stella	PFWH	Kortgene	221
KG	5	Zeearend	PIWG	Kortgene	221
KG	6	Imantje		Kortgene	221
KG	7	Christina	PDKC	Kortgene	221
KG	9	Pieterella	PGTD	Kortgene	221
KW	144	Samenwerking	PHIB	Katwijk	221
LO	5	Eeltje Jan		Ulrum-Lauwersoog	124
LO	8	Zeester		Ulrum-Lauwersoog	206
LO	11	Twee Gebroeders	PICL	Ulrum-Lauwersoog	175
LO	20	Zwarte Arend		Ulrum-Lauwersoog	134
NZ	1	Spera in-Deo		Terneuzen	83
NZ	12	Elly		Terneuzen	114
NZ	21	Magdalena	PFSK	Terneuzen	99
OD	3	Jan		Goedereede-Ouddorp	188
OL	37	Neerlands Hoop		Oostdongeradeel	96
SL	16	Morgenster		Goedereede-Stellendam	113
SL	22	Nella		Goedereede-Stellendam	124
TH	15	Lena Elizabeth	PFOF	Tholen	221
TM	30	De Toekomst	PDPH	Termunten	128
TS	3	Bass Rock		Terschelling	90
TX	10	De Vrouw Naantje		Texel	125
TX	12	Pionier		Texel	221
TX	30	Nienke		Texel	177
TX	50	Deneb		Texel	188
TX	88	Anna Maria		Texel	221
UQ	2	Trijntje	PEGQ	Usquert	125
UQ	3	Grietje		Usquert	143
UQ	4	Rottum		Usquert	162
UQ	7	Truus		Usquert	184
UQ	16	Atlantis		Usquert	147
UQ	17	Greetje		Usquert	121
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WR 57	Jacoba	PEYB	Wieringen	169
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COMMISSION REGULATION (EEC) No 4087/88

of 30 November 1988

on the application of Article 85 (3) of the Treaty to categories of franchise agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 1 thereof,Having published a draft of this Regulation⁽²⁾,

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

Whereas :

- (1) Regulation No 19/65/EEC empowers the Commission to apply Article 85 (3) of the Treaty by Regulation to certain categories of bilateral exclusive agreements falling within the scope of Article 85 (1) which either have as their object the exclusive distribution or exclusive purchase of goods, or include restrictions imposed in relation to the assignment or use of industrial property rights.
- (2) Franchise agreements consist essentially of licences of industrial or intellectual property rights relating to trade marks or signs and know-how, which can be combined with restrictions relating to supply or purchase of goods.
- (3) Several types of franchise can be distinguished according to their object: industrial franchise concerns the manufacturing of goods, distribution franchise concerns the sale of goods, and service franchise concerns the supply of services.
- (4) It is possible on the basis of the experience of the Commission to define categories of franchise agreements which fall under Article 85 (1) but can normally be regarded as satisfying the conditions laid down in Article 85 (3). This is the case for franchise agreements whereby one of the parties

supplies goods or provides services to end users. On the other hand, industrial franchise agreements should not be covered by this Regulation. Such agreements, which usually govern relationships between producers, present different characteristics than the other types of franchise. They consist of manufacturing licences based on patents and/or technical know-how, combined with trade-mark licences. Some of them may benefit from other block exemptions if they fulfil the necessary conditions.

- (5) This Regulation covers franchise agreements between two undertakings, the franchisor and the franchisee, for the retailing of goods or the provision of services to end users, or a combination of these activities, such as the processing or adaptation of goods to fit specific needs of their customers. It also covers cases where the relationship between franchisor and franchisees is made through a third undertaking, the master franchisee. It does not cover wholesale franchise agreements because of the lack of experience of the Commission in that field.
- (6) Franchise agreements as defined in this Regulation can fall under Article 85 (1). They may in particular affect intra-Community trade where they are concluded between undertakings from different Member States or where they form the basis of a network which extends beyond the boundaries of a single Member State.
- (7) Franchise agreements as defined in this Regulation normally improve the distribution of goods and/or the provision of services as they give franchisors the possibility of establishing a uniform network with limited investments, which may assist the entry of new competitors on the market, particularly in the case of small and medium-sized undertakings, thus increasing interbrand competition. They also allow independent traders to set up outlets more rapidly and with higher chance of success than if they had to do so without the franchisor's experience and assistance. They have therefore the possibility of competing more efficiently with large distribution undertakings.

⁽¹⁾ OJ No 36, 6. 3. 1965, p. 533/65.

⁽²⁾ OJ No C 229, 27. 8. 1987, p. 3.

- (8) As a rule, franchise agreements also allow consumers and other end users a fair share of the resulting benefit, as they combine the advantage of a uniform network with the existence of traders personally interested in the efficient operation of their business. The homogeneity of the network and the constant cooperation between the franchisor and the franchisees ensures a constant quality of the products and services. The favourable effect of franchising on interbrand competition and the fact that consumers are free to deal with any franchisee in the network guarantees that a reasonable part of the resulting benefits will be passed on to the consumers.
- (9) This Regulation must define the obligations restrictive of competition which may be included in franchise agreements. This is the case in particular for the granting of an exclusive territory to the franchisees combined with the prohibition on actively seeking customers outside that territory, which allows them to concentrate their efforts on their allotted territory. The same applies to the granting of an exclusive territory to a master franchisee combined with the obligation not to conclude franchise agreements with third parties outside that territory. Where the franchisees sell or use in the process of providing services, goods manufactured by the franchisor or according to its instructions and or bearing its trade mark, an obligation on the franchisees not to sell, or use in the process of the provision of services, competing goods, makes it possible to establish a coherent network which is identified with the franchised goods. However, this obligation should only be accepted with respect to the goods which form the essential subject-matter of the franchise. It should notably not relate to accessories or spare parts for these goods.
- (10) The obligations referred to above thus do not impose restrictions which are not necessary for the attainment of the abovementioned objectives. In particular, the limited territorial protection granted to the franchisees is indispensable to protect their investment.
- (11) It is desirable to list in the Regulation a number of obligations that are commonly found in franchise agreements and are normally not restrictive of competition and to provide that if, because of the particular economic or legal circumstances, they fall under Article 85 (1), they are also covered by the exemption. This list, which is not exhaustive, includes in particular clauses which are essential either to preserve the common identity and reputation of the network or to prevent the know-how made available and the assistance given by the franchisor from benefiting competitors.
- (12) The Regulation must specify the conditions which must be satisfied for the exemption to apply. To guarantee that competition is not eliminated for a substantial part of the goods which are the subject of the franchise, it is necessary that parallel imports remain possible. Therefore, cross deliveries between franchisees should always be possible. Furthermore, where a franchise network is combined with another distribution system, franchisees should be free to obtain supplies from authorized distributors. To better inform consumers, thereby helping to ensure that they receive a fair share of the resulting benefits, it must be provided that the franchisee shall be obliged to indicate its status as an independent undertaking, by any appropriate means which does not jeopardize the common identity of the franchised network. Furthermore, where the franchisees have to honour guarantees for the franchisor's goods, this obligation should also apply to goods supplied by the franchisor, other franchisees or other agreed dealers.
- (13) The Regulation must also specify restrictions which may not be included in franchise agreements if these are to benefit from the exemption granted by the Regulation, by virtue of the fact that such provisions are restrictions falling under Article 85 (1) for which there is no general presumption that they will lead to the positive effects required by Article 85 (3). This applies in particular to market sharing between competing manufacturers, to clauses unduly limiting the franchisee's choice of suppliers or customers, and to cases where the franchisee is restricted in determining its prices. However, the franchisor should be free to recommend prices to the franchisees, where it is not prohibited by national laws and to the extent that it does not lead to concerted practices for the effective application of these prices.
- (14) Agreements which are not automatically covered by the exemption because they contain provisions that are not expressly exempted by the Regulation and not expressly excluded from exemption may nonetheless generally be presumed to be eligible for application of Article 85 (3). It will be possible for the Commission rapidly to establish whether

this is the case for a particular agreement. Such agreements should therefore be deemed to be covered by the exemption provided for in this Regulation where they are notified to the Commission and the Commission does not oppose the application of the exemption within a specified period of time.

- (15) If individual agreements exempted by this Regulation nevertheless have effects which are incompatible with Article 85 (3), in particular as interpreted by the administrative practice of the Commission and the case law of the Court of Justice, the Commission may withdraw the benefit of the block exemption. This applies in particular where competition is significantly restricted because of the structure of the relevant market.
- (16) Agreements which are automatically exempted pursuant to this Regulation need not be notified. Undertakings may nevertheless in a particular case request a decision pursuant to Council Regulation No 17⁽¹⁾ as last amended by the Act of Accession of Spain and Portugal.
- (17) Agreements may benefit from the provisions either of this Regulation or of another Regulation, according to their particular nature and provided that they fulfil the necessary conditions of application. They may not benefit from a combination of the provisions of this Regulation with those of another block exemption Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Article 85 (3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to franchise agreements to which two undertakings are party, which include one or more of the restrictions listed in Article 2.

2. The exemption provided for in paragraph 1 shall also apply to master franchise agreements to which two undertakings are party. Where applicable, the provisions of this Regulation concerning the relationship between franchisor and franchisee shall apply *mutatis mutandis*

to the relationship between franchisor and master franchisee and between master franchisee and franchisee.

3. For the purposes of this Regulation:

- (a) 'franchise' means a package of industrial or intellectual property rights relating to trade marks, trade names, shop signs, utility models, designs, copyrights, know-how or patents, to be exploited for the resale of goods or the provision of services to end users;
- (b) 'franchise agreement' means an agreement whereby one undertaking, the franchisor, grants the other, the franchisee, in exchange for direct or indirect financial consideration, the right to exploit a franchise for the purposes of marketing specified types of goods and/or services; it includes at least obligations relating to:
- the use of a common name or shop sign and a uniform presentation of contract premises and/or means of transport,
 - the communication by the franchisor to the franchisee of know-how,
 - the continuing provision by the franchisor to the franchisee of commercial or technical assistance during the life of the agreement;
- (c) 'master franchise agreement' means an agreement whereby one undertaking, the franchisor, grants the other, the master franchisee, in exchange of direct or indirect financial consideration, the right to exploit a franchise for the purposes of concluding franchise agreements with third parties, the franchisees;
- (d) 'franchisor's goods' means goods produced by the franchisor or according to its instructions, and/or bearing the franchisor's name or trade mark;
- (e) 'contract premises' means the premises used for the exploitation of the franchise or, when the franchise is exploited outside those premises, the base from which the franchisee operates the means of transport used for the exploitation of the franchise (contract means of transport);
- (f) 'know-how' means a package of non-patented practical information, resulting from experience and testing by the franchisor, which is secret, substantial and identified;
- (g) 'secret' means that the know-how, as a body or in the precise configuration and assembly of its components, is not generally known or easily accessible; it is not limited in the narrow sense that each individual component of the know-how should be totally unknown or unobtainable outside the franchisor's business;

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

(h) 'substantial' means that the know-how includes information which is of importance for the sale of goods or the provision of services to end users, and in particular for the presentation of goods for sale, the processing of goods in connection with the provision of services, methods of dealing with customers, and administration and financial management; the know-how must be useful for the franchisee by being capable, at the date of conclusion of the agreement, of improving the competitive position of the franchisee, in particular by improving the franchisee's performance or helping it to enter a new market;

(i) 'identified' means that the know-how must be described in a sufficiently comprehensive manner so as to make it possible to verify that it fulfils the criteria of secrecy and substantiality; the description of the know-how can either be set out in the franchise agreement or in a separate document or recorded in any other appropriate form.

Article 2

The exemption provided for in Article 1 shall apply to the following restrictions of competition:

- (a) an obligation on the franchisor, in a defined area of the common market, the contract territory, not to:
 - grant the right to exploit all or part of the franchise to third parties;
 - itself exploit the franchise, or itself market the goods or services which are the subject-matter of the franchise under a similar formula.
 - itself supply the franchisor's goods to third parties;
- (b) an obligation on the master franchisee not to conclude franchise agreement with third parties outside its contract territory;
- (c) an obligation on the franchisee to exploit the franchise only from the contract premises;
- (d) an obligation on the franchisee to refrain, outside the contract territory, from seeking customers for the goods or the services which are the subject-matter of the franchise;
- (e) an obligation on the franchisee not to manufacture, sell or use in the course of the provision of services, goods competing with the franchisor's goods which are the subject-matter of the franchise; where the subject-matter of the franchise is the sale or use in the course of the provision of services both certain types of goods and spare parts or accessories therefor, that obligation may not be imposed in respect of these spare parts or accessories.

Article 3

1. Article 1 shall apply notwithstanding the presence of any of the following obligations on the franchisee, in so far as they are necessary to protect the franchisor's industrial or intellectual property rights or to maintain the common identity and reputation of the franchised network:

- (a) to sell, or use in the course of the provision of services, exclusively goods matching minimum objective quality specifications laid down by the franchisor;
- (b) to sell, or use in the course of the provision of services, goods which are manufactured only by the franchisor or by third parties designed by it, where it is impracticable, owing to the nature of the goods which are the subject-matter of the franchise, to apply objective quality specifications;
- (c) not to engage, directly or indirectly, in any similar business in a territory where it would compete with a member of the franchised network, including the franchisor; the franchisee may be held to this obligation after termination of the agreement, for a reasonable period which may not exceed one year, in the territory where it has exploited the franchise;
- (d) not to acquire financial interests in the capital of a competing undertaking, which would give the franchisee the power to influence the economic conduct of such undertaking;
- (e) to sell the goods which are the subject-matter of the franchise only to end users, to other franchisees and to resellers within other channels of distribution supplied by the manufacturer of these goods or with its consent;
- (f) to use its best endeavours to sell the goods or provide the services that are the subject-matter of the franchise; to offer for sale a minimum range of goods, achieve a minimum turnover, plan its orders in advance, keep minimum stocks and provide customer and warranty services;
- (g) to pay to the franchisor a specified proportion of its revenue for advertising and itself carry out advertising for the nature of which it shall obtain the franchisor's approval.

2. Article 1 shall apply notwithstanding the presence of any of the following obligations on the franchisee:

- (a) not to disclose to third parties the know-how provided by the franchisor; the franchisee may be held to this obligation after termination of the agreement;
- (b) to communicate to the franchisor any experience gained in exploiting the franchise and to grant it, and other franchisees, a non-exclusive licence for the know-how resulting from that experience;

- (c) to inform the franchisor of infringements of licensed industrial or intellectual property rights, to take legal action against infringers or to assist the franchisor in any legal actions against infringers;
- (d) not to use know-how licensed by the franchisor for purposes other than the exploitation of the franchise; the franchisee may be held to this obligation after termination of the agreement;
- (e) to attend or have its staff attend training courses arranged by the franchisor;
- (f) to apply the commercial methods devised by the franchisor, including any subsequent modification thereof, and use the licensed industrial or intellectual property rights;
- (g) to comply with the franchisor's standards for the equipment and presentation of the contract premises and/or means of transport;
- (h) to allow the franchisor to carry out checks of the contract premises and/or means of transport, including the goods sold and the services provided, and the inventory and accounts of the franchisee;
- (i) not without the franchisor's consent to change the location of the contract premises;
- (j) not without the franchisor's consent to assign the rights and obligations under the franchise agreement.

3. In the event that, because of particular circumstances, obligations referred to in paragraph 2 fall within the scope of Article 85 (1), they shall also be exempted even if they are not accompanied by any of the obligations exempted by Article 1.

Article 4

The exemption provided for in Article 1 shall apply on condition that:

- (a) the franchisee is free to obtain the goods that are the subject-matter of the franchise from other franchisees; where such goods are also distributed through another network of authorized distributors, the franchisee must be free to obtain the goods from the latter;
- (b) where the franchisor obliges the franchisee to honour guarantees for the franchisor's goods, that obligation shall apply in respect of such goods supplied by any member of the franchised network or other distributors which give a similar guarantee, in the common market;
- (c) the franchisee is obliged to indicate its status as an independent undertaking; this indication shall however not interfere with the common identity of the franchised network resulting in particular from the common name or shop sign and uniform appearance of the contract premises and/or means of transport.

Article 5

The exemption granted by Article 1 shall not apply where:

- (a) undertakings producing goods or providing services which are identical or are considered by users as equivalent in view of their characteristics, price and intended use, enter into franchise agreements in respect of such goods or services;
- (b) without prejudice to Article 2 (e) and Article 3 (1) (b), the franchisee is prevented from obtaining supplies of goods of a quality equivalent to those offered by the franchisor;
- (c) without prejudice to Article 2 (e), the franchisee is obliged to sell, or use in the process of providing services, goods manufactured by the franchisor or third parties designated by the franchisor and the franchisor refuses, for reasons other than protecting the franchisor's industrial or intellectual property rights, or maintaining the common identity and reputation of the franchised network, to designate as authorized manufacturers third parties proposed by the franchisee;
- (d) the franchisee is prevented from continuing to use the licensed know-how after termination of the agreement where the know-how has become generally known or easily accessible, other than by breach of an obligation by the franchisee;
- (e) the franchisee is restricted by the franchisor, directly or indirectly, in the determination of sale prices for the goods or services which are the subject-matter of the franchise, without prejudice to the possibility for the franchisor of recommending sale prices;
- (f) the franchisor prohibits the franchisee from challenging the validity of the industrial or intellectual property rights which form part of the franchise, without prejudice to the possibility for the franchisor of terminating the agreement in such a case;
- (g) franchisees are obliged not to supply within the common market the goods or services which are the subject-matter of the franchise to end users because of their place of residence.

Article 6

1. The exemption provided for in Article 1 shall also apply to franchise agreements which fulfil the conditions laid down in Article 4 and include obligations restrictive of competition which are not covered by Articles 2 and 3 (3) and do not fall within the scope of Article 5, on condition that the agreements in question are notified to the Commission in accordance with the provisions of Commission Regulation No 27 (1) and that the Commission does not oppose such exemption within a period of six months.

(1) OJ No 35, 10. 5. 1962, p. 1118/62.

2. The period of six months shall run from the date on which the notification is received by the Commission. Where, however, the notification is made by registered post, the period shall run from the date shown on the postmark of the place of posting.

3. Paragraph 1 shall apply only if:

- (a) express reference is made to this Article in the notification or in a communication accompanying it; and
- (b) the information furnished with the notification is complete and in accordance with the facts.

4. The benefit of paragraph 1 can be claimed for agreements notified before the entry into force of this Regulation by submitting a communication to the Commission referring expressly to this Article and to the notification. Paragraphs 2 and 3 (b) shall apply *mutatis mutandis*.

5. The Commission may oppose exemption. It shall oppose exemption if it receives a request to do so from a Member State within three months of the forwarding to the Member State of the notification referred to in paragraph 1 or the communication referred to in paragraph 4. This request must be justified on the basis of considerations relating to the competition rules of the Treaty.

6. The Commission may withdraw its opposition to the exemption at any time. However, where that opposition was raised at the request of a Member State, it may be withdrawn only after consultation of the advisory Committee on Restrictive Practices and Dominant Positions.

7. If the opposition is withdrawn because the undertakings concerned have shown that the conditions of Article 85 (3) are fulfilled, the exemption shall apply from the date of the notification.

8. If the opposition is withdrawn because the undertakings concerned have amended the agreement so that the conditions of Article 85 (3) are fulfilled, the exemption shall apply from the date on which the amendments take effect.

9. If the Commission opposes exemption and its opposition is not withdrawn, the effects of the notification shall be governed by the provisions of Regulation No 17.

Article 7

1. Information acquired pursuant to Article 6 shall be used only for the purposes of this Regulation.

2. The Commission and the authorities of the Member States, their officials and other servants shall not disclose information acquired by them pursuant to this Regulation

of a kind that is covered by the obligation of professional secrecy.

3. Paragraphs 1 and 2 shall not prevent publication of general information or surveys which do not contain information relating to particular undertakings or associations of undertakings.

Article 8

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation No 19/65/EEC, where it finds in a particular case that an agreement exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down in Article 85 (3) of the EEC Treaty, and in particular where territorial protection is awarded to the franchisee and:

- (a) access to the relevant market or competition therein is significantly restricted by the cumulative effect of parallel networks of similar agreements established by competing manufacturers or distributors;
- (b) the goods or services which are the subject-matter of the franchise do not face, in a substantial part of the common market, effective competition from goods or services which are identical or considered by users as equivalent in view of their characteristics, price and intended use;
- (c) the parties, or one of them, prevent end users, because of their place of residence, from obtaining, directly or through intermediaries, the goods or services which are the subject-matter of the franchise within the common market, or use differences in specifications concerning those goods or services in different Member States, to isolate markets;
- (d) franchisees engage in concerted practices relating to the sale prices of the goods or services which are the subject-matter of the franchise;
- (e) the franchisor uses its right to check the contract premises and means of transport, or refuses its agreement to requests by the franchisee to move the contract premises or assign its rights and obligations under the franchise agreement, for reasons other than protecting the franchisor's industrial or intellectual property rights, maintaining the common identity and reputation of the franchised network or verifying that the franchisee abides by its obligations under the agreement.

Article 9

This Regulation shall enter into force on 1 February 1989.

It shall remain in force until 31 December 1999.

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

Done at Brussels, 30 November 1988.

For the Commission
Peter SUTHERLAND
Member of the Commission

COMMISSION REGULATION (EEC) No 4088/88

of 27 December 1988

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

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

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

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

Whereas the export refunds on cereals and on wheat or
rye flour, groats and meal were fixed by Commission
Regulation (EEC) No 4041/88 ⁽³⁾, as amended by Regula-
tion (EEC) No 4071/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Commission Regulation (EEC) No 4041/88

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 (a),
(b) and (c) of Regulation (EEC) No 2727/75, exported in
the natural state, as fixed in the Annex to amended Regu-
lation (EEC) No 4041/88 are hereby altered as shown in
the Annex to this Regulation in respect of the products
set out therein.

Article 2

This Regulation shall enter into force on 28 December
1988.

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

Done at Brussels, 27 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 355, 23. 12. 1988, p. 52.

⁽⁴⁾ OJ No L 356, 24. 12. 1988, p. 68.

ANNEX

to the Commission Regulation of 27 December 1988 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (2)
	07	22,00
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	05	57,00
	07	22,00
	06	63,00
	02	20,00
1002 00 00 000	06	63,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	62,50
	07	22,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	90,00
1101 00 00 120	01	90,00
1101 00 00 130	01	82,00
1101 00 00 150	01	72,00
1101 00 00 170	01	62,00
1101 00 00 180	01	52,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	90,00
1102 10 00 200	01	90,00
1102 10 00 300	01	90,00
1102 10 00 500	01	90,00
1102 10 00 900	—	—
1103 11 10 100	01	198,00
1103 11 10 200	01	187,00
1103 11 10 500	01	167,00
1103 11 10 900	01	158,00
1103 11 90 100	01	90,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Algeria,
- 05 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 06 Zone II b),
- 07 Poland.

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

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

COMMISSION REGULATION (EEC) No 4089/88

of 20 December 1988

amending Regulation (EEC) No 577/86 on the application of accession compensatory amounts to certain processed cereals products in view of the accession of Spain

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, and in particular Article 90 (1) thereof,

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⁾,

Whereas, on account of the final date for the application of the transitional measures provided for in Article 90 of the Act of Accession of Spain and Portugal, Commission Regulation (EEC) No 577/86 of 28 February 1986 on the application of accession compensatory amounts to certain processed cereals products in view of the accession of Spain ⁽³⁾, as last amended by Regulation (EEC) No 2393/88 ⁽⁴⁾, provides for the application of the said amounts until 31 December 1988 only; whereas, in view of Council Regulation (EEC) No 4007/87 of 22 December 1987 extending the period provided for in Articles 90 (1) and 257 (1) of the Act of Accession of Spain and Portugal ⁽⁵⁾, as amended by Regulation (EEC) No 4074/88 ⁽⁶⁾,

provision should be made for the accession compensatory amounts fixed by abovementioned Regulation (EEC) No 577/86 to be applicable until the end of the 1988/89 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (1) of Regulation (EEC) No 577/86, 'from 1 July to 31 December 1988' is replaced by 'for the 1988/89 marketing year'.

Article 2

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

It shall apply from 1 January 1989.

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

Done at Brussels, 20 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 57, 1. 9. 1986, p. 16.

⁽⁴⁾ OJ No L 205, 30. 7. 1988, p. 78.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 1.

⁽⁶⁾ See page 3 of this Official Journal.

COMMISSION REGULATION (EEC) No 4090/88

of 27 December 1988

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3765/88⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3806/88⁽⁷⁾, as last amended by Regulation (EEC) No 4039/88⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3806/88 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ are as shown in Annex III to this Regulation for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 28 December 1988.

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

Done at Brussels, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 330, 2. 12. 1988, p. 15.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 335, 7. 12. 1988, p. 18.

⁽⁸⁾ OJ No L 355, 23. 12. 1988, p. 47.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	17,876	18,118	18,209	18,376	18,543	18,785
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	42,63	43,20	43,42	43,83	44,23	45,07
— Netherlands (Fl)	47,51	48,15	48,40	48,84	49,28	50,18
— BLEU (Bfrs/Lfrs)	854,54	874,86	879,26	887,32	895,38	907,07
— France (FF)	125,68	131,73	132,36	133,60	134,83	136,65
— Denmark (Dkr)	152,80	158,32	159,10	160,57	162,03	164,17
— Ireland (£ Irl)	13,961	14,650	14,720	14,858	14,995	15,197
— United Kingdom (£)	10,238	11,138	11,189	11,280	11,386	11,455
— Italy (Lit)	26 116	27 992	28 013	28 151	28 413	28 430
— Greece (Dr)	1 726,27	1 746,70	1 720,90	1 710,27	1 729,08	1 666,74
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	2 743,35	2 780,91	2 792,20	2 807,22	2 833,47	2 830,40
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	3 914,71	3 959,33	3 954,83	3 961,92	3 992,49	3 974,65

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	20,376	20,618	20,709	20,876	21,043	21,285
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	48,53	49,11	49,32	49,73	50,13	50,97
— Netherlands (Fl)	54,13	54,77	55,01	55,46	55,90	56,80
— BLEU (Bfrs/Lfrs)	974,71	995,58	999,97	1 008,04	1 016,10	1 027,79
— France (FF)	144,37	150,69	151,33	152,56	153,79	155,61
— Denmark (Dkr)	174,68	180,42	181,21	182,67	184,14	186,27
— Ireland (£ Irl)	16,040	16,759	16,830	16,967	17,104	17,307
— United Kingdom (£)	11,878	12,825	12,876	12,968	13,074	13,143
— Italy (Lit)	30 109	32 079	32 100	32 238	32 500	32 518
— Greece (Dr)	2 098,27	2 118,70	2 092,90	2 082,27	2 101,08	2 038,73
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	3 128,88	3 166,44	3 177,73	3 192,75	3 219,00	3 215,93
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 384,73	4 429,34	4 424,85	4 431,94	4 462,51	4 444,67

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	23,157	23,493	23,638	24,016	24,394
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	55,09	55,89	56,23	57,14	58,03
— Netherlands (Fl)	61,49	62,38	62,76	63,76	64,76
— BLEU (Bfrs/Lfrs)	1 108,45	1 134,40	1 141,41	1 159,66	1 177,91
— France (FF)	165,29	172,60	173,64	176,52	179,39
— Denmark (Dkr)	199,09	205,87	207,14	210,48	213,83
— Ireland (£ Irl)	18,366	19,197	19,313	19,633	19,953
— United Kingdom (£)	13,727	14,786	14,873	15,115	15,372
— Italy (Lit)	34 589	36 809	36 920	37 419	38 040
— Greece (Dr)	2 527,14	2 563,49	2 546,20	2 574,87	2 632,46
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 586,95	3 638,83	3 658,52	3 705,67	3 763,86
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 628,38	6 692,73	6 699,54	6 749,88	6 823,26
— in another Member State (Esc)	6 436,53	6 499,02	6 505,63	6 554,51	6 625,76
3. Compensatory aids:					
— in Spain (Pta)	3 530,75	3 582,08	3 603,97	3 651,13	3 709,31
4. Special aid:					
— in Portugal (Esc)	6 436,53	6 499,02	6 505,63	6 554,51	6 625,76

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

ANNEX IV

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

(value of 1 ECU)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
DM	2,076470	2,072590	2,068990	2,065530	2,065530	2,054670
Fl	2,345180	2,340740	2,337040	2,333760	2,333760	2,322910
Bfrs/Lfrs	43,559100	43,539000	43,530700	43,523300	43,523300	43,492200
FF	7,097970	7,102390	7,107740	7,112530	7,112530	7,129370
Dkr	8,024800	8,024850	8,025940	8,027780	8,027780	8,033700
£Irl	0,777103	0,776909	0,777085	0,777291	0,777291	0,778682
£	0,649689	0,651204	0,652429	0,653603	0,653603	0,657666
Lit	1 532,73	1 539,62	1 545,31	1 550,72	1 550,72	1 566,84
Dr	172,84900	174,44000	176,08000	177,67600	177,67600	182,80000
Esc	172,49300	173,38400	174,28100	175,29800	175,29800	177,98900
Pta	134,52000	134,90900	135,34200	135,79800	135,79800	137,42300

COMMISSION REGULATION (EEC) No 4091/88**of 27 December 1988****abolishing the countervailing charge and re-establishing a preferential customs duty on imports of apples 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 3943/88⁽³⁾, introduced a countervailing charge on apples originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas for this product originating in Turkey there were no prices for six consecutive days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No

1035/72 are therefore fulfilled and the countervailing charge on imports of apples originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁴⁾, as amended by Regulation (EEC) No 1555/84⁽⁵⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3943/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 28 December 1988.

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

Done at Brussels, 27 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 348, 17. 12. 1988, p. 39.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

CORRIGENDA

Corrigendum to the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement

(Official Journal of the European Communities No L 393 of 31 December 1987)

On page 20, in Annex 4, under CCT heading No 08.02 ex B, in the column headed 'Description of goods':

for: 'Mandarins, tangarines, fresh'.

read: 'Mandarins and satsumas, fresh; clementines, tangerines and other similar hybrids of citrus fruit, fresh'.
