

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 756/87

of 16 March 1987

on the the conclusion of the Agreement in the form of an Exchange of Letters relating to Article 9 of Protocol No 1 to the Agreement between the European Economic Community and the State of Israel and concerning the import into the Community of preserved fruit salads originating in Israel (1987)

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 recommendation from the Commission,

Whereas the Agreement between the European Economic Community and the State of Israel⁽¹⁾ was signed on 11 May 1975;

Whereas the Agreement in the form of an Exchange of Letters relating to Article 9 of Protocol 1 to the said Agreement and concerning the import into the Community of preserved fruit salads originating in Israel (1987) should be approved,

HAS ADOPTED THIS REGULATION :

Article 1

The Agreement in the form of an Exchange of Letters relating to Article 9 of Protocol 1 to the Agreement

between the European Economic Community and the State of Israel and concerning the import into the Community of preserved fruit salads originating in Israel (1987) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

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

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

Done at Brussels, 16 March 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 136, 28. 5. 1975, p. 3.

AGREEMENT

in the form of an Exchange of Letters relating to Article 9 of Protocol No 1 to the Agreement between the European Economic Community and the State of Israel concerning the importation into the Community of preserved fruit salads originating in Israel (1987)

Sir,

In pursuance of Article 9 of Protocol No 1 to the Agreement concluded between the European Economic Community and the State of Israel, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Israel, I have the honour to inform you that Israel undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 will not exceed 220 tonnes.

To this end the Government of the State of Israel declares that all exports to the Community of the products concerned will be effected exclusively by exporters whose operations are controlled by the Israeli Ministry of Commerce, Industry and Tourism.

The guarantees relating to quantities will be met in accordance with the procedures agreed between that Ministry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the State of Israel*

Sir,

I have the honour to acknowledge receipt of your letter of today, worded as follows :

'In pursuance of Article 9 of Protocol No 1 to the Agreement concluded between the European Economic Community and the State of Israel, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Israel, I have the honour to inform you that Israel undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 220 tonnes.

To this end the Government of the State of Israel declares that all exports to the Community of the products concerned will be effected exclusively by exporters whose operations are controlled by the Israeli Ministry of Commerce, Industry and Tourism.

The guarantees relating to quantities will be met in accordance with the procedures agreed between that Ministry and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

COUNCIL REGULATION (EEC) No 757/87
of 16 March 1987

**on the conclusion of the Agreement in the form of an Exchange of Letters
between the European Economic Community and the People's Democratic
Republic of Algeria concerning the import into the Community of preserved
fruit salads originating in Algeria (1987)**

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 recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria⁽¹⁾ was signed on 26 April 1976 and entered into force on 1 November 1978;

Whereas the Agreement in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria concerning the import into the Community of preserved fruit salads originating in Algeria (1987) should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and the

People's Democratic Republic of Algeria concerning the import into the Community of preserved fruit salads originating in Algeria (1987) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

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

Done at Brussels, 16 March 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 263, 27. 9. 1978, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria concerning the import into the Community of preserved fruit salads originating in Algeria (1987)

Sir,

With a view to implementing the 55 % reduction in the Common Customs Tariff duties provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the People's Democratic Republic of Algeria, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 100 tonnes.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Société de gestion et de développement des industries alimentaires' (Sogedia) (Society for the Administration and Development of the Foodstuffs Industries).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Sogedia and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the People's Democratic Republic of Algeria*

Sir,

I have the honour to acknowledge receipt of your letter of today, worded as follows :

'With a view to implementing the 55 % reduction in the Common Customs Tariff duties provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the People's Democratic Republic of Algeria, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 100 tonnes.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the "Société de gestion et de développement des industries alimentaires" (Sogedia) (Society for the Administration and Development of the Foodstuffs Industries).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Sogedia and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and consequently to state that the 55 % reduction in the Common Customs Tariff duties will apply from 1 January to 31 December 1987 to the quantities of preserved fruit salads originating in Algeria referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

COUNCIL REGULATION (EEC) No 758/87
of 16 March 1987

**on the conclusion of the Agreement in the form of an Exchange of Letters
between the European Economic Community and the Kingdom of Morocco
concerning the import into the Community of preserved fruit salads originating
in Morocco (1987)**

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 recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco ⁽¹⁾ was signed on 27 April 1976 and entered into force on 1 November 1978;

Whereas the Agreement in the form of an Exchange of Letters between the European Economic Community and the Kingdom of Morocco concerning the import into the Community of preserved fruit salads originating in Morocco (1987) should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and the

Kingdom of Morocco concerning the import into the Community of preserved fruit salads originating in Morocco (1987) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

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

Done at Brussels, 16 March 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 264, 27. 9. 1978, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the Kingdom of Morocco concerning the import into the Community of preserved fruit salads originating in Morocco (1987)

Sir,

With a view to implementing the 55 % reduction in the Common Customs Tariff duties provided for in Article 20 of the Cooperation Agreement concluded between the European Economic Community and the Kingdom of Morocco, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Morocco, I have the honour to inform you that the Moroccan Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 100 tonnes.

To this end the Moroccan Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the Moroccan Administration.

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Moroccan Administration and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the Kingdom of Morocco*

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows :

'With a view to implementing the 55 % reduction in the Common Customs Tariff duties provided for in Article 20 of the Cooperation Agreement concluded between the European Economic Community and the Kingdom of Morocco, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Morocco, I have the honour to inform you that the Moroccan Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 100 tonnes.

To this end the Moroccan Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the Moroccan Administration

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Moroccan Administration and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and consequently to state that the 55 % reduction in the Common Customs Tariff duties will apply from 1 January to 31 December 1987 to the quantities of preserved fruit salads originating in Morocco referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

COUNCIL REGULATION (EEC) No 759/87
of 16 March 1987

**on the conclusion of the Agreement in the form of an Exchange of Letters
between the European Economic Community and the Republic of Tunisia
concerning the import into the Community of preserved fruit salads originating
in Tunisia (1987)**

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 recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the Republic of Tunisia⁽¹⁾ was signed on 25 April 1976 and entered into force on 1 November 1978;

Whereas the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Tunisia concerning the import into the Community of preserved fruit salads originating in Tunisia (1987) should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and the

Republic of Tunisia concerning the import into the Community of preserved fruit salads originating in Tunisia (1987) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

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

Done at Brussels, 16 March 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 265, 27. 9. 1978, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the Republic of Tunisia concerning the import into the Community of preserved fruit salads originating in Tunisia (1987)

Sir,

With a view to implementing the 55 % reduction in the Common Customs Tariff duties provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the Republic of Tunisia, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Tunisia, I have the honour to inform you that the Tunisian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 100 tonnes.

To this end the Tunisian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Office de Commerce de Tunisie' (Tunisian Board of Trade).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Tunisian Board of Trade and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the Republic of Tunisia*

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows :

'With a view to implementing the 55 % reduction in the Common Customs Tariff duties provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the Republic of Tunisia, and following the clarifications exchanged concerning the conditions governing imports into the Community of preserved fruit salads falling within subheadings 20.06 B II a) ex 9 and 20.06 B II b) ex 9 of the Common Customs Tariff and originating in Tunisia, I have the honour to inform you that the Tunisian Government undertakes to take all necessary measures to ensure that the quantities supplied to the Community from 1 January to 31 December 1987 do not exceed 100 tonnes.

To this end the Tunisian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the "Office de Commerce de Tunisie" (Tunisian Board of Trade).

The guarantees relating to quantities will be met in accordance with the procedures agreed between the Tunisian Board of Trade and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and consequently to state that the 55 % reduction in the Common Customs Tariff duties will apply from 1 January to 31 December 1987 to the quantities of preserved fruit salads originating in Tunisia referred to in your letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

COUNCIL REGULATION (EEC) No 760/87

of 16 March 1987

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria (1987)

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 recommendation from the Commission,

Whereas the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria⁽¹⁾ was signed on 26 April 1976 and entered into force on 1 November 1978;

Whereas the Agreement in the form of an exchange of letters between the European Economic Community and the People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria (1987) should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchanges of Letters between the European Economic Community and the

People's Democratic Republic of Algeria on the importation into the Community of tomato concentrates originating in Algeria (1987) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

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

Done at Brussels, 16 March 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 263, 27. 9. 1978, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria on the import into the Community of tomato concentrates originating in Algeria (1987)

Sir,

With a view to implementing the 30 % reduction in the Common Customs Tariff duties provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the People's Democratic Republic of Algeria, and the People's Democratic Republic of Algeria, and following the clarifications exchanged concerning the conditions governing imports into the Community of tomato concentrates prepared or preserved otherwise than by vinegar or acetic acid and falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 January to 31 December 1987 shall not exceed 100 tonnes.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the 'Société de gestion et de développement des industries alimentaires' (Sogedia) (Society for the Administration and Development of the Foodstuffs Industries).

The guarantees relating to quantities will be met in accordance with the procedures agreed between Sogedia and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of
the People's Democratic Republic of Algeria*

Sir,

I have the honour to acknowledge receipt of your letter of today worded as follows :

'With a view to implementing the 30 % reduction in the Common Customs Tariff duties provided for in Article 19 of the Cooperation Agreement concluded between the European Economic Community and the People's Democratic Republic of Algeria, and following the clarifications exchanged concerning the conditions governing imports into the Community of tomato concentrates prepared or preserved otherwise than by vinegar or acetic acid and falling within subheading 20.02 ex C of the Common Customs Tariff and originating in Algeria, I have the honour to inform you that the Algerian Government undertakes to take all necessary measures in order that the quantities supplied to the Community from 1 January to 31 December 1987 shall not exceed 100 tonnes.

To this end the Algerian Government declares that all exports to the Community of the said products will be effected exclusively by exporters whose operations are controlled by the "Société de gestion et de développement des industries alimentaires" (Sogedia) (Society for the Administration and Development of the Foodstuffs Industries).

The guarantees relating to quantities will be met in accordance with the procedures agreed between Sogedia and the Directorate-General for Agriculture of the Commission of the European Communities.

I should be grateful if you would confirm the agreement of the Community with the foregoing.'

I am able to confirm the agreement of the Community with the foregoing and what consequently the 30 % reduction in the Common Customs Tariff duties will apply to the quantities of tomato concentrates originating in Algeria referred to in your letter from 1 January to 31 December 1987.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

COMMISSION REGULATION (EEC) No 761/87
of 18 March 1987

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) No 1579/86 ⁽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⁾, 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 135/87 ⁽⁴⁾ and subsequent amending Regulations ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient ;

Whereas these exchange rates being those recorded on 17 March 1987 ;

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 135/87 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 17, 20. 1. 1987, p. 1.

ANNEX

to the Commission Regulation of 18 March 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	11,71	196,88
10.01 B II	Durum wheat	46,77	259,59 ⁽¹⁾ ⁽²⁾
10.02	Rye	40,78	180,08 ⁽³⁾
10.03	Barley	39,05	190,00
10.04	Oats	97,34	160,94
10.05 B	Maize, other than hybrid maize for sowing	—	181,09 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	39,05	130,95
10.07 B	Millet	39,05	156,83 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	24,96	185,34 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed ; other cereals	39,05	50,90 ⁽⁵⁾
11.01 A	Wheat or meslin flour	31,55	290,79
11.01 B	Rye flour	72,25	267,51
11.02 A I a)	Durum wheat groats and meal	86,16	416,03
11.02 A I b)	Common wheat groats and meal	31,71	311,68

⁽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 10.07 D I (triticale).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 762/87
of 18 March 1987

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 1579/86⁽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⁾, 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 2011/86⁽⁴⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 17 March 1987;

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 originating in 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 March 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 18 March 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	<i>(ECU/tonne)</i>			
		Current 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0,55	0,55	0,55
10.07 D	Other cereals	0	2,00	2,00	7,89
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	<i>(ECU/tonne)</i>				
		Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 763/87**of 17 March 1987****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3502/85⁽²⁾, and in particular Article 1 thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 1987.

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

Done at Brussels, 17 March 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 335, 13. 12. 1985, p. 9.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	37,69	1 620	294,38	78,24	260,36	5 726	29,29	55 601	88,37	26,81
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	73,03	3 138	570,35	151,60	504,46	11 095	56,75	107 727	171,23	51,94
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	36,80	1 581	287,43	76,39	254,22	5 591	28,60	54 289	86,29	26,17
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	36,08	1 550	281,76	74,89	249,20	5 481	28,03	53 218	84,58	25,66
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	59,46	2 555	464,40	123,43	410,74	9 034	46,21	87 715	139,42	42,29
1.22	ex 07.01-36	ex 07.01 D II	Endives	46,22	1 986	361,01	95,95	319,30	7 023	35,92	68 186	108,38	32,87
1.28	07.01-41 07.01-43	07.01 F I	Peas	106,48	4 576	831,61	221,04	735,52	16 178	82,75	157 072	249,66	75,73
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	176,22	7 574	1 376,22	365,79	1 217,21	26 772	136,95	259 935	413,16	125,33
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	36,99	1 590	288,94	76,80	255,56	5 621	28,75	54 574	86,74	26,31
1.40	ex 07.01-54	ex 07.01 G II	Carrots	26,44	1 136	206,55	54,90	182,69	4 018	20,55	39 013	62,01	18,81
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	114,68	4 929	895,65	238,06	792,17	17 423	89,12	169 168	268,88	81,56
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	18,80	808	146,83	39,02	129,86	2 856	14,61	27 732	44,08	13,37
1.70	07.01-67	ex 07.01 H	Garlic	258,45	11 108	2 018,40	536,48	1 785,19	39 265	200,85	381 227	605,95	183,82
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	41,68	1 791	325,54	86,52	287,93	6 333	32,39	61 488	97,73	29,64
1.80		07.01 K	Asparagus :										
1.80.1	ex 07.01-71		— green	407,98	17 534	3 186,13	846,86	2 818,00	61 982	317,06	601 783	956,52	290,16
1.80.2	ex 07.01-71		— other	259,52	11 154	2 026,70	538,69	1 792,53	39 427	201,68	382 795	608,44	184,57
1.90	07.01-73	07.01 L	Artichokes	64,86	2 787	506,52	134,63	448,00	9 853	50,40	95 670	152,06	46,13
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	75,16	3 230	586,95	156,01	519,13	11 418	58,40	110 861	176,21	53,45
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	72,01	3 095	562,40	149,48	497,42	10 940	55,96	106 224	168,84	51,21
1.112	07.01-85	07.01 Q II	Chantarelles	980,32	41 938	7 660,46	2 022,11	6 757,62	146 689	760,37	1 437 668	2 279,32	724,02
1.118	07.01-91	07.01 R	Fennel	33,88	1 456	264,61	70,33	234,03	5 147	26,33	49 979	79,44	24,09
1.120	07.01-93	07.01 S	Sweet peppers	88,77	3 815	693,28	184,27	613,17	13 486	68,99	130 944	208,13	63,13
1.130	07.01-97	07.01 T II	Aubergines	66,85	2 873	522,12	138,77	461,79	10 157	51,95	98 616	156,74	47,55
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	58,01	2 493	453,04	120,41	400,70	8 813	45,08	85 569	136,01	41,26
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	45,90	1 973	358,50	95,29	317,08	6 974	35,67	67 713	107,62	32,65
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	74,60	3 185	582,47	153,85	512,38	11 235	57,94	109 532	173,25	55,53
2.10	08.01-31	ex 08.01 B	Bananas, fresh	51,52	2 214	402,41	106,95	355,91	7 828	40,04	76 005	120,80	36,64
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	50,17	2 156	391,84	104,15	346,56	7 622	38,99	74 009	117,63	35,68
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	103,31	4 440	806,85	214,46	713,63	15 696	80,29	152 395	242,23	73,48
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	238,56	10 253	1 863,04	495,19	1 647,78	36 243	185,39	351 883	559,31	169,67
2.50		08.02 A I	Sweet oranges, fresh :										
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	42,26	1 816	330,06	87,73	291,93	6 421	32,84	62 341	99,09	30,06

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	31,13	1 338	243,13	64,82	215,04	4 729	24,19	45 922	72,99	22,14
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	38,59	1 651	301,62	79,61	266,07	5 775	29,93	56 607	89,74	28,50
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :										
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	39,72	1 700	309,87	82,11	273,26	6 021	30,84	58 397	92,78	29,07
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	67,86	2 916	530,02	140,87	468,78	10 310	52,74	100 108	159,12	48,27
2.60.3	08.02-28	08.02 B I	— Clementines	61,30	2 635	478,78	127,26	423,46	9 314	47,64	90 431	143,73	43,60
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	57,47	2 470	448,82	119,29	396,96	8 731	44,66	84 771	134,74	40,87
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	39,43	1 694	307,92	81,84	272,34	5 990	30,64	58 159	92,44	28,04
2.80		ex 08.02 D	Grapefruit, fresh :										
2.80.1	ex 08.02-70		— white	37,45	1 609	292,46	77,73	258,67	5 689	29,10	55 240	87,80	26,63
2.80.2	ex 08.02-70		— pink	54,31	2 334	424,17	112,74	375,16	8 251	42,21	80 116	127,34	38,63
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	144,81	6 224	1 130,95	300,60	1 000,28	22 001	112,54	213 610	339,53	102,99
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	102,02	4 385	796,77	211,77	704,71	15 500	79,28	150 490	239,20	72,56
2.95	08.05-50	08.05 C	Chestnuts	101,92	4 360	796,49	210,24	702,62	15 251	79,05	149 480	236,99	75,27
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	55,10	2 368	430,33	114,38	380,61	8 371	42,82	81 280	129,19	39,19
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	67,56	2 903	527,60	140,23	466,64	10 264	52,50	99 652	158,39	48,05
2.120	08.07-10	08.07 A	Apricots	137,46	5 882	1 072,14	284,11	945,48	20 833	106,72	202 051	321,03	100,59
2.130	ex 08.07-32	ex 08.07 B	Peaches	162,41	6 950	1 266,82	335,69	1 117,16	24 616	126,10	238 738	379,32	118,86
2.140	ex 08.07-32	ex 08.07 B	Nectarines	116,55	5 009	910,25	241,94	805,08	17 707	90,58	171 924	273,27	82,89
2.150	08.07-51 08.07-55	08.07 C	Cherries	88,56	3 788	692,07	182,68	610,50	13 252	68,69	129 883	205,92	65,41
2.160	08.07-71 08.07-75	08.07 D	Plums	105,95	4 553	827,41	219,92	731,81	16 096	82,33	156 278	248,40	75,35
2.170	08.08-11 08.08-15	08.08 A	Strawberries	246,64	10 600	1 926,16	511,97	1 703,61	37 471	191,67	363 806	578,26	175,42
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	131,10	5 608	1 024,49	270,43	903,74	19 617	101,69	192 269	304,83	96,82
2.180	08.09-11	ex 08.09	Water melons	22,75	973	177,79	46,93	156,84	3 404	17,64	33 367	52,90	16,80
2.190		ex 08.09	Melons (other than water melons) :										
2.190.1	ex 08.09-19		— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	92,39	3 971	721,58	191,79	638,21	14 037	71,80	136 290	216,63	65,71
2.190.2	ex 08.09-19		— other	189,01	8 123	1 476,12	392,34	1 305,57	28 716	146,89	278 804	443,15	134,43
2.195	ex 08.09-80	ex 08.09	Pomegranates	47,87	2 048	374,10	98,75	330,01	7 163	37,13	70 209	111,31	35,35
2.200	08.09-50	ex 08.09	Kiwis	223,21	9 593	1 743,18	463,33	1 541,77	33 911	173,46	329 245	523,33	158,75
2.202	ex 08.09-80	ex 08.09	Khakis	111,78	4 804	873,00	232,04	772,14	16 983	86,87	164 890	262,09	79,50
2.203	ex 08.09-80	ex 08.09	Lychees	255,87	10 997	1 998,23	531,12	1 767,36	38 873	198,85	377 418	599,90	181,98

COMMISSION REGULATION (EEC) No 764/87

of 18 March 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 ⁽⁴⁾ thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore,

this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as amended by Regulation (EEC) No 1467/77 ⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

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

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

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

exported in the natural state, shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and

Article 2

This Regulation shall enter into force on 19 March 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 March 1987 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	43,59	
	(b) Other	42,56	
	(II) Flavoured or coloured sugar		0,4359
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	40,10 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4359
(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	37,04 ⁽¹⁾		
(d) Other raw sugar	⁽²⁾		

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

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

COMMISSION REGULATION (EEC) No 765/87

of 18 March 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 882/86 ⁽²⁾,

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

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 23 February 1987, the level of the premium and the amount to be charged on products leaving that region;

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

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

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80

and in Article 4 (1), (3) and (4) of Regulation (EEC) No 1633/84 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving region 5 of the aforesaid Member State during the week beginning 23 February 1987, shall be set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 23 February 1987 the level of the premium shall be equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 23 February 1987, the amounts to be charged shall be equivalent to those fixed in Annex II hereto.

Article 3

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

It shall apply with effect from 23 February 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 82, 27. 3. 1986, p. 3.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 23 February 1987

Description	Premium
Certified sheep or sheepmeat	145,058 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
23 February 1987

(ECU/100 kg)

CCT heading No	Description	Amounts		
		A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified at the second, third and fourth indents of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)	C. Products specified at the first indent of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight	Live weight	Live weight
		68,177	34,089	6,818
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	Net weight	Net weight	Net weight
02.01 A IV a)	1. Carcases or half-carcases	145,058	72,529	14,506
	2. Short forequarters	101,541		
	3. Chines and/or best ends	159,564		
	4. Legs	188,575		
	5. Other :			
	aa) Unboned (bone-in)	188,575		
bb) Boned or boneless	264,006			
02.01 A IV b)	Meat of sheep or goats, frozen :			
		1. Carcases or half-carcases	108,794	
		2. Short forequarters	76,156	
		3. Chines and/or best ends	119,673	
		4. Legs	141,432	
		5. Other :		
aa) Unboned (bone-in)	141,432			
bb) Boned or boneless	198,005			
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :			
		1. Unboned (bone-in)	188,575	
	2. Boned or boneless	264,006		
ex 16.02 B III b) 2 aa) 11)	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :			
		— unboned (bone-in)	188,575	
		— boned or boneless	264,006	

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

COMMISSION REGULATION (EEC) No 766/87

of 18 March 1987

on the supply of common wheat to the Republic of Kenya as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾ and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1579/86 ⁽³⁾, and in particular Article 28 thereof,

Whereas, by its Decision of 27 October 1986 on the supply of food aid to Kenya, the Commission allocated to 11 000 tonnes of cereals to be supplied fob ;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice ⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁵⁾; whereas it is necessary to specify the time

limits and conditions of supply and the procedure to be followed to determine the resultant costs ;

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 intervention agency specified in the Annex hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the Annex hereto.

Article 2

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

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

1. **Programme** : 1986 — Operation No 64/87 (1)
2. **Recipient** : National Cereals and Produce Board (NCPB) of Kenya — Republic of Kenya
3. **Place or country of destination** : Kenya
4. **Product to be mobilized** : common wheat
5. **Total quantity** : 11 000 tonnes
6. **Number of lots** : one
7. **Intervention agency responsible for conducting the procedure** :
Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/Main
(Telex 411 475)
8. **Method of mobilizing the product** : the Community market
9. **Characteristics of the goods** :
common wheat of fair, sound and merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process
The common wheat must meet the following conditions :
 - moisture : 14,5 % maximum (ICC Method No 110)
 - protein content : 11,5 % minimum (N × 5,7 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - Zeleny index of at least 20 (ICC Method No 118)
10. **Packaging** :
 - composite sacks jute/polypropylene of a minimum weight of 335 g
 - net weight of the bags : 50 kilograms
 - marking on the bags in letters at least 5 cm high :
'ACTION No 64/87 / SOFT WHEAT / GIFT FROM THE EUROPEAN ECONOMIC COMMUNITY TO THE REPUBLIC OF KENYA'
11. **Port of shipment** :
any Community port accessible to ocean-going vessels
12. **Delivery stage** : fob
13. **Port of landing** : —
14. **Procedure to be applied in order to determine supply costs** : tendering
15. **Deadline for the submission of tenders** : 12 noon on 31 March 1987
16. **Shipment period** : 15 April to 15 May 1987
17. **Security** : 10 ECU per tonne

Notes

1. At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that for the product to be delivered the standards in force, on nuclear radiation, in the Member State concerned, have not been exceeded.
2. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, and other circumstances concerning shipment.
3. The successful tenderer shall send a copy of the shipping documents to the following address :
Mr A. T. Rohrsted, CEC Delegate,
National Bank Building, Harambee Avenue,
P.O. Box 45119, Nairobi, Kenya
Tel. : 33 35 92 — Telex 22302 DELEGFED.

(1) The operation number is to be quoted in all correspondence.

COMMISSION REGULATION (EEC) No 767/87
of 18 March 1987
on the supply of common wheat and of common wheat flour to the World Food Programme (WFP) as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1579/86⁽³⁾, and in particular Article 28 thereof,

Whereas, by its Decision of 10 February 1986 on the supply of food aid to the WFP, the Commission allocated to the latter organization 13 734 tonnes of cereals to be supplied fob;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85⁽⁵⁾; whereas it is necessary to specify the time

limits and conditions of supply and the procedure to be followed to determine the resultant costs;

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 intervention agency specified in the Annexes hereto shall implement the mobilization and supply procedures in accordance with the provisions of Regulation (EEC) No 1974/80 and with the conditions laid down in the said Annexes hereto.

Article 2

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

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX I

1. **Programme** : 1986 — Operation No 122/87⁽¹⁾
2. **Recipient** : World Food Programme (WFP)
3. **Place or country of destination** : Indonesia
4. **Product to be mobilized** : common wheat
5. **Total quantity** : 9 660 tonnes
6. **Number of lots** : one
7. **Intervention agency responsible for conducting the procedure** :
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (telex OFIBLE 200 490 F)
8. **Method of mobilizing the product** : the Community market
9. **Characteristics of the goods** :
common wheat of fair, sound and merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process
The common wheat must meet the following conditions :
 - moisture : 14,5 % maximum (ICC Method No 110)
 - protein content 11,5 % maximum (N × 5,7 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - Zeleny index of at least 20 (ICC Method No 118)
10. **Packaging** : in bulk
11. **Port of shipment** :
any Community port accessible to ocean-going vessels
12. **Delivery stage** : fob
13. **Port of landing** : —
14. **Procedure to be applied in order to determine supply costs** : tendering
15. **Deadline for the submission of tenders** : 12 noon on 31 March 1987
16. **Shipment period** : 15 April to 15 May 1987
17. **Security** : 10 ECU per tonne

Notes :

1. At the request of the beneficiary, the successful tenderer shall deliver a certificate coming from an official entity and certifying that for the product to be delivered the standards in force, on nuclear radiation, in the Member State concerned, have not been exceeded.
2. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, rate and other circumstances concerning shipment.
3. The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - certificate of origin,
 - phytosanitary certificate.
4. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Indonesia,
Wisma Metropolitan I, 10th Floor
29, Jl. Jendral Sudirman
PO Box 34 KBYMP, Jakarta 12920B
Tel. : 578 24 74/5
Telex : 62788 DAMORE IA

⁽¹⁾ The operation number is to be quoted in all correspondence.

ANNEX II

1. **Programme** : 1986 — Operation No 110/87⁽¹⁾ — No 112/87⁽¹⁾
2. **Recipient** : World Food Programme (WFP)
3. **Place or country of destination** : Egypt
4. **Product to be mobilized** : common wheat flour
5. **Total quantity** : 1 986 tonnes (2 721 tonnes of cereals)
6. **Number of lots** : 2
 - (a) : 200 tonnes (Operation No 110/87)
 - (b) : 1 786 tonnes (Operation No 112/87)
7. **Intervention agency responsible for conducting the procedure** :

Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (Telex OFIBLE 200 490 F)
8. **Method of mobilizing the product** : the Community market
9. **Characteristics of the goods** :

Flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :

 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - Zeleny index of at least 20 (ICC No 116)
 - ash content : 0,62 % maximum referred to dry matter (ICC Method No 104)
10. **Packaging** :
 - in new jute sacks of 370 grams, lined with woven polypropylene sacks of 110 grams. The top edge of the sacks will be sewn together
 - net weight of the bags : 50 kg
 - marking on the bags in letters at least 5 cm high :
 - (a) : 'ACTION No 110/87 / EGYPT 0278200 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ALEX-ANDRIA'
 - (b) : 'ACTION No 112/87 / EGYPT 0259400 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ALEX-ANDRIA'
11. **Port of shipment** :

any Community port accessible to ocean-going vessels with a shipping service to the recipient country during the period for shipment laid down in point 16. The tender must be accompanied by a statement from the port authorities attesting the existence of the service during the said period.
12. **Delivery stage** : fob
13. **Port of landing** : —
14. **Procedure to be applied in order to determine supply costs** : tendering
15. **Deadline for the submission of tenders** : 12 noon on 31 March 1987
16. **Shipment period** : 20 May to 15 June 1987
17. **Security** : 15 ECU per tonne

⁽¹⁾ The operation number is to be quoted in all correspondence.

Notes:

1. At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity and certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 2. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, rate and other circumstances concerning shipment.
 3. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Egypt, 4 Gezira Street, 8th Floor, Cairo Zamalek, telex 94258 EUROP UN — CAIRO.
 4. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
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ANNEX III

1. **Programme** : 1986 — Operation No 111/87 (1)
2. **Recipient** : World Food Programme (WFP)
3. **Place or country of destination** : the People's Democratic Republic of Yemen
4. **Product to be mobilized** : common wheat flour
5. **Total quantity** : 988 tonnes (1 353 tonnes of cereals)
6. **Number of lots** : one
7. **Intervention agency responsible for conducting the procedure** :
Office national interprofessionnel des céréales (ONIC), 21, avenue Bosquet, F-75007 Paris (téléx 200 490 F)
8. **Method of mobilizing the product** : the Community market
9. **Characteristics of the goods** :
Flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :
 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 220, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - Zeleny index of at least 20 (ICC No 116)
 - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging** :
 - in new jute sacks of 370 grams, lined with woven polypropylene sacks of 110 grams. The top edge of the sacks will be sewn together
 - net weight of the bags : 50 kilograms
 - marking on the bags in letters at least 5 cm high :
'ACTION No 111/87 / PDR YEMEN 0060802 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ADEN'
11. **Port of shipment** :
any Community port accessible to ocean-going vessels with a shipping service to the recipient country during the period for shipment laid down in point 16. The tender must be accompanied by a statement from the port authorities attesting the existence of the service during the said period
12. **Delivery stage** : fob
13. **Port of landing** : —
14. **Procedure to be applied in order to determine supply costs** : tendering
15. **Deadline for the submission of tenders** : 12 noon on 31 March 1987
16. **Shipment period** : 20 May to 15 June 1987
17. **Security** : 15 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
3. As soon as the successful tenderer has been informed of the award of the contract, he shall contact the beneficiary or his representative without delay, in order to determine the necessary consignment documents, as well as the details of period, rate and other circumstances concerning shipment.
4. The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - certificate of origin,
 - phytosanitary certificate.

(1) The operation number is to be quoted in all correspondence.

COMMISSION REGULATION (EEC) No 768/87
of 18 March 1987

amending Regulation (EEC) No 2730/81 establishing a list of agencies in non-member importing countries entitled to issue invitations to tender in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the Common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 231/87 ⁽²⁾, and in particular Articles 13 (3) and 17 (4) thereof,

Whereas Commission Regulation (EEC) No 2730/81 ⁽³⁾, as last amended by Regulation (EEC) No 3393/86 ⁽⁴⁾, established a list of agencies in non-member importing countries entitled to issue invitations to tender in the milk and milk products sector;

Whereas, in the light of the most recent information available to the Commission on the trade practices followed by the importing countries concerned and the official nature of the agencies in question, this Regulation should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 2730/81, the list of issuing organizations shall be modified with regard to Angola, Kuwait and Venezuela as follows:

<i>Importing country</i>	<i>Issuing organization</i>
'Angola	Importang UEE Central Angolana de Importação 22/24 Largo Infante D. Henrique PO Box 1003 Luanda Ematec UEE Empresa de Abatecimiento Técnico de Material Largo Rainha Ginga, 3 Caixa Postal 2952 Luanda
Kuwait	Ministry of Health KD 5 Central Traders Committee PO Box 1070 Safat Ministry of Education KD 5 Department of Supplies Stores General Administration Building Khalidiya The Kuwait Danish Dairy Co. Ltd. PO Box 835 Safat 13009
Venezuela	Instituto Nacional de Nutrición Operativa Avenida Barait esq. El Carmen Edificio Sede Central Caracas Comandancia General de la Marina Base aérea la Carlota, Hangar la Marina Caracas INDULAC Colinas de California Esq. Avdas San Francisco y Palmarito Edificio Indulac- Apartado 1546 Caracas 10107-A.

Article 2

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽³⁾ JO No L 272, 26. 9. 1981, p. 25.

⁽⁴⁾ OJ No L 311, 6. 11. 1986, p. 16.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 769/87
of 18 March 1987

**fixing the minimum selling prices for boned beef put up for sale by tender in
accordance with Regulation (EEC) No 2326/79**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 467/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽³⁾, the minimum selling prices for meat put up for sale by tender should be fixed taking into account tenders submitted;

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 2326/79 ⁽⁴⁾, tenders have been invited for certain quantities of boned beef and veal fixed by Commission Regulation (EEC) No 178/87 ⁽⁵⁾; whereas, consequently, the minimum selling prices should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum selling prices for boned beef stored by the Danish, German, Irish, and United Kingdom intervention agencies which are to be adopted for the invitation to tender held in accordance with Regulation (EEC) No 2326/79, for which the time limit for the submission of tenders was 9 March 1987, shall be as set out in the Annex hereto.

2. Tenders submitted in response to the invitation referred to in paragraph 1 shall be rejected unless they are for the products listed in the Annex.

Article 2

This Regulation shall enter into force on 19 March 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 266, 24. 10. 1979, p. 5.

⁽⁵⁾ OJ No L 21, 23. 1. 1987, p. 26.

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

BUNDESREPUBLIK DEUTSCHLAND (1)

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ECUS/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (ECU/τόνο) Minimum selling prices (ECU/tonne) Prix de vente minimaux (Écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkooprijzen (Ecu/ton) Preço mínimo de venda (ECUs/tonelada)
<i>Bullen A / Kategorie A</i>	
Filet	11 340
Oberschalen	3 777
Unterschalen	3 647
Hüfte	3 270
Kugeln	3 668
Kniekehlfleisch	2 431
<i>Ochsen A / Kategorie C</i>	
Filet	11 278
Roastbeef	6 163
Oberschalen	3 769
Unterschalen	3 647
Hüfte	3 312
Kugeln	3 634

(1) Anuncio de licitación nº D P — 45, DO nº C 44 de 21. 2. 1987, p. 10.

(1) Licitationsbekendtgørelse nr. D P — 45, EFT nr. C 44 af 21. 2. 1987, s. 10.

(1) Ausschreibung Nr. D P — 45, ABl. Nr. C 44 vom 21. 2. 1987, S. 10.

(1) Προκήρυξη διαγωνισμού αριθ. D P — 45, ΕΕ αριθ. C 44 της 21. 2. 1987, σ. 10.

(1) Notice of invitation to tender No D P — 45, OJ No C 44, 21. 2. 1987, p. 10.

(1) Avis d'adjudication nº D P — 45, JO nº C 44 du 21. 2. 1987, p. 10.

(1) Bando di gara n. D P — 45, GU n. C 44 del 21. 2. 1987, pag. 10.

(1) Bericht van inschrijving nr. D P — 45, PB nr. C 44 van 21. 2. 1987, blz. 10.

(1) Anúncio de adjudicação nº D P — 45, JO nº C 44 de 21. 2. 1987, p. 10.

DANMARK (2)

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ECUS/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (ECU/τόνο) Minimum selling prices (ECU/tonne) Prix de vente minimaux (Écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkooprijzen (Ecu/ton) Preço mínimo de venda (ECUs/tonelada)
<i>Ungtjyre / Kategori A</i>	
Mørbrad med bimørbrad	8 746
Filet med entrecôte	4 544
Tykstegsfilet med kappe	3 369
Klump med kappe	3 270
Yderlår med lårtonge	3 575

(2) Anuncio de licitación nº DK P — 46, DO nº C 44 de 21. 2. 1987, p. 17.

(2) Licitationsbekendtgørelse nr. DK P — 46, EFT nr. C 44 af 21. 2. 1987, s. 17.

(2) Ausschreibung Nr. DK P — 46, ABl. Nr. C 44 vom 21. 2. 1987, S. 17.

(2) Προκήρυξη διαγωνισμού αριθ. DK P — 46, ΕΕ αριθ. C 44 της 21. 2. 1987, σ. 17.

(2) Notice of invitation to tender No DK P — 46, OJ No C 44, 21. 2. 1987, p. 17.

(2) Avis d'adjudication nº DK P — 46, JO nº C 44 du 21. 2. 1987, p. 17.

(2) Bando di gara n. DK P — 46, GU n. C 44 del 21. 2. 1987, pag. 17.

(2) Bericht van inschrijving nr. DK P — 46, PB nr. C 44 van 21. 2. 1987, blz. 17.

(2) Anúncio de adjudicação nº DK P — 46, JO nº C 44 de 21. 2. 1987, p. 17.

UNITED KINGDOM⁽¹⁾

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ECUS/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (ECU/τόνο) Minimum selling prices (ECU/tonne) Prix de vente minimaux (Écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkooprijzen (Ecu/ton) Preço mínimo de venda (ECUs/tonelada)
<i>Steers / category C</i> Fillets Silversides	10 071 3 992

(¹) Anuncio de licitación nº UK P — 43, DO nº C 44 de 21. 2. 1987, p. 19.

(¹) Licitationsbekendtgørelse nr. UK P — 43, EFT nr. C 44 af 21. 2. 1987, s. 19.

(¹) Ausschreibung Nr. UK P — 43, ABl. Nr. C 44 vom 21. 2. 1987, S. 19.

(¹) Προκήρυξη διαγωνισμού αριθ. UK P — 43, ΕΕ αριθ. C 44 της 21. 2. 1987, σ. 19.

(¹) Notice of invitation to tender No UK P — 43, OJ No C 44, 21. 2. 1987, p. 19.

(¹) Avis d'adjudication nº UK P — 43, JO nº C 44 du 21. 2. 1987, p. 19.

(¹) Bando di gara n. UK P — 43, GU n. C 44 del 21. 2. 1987, pag. 19.

(¹) Bericht van inschrijving nr. UK P — 43, PB nr. C 44 van 21. 2. 1987, blz. 19.

(¹) Anúncio de adjudicação nº UK P — 43, JO nº C 44 de 21. 2. 1987, p. 19.

COMMISSION REGULATION (EEC) No 770/87

of 18 March 1987

amended Regulation (EEC) No 701/87 introducing a countervailing charge on artichokes originating in Egypt

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 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 701/87⁽³⁾ introduced a countervailing charge on artichokes originating in Egypt;

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

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of artichokes originating in Egypt must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 701/87 '16,91' ECU is hereby replaced by '38,15 ECU'.

Article 2

This Regulation shall enter into force on 19 March 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 68, 12. 3. 1987, p. 24.

COMMISSION REGULATION (EEC) No 771/87
of 18 March 1987
amending Regulation (EEC) No 404/87 on a special intervention measure for
maize in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas Commission Regulation (EEC) No 404/87 ⁽³⁾, as amended by Regulation (EEC) No 731/87 ⁽⁴⁾, provides for an intervention measure for maize in France in the form of an invitation to tender for the export refund to countries of Zones I to VII; whereas given the present situation the German Democratic Republic and the Canary Islands should be included in the destinations covered by this invitation; whereas this measure represents an easing of the rules which must be applied to all exports under the said invitation to tender;

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

Regulation (EEC) No 404/87 is hereby amended as follows:

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

‘2. The invitation to tender shall relate to the quantity of maize referred to in Article 1 (1) for export to the countries in Zones I to VII listed in Annex I to Commission Regulation (EEC) No 1124/77 ⁽¹⁾, the German Democratic Republic and the Canary Islands.’
2. The heading of Annex I is replaced by the following:

‘Weekly tender for the refund for the export of maize to countries in Zones I to VII the German Democratic Republic and the Canary Islands.’

Article 2

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

It shall apply to exports under the invitation to tender provided for in Regulation (EEC) No 404/87 from 19 February 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 41, 11. 2. 1987, p. 20.

⁽⁴⁾ OJ No L 71, 14. 3. 1987, p. 18.

COMMISSION REGULATION (EEC) No 772/87**of 18 March 1987****fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1659/86, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 40th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 40th partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 44,819 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 March 1987.

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

Done at Brussels, 18 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 29.

Information on the implementation of Council Regulation (EEC) No 644/87 of 3 March 1987 opening, allocating and providing for the administration of Community tariff quotas for certain types of fruit and fruit juices⁽¹⁾

The Government of the United States of America took the measures described in footnote 3 to paragraph B of the Agreement⁽²⁾ with the United States of America on the Mediterranean preferences, citrus and pasta. In accordance with Article 6 of Regulation (EEC) No 644/87, the Regulation is applicable for 19 March 1987.

⁽¹⁾ OJ No L 61, 4. 3. 1987, p. 25.

⁽²⁾ OJ No L 62, 5. 3. 1987, p. 25.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 November 1986

on a FIM loan to a mineral-water and glass-bottle manufacturer

(Only the French text is authentic)

(87/194/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments in accordance with the above provision, and having regard to those comments,

Whereas :

I

On 11 November 1985 the French Government notified the Commission, pursuant to Article 93 (3) of the EEC Treaty, of a proposal to grant aid to a mineral-water and glass-bottle manufacturer.

The proposal provides for the grant of a FIM (Fonds Industriel de Modernisation — Industrial Modernization Fund) loan of FF 70 million for an investment of FF 266,5 million which the recipient firm intends to undertake in 1985/86 with a view primarily to stepping up and automating its glass-bottle production and increasing the output of its two bottling plants, while saving energy and improving working conditions.

By Decision 85/378/EEC⁽¹⁾, the Commission informed the French authorities that the grant of FIM loans consti-

tuted aid within the meaning of Article 92 (1) of the EEC Treaty and made the grant of such loans subject to the obligation to notify, at the proposal stage, all significant individual awards.

At the end of 1985 such loans were made available at a rate of 8,75 % for a maximum period of 10 years, and were coupled with a grace period of up to two years. They are designed to assist investments of an innovative nature and, in particular, those aimed at the installation of high-technology machinery and equipment and the development of office automation and biotechnology.

II

After scrutinizing the aid proposal under Article 93 (3) of the Treaty, on the basis of an analysis of the market in the products concerned and of the information furnished by the French authorities, the Commission decided, on 18 December 1985, to initiate the procedure laid down in Article 93 (2) in respect of the aid consisting of the FIM loan of FF 70 million to the abovementioned mineral-water and glass-bottle manufacturer on grounds of the aid's effect on trade between Member States and on competition between the recipient firm and its rivals in the Community.

As part of that procedure, the Commission gave the French Government, the other Member States and interested parties other than Member States notice to submit their comments.

⁽¹⁾ OJ No L 216, 13. 8. 1985, p. 12.

On 2 April 1986 the French Government answered the letter the Commission had sent it on 24 December 1985 informing it of the initiation of the Article 93 (2) procedure.

It argued among other things that the grant of the FIM loan in question would not threaten between Member States but would contribute to the development of activities in a manner in keeping with the European interest. The loan would help finance investments aimed at introducing innovative technology, automating the entire production process and improving the control both of quality and of energy savings.

Within the framework of the consultation of other interested parties, the Governments of three Member States and an industry federation sent their comments to the Commission.

III

The FIM loan planned by the French Government contains elements of aid within the meaning of Article 92 (1) because it would enable the recipient firm to be relieved, through State resources, of a part of the cost of the investment which it would normally have to bear itself.

Between 1975 and 1984, the production and consumption of mineral water in the Community grew by approximately 40 %, from about 63 million hectolitres to about 88 million hectolitres. The size of the increase differed from one Member State to another.

France is the Community's largest producer with an output of 33,8 million hectolitres in 1983, followed, in descending order, by Germany, Italy and Belgium.

In some Member States, annual *per capita* consumption is still very low (a few litres) but is tending to increase rapidly, whereas in France and Belgium it is in the region of 55 litres and in Germany 50 litres.

Over the same period, intra-Community trade in such water practically doubled, from 289 000 tonnes to 583 000 tonnes, attaining a value of 224,8 million ECU and accounting for 6,3 % of production. In 1984, French exports represented about 73 % in volume and more than 80 % in value of that trade, although French production accounts for less than 40 % of Community production.

Some 90 % of the production and marketing of mineral water in France is in the hands of four large industrial groups. The recipient of the FIM loan in question is the biggest of those groups and ranks first in its sector in the Community. Its share of the French market comes to

about 30 % in the case of non-effervescent water and over 50 % in that of effervescent water. The firm exports much of its production both to the other Member States and to non-member countries. Its turnover from the sale of mineral water is steadily increasing (FF 2 618 million in 1983/84 compared with FF 2 344 million in 1982/83).

Export earnings totalled FF 887 million in 1983/84, over half of which from sales in other Member States, against FF 738 million in 1982/83.

As far as glass bottles and flasks are concerned, hollow glass output in the Community fell in the 1980s, owing mainly to the utilization of competing materials and to energy costs; as a result, a number of plants have closed in the Member States. In France, on the other hand, hollow glass production has increased by 8 % since 1979 (Community = -5 %); in 1983, the French industry's output was the highest in the Community, accounting for 27 % of Community production. France nevertheless remains a net importer of hollow glass.

Glass is still the preferred material for bottling effervescent beverages. However, in several Member States including France, plastic is overtaking it in the mineral water market. The cost of the container is one of the factors determining the production cost of drinks.

In view of the above considerations, the situation in the market concerned and the position of the firm in question in that market, the aid contemplated by the French Government is likely to affect trade between Member States and distort competition within the meaning of Article 92 (1) by favouring the firm concerned and French drinks and hollow glass production.

Where financial assistance from the State strengthens the position of certain firms compared with that of others competing with them in the Community, it must be regarded as affecting those other firms.

Article 92 (1) provides that aid having the features there described is in principle incompatible with the common market. The exceptions to this principle provided for in Article 92 (2) are inapplicable in this case in view of the nature and objectives of the proposed aid.

Under Article 92 (3), aid capable of being considered compatible with the common market must be assessed in the Community context and not in that of a single Member State. To safeguard the proper functioning of the common market and take account of the principles set out in Article 3 (f) of the Treaty, the exceptions to the principle laid down in Article 92 (1) set out in paragraph 3 of that Article must be constructed narrowly when any aid scheme or individual award is scrutinized.

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

To invoke the exceptions in the case of aid that did not serve such an objective, or where the aid was not necessary for that purpose, would be to give unfair advantages to the industries or firms of certain Member States, whose financial position would be artificially strengthened, and to allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of the common interest referred to in Article 92 (3).

In view of the above, the proposed aid does not fall into any of the categories of exception provided for in Article 92 (3). With regard to the provisions set out in subparagraphs (a) and (c) of that paragraph concerning aid to promote the development of certain areas, the areas where the investment is to be undertaken are not suffering from an abnormally low standard of living or serious underemployment within the meaning of the exception provided for in subparagraph (a).

As to the exception referred to in subparagraph (c), the aid planned by the French Government is not likely to facilitate the development of certain economic areas within the meaning of that provision.

FIM loans are as a rule not granted to firms doing business in economic sectors and in areas determined in advance.

They are therefore not intended to compensate for regional handicaps, and in this particular case the French Government has at all events not invoked grounds of this nature in order to justify the grant of the FF 70 million loan to the firm concerned.

As far as the exceptions provided for in Article 92 (3) (b) are concerned, it is obvious that the aid at issue is not intended to support a project of common European interest or to remedy a serious disturbance in the French economy.

Lastly, as regards the exception provided for in Article 92 (3) (c) in favour of aid to facilitate the development of certain economic activities, the FIM loan is principally aimed at modernizing and expanding production plant. Such investments, which are necessary to enable the recipient firm to respond effectively to increasing demand for the products in question, are as a rule carried out without the need for incentives in the form of aid. It is only

natural and in the producer's own interest that it should use the most efficient technology and materials permitting a reduction in overheads, including energy consumption.

The French firm's competitors are faced with the same problems without their being able to qualify for aid to cover part of the cost of solving them. To agree to the grant of the FF 70 million FIM loan to the abovementioned French mineral-water manufacturer would be tantamount to inflicting on its competitors a disadvantage which might take the form of an unjustified drop in their sales.

For these reasons, by Decisions 82/774/EEC⁽¹⁾, 82/775/EEC⁽²⁾ and 82/776/EEC⁽³⁾, the Commission found that aid planned by the Belgian Government for altogether similar investments by mineral-water and soft-drinks manufacturers in Belgium were incompatible with the common market and should therefore not be awarded. As the situation in the sector concerned has not changed much since, the Commission feels it must be guided by the same sectoral considerations in the present case.

Consequently, aid for the modernization and expansion of the production plants concerned does not fulfil the requirements of the development of the sector in question without adversely affecting trading conditions to an extent contrary to the common interest within the meaning of Article 92 (3) (c),

HAS ADOPTED THIS DECISION :

Article 1

The grant of a FF 70 million FIM loan, constituting aid within the meaning of Article 92 (1) of the EEC Treaty, to a firm manufacturing glass bottles and effervescent and non-effervescent mineral water, notified to the Commission by letter dated 11 November 1985, is incompatible with the common market and may not be implemented by the French Government.

Article 2

The French Government shall take whatever steps are necessary to comply with this Decision within one month of the date of its notification and shall inform the Commission thereof within the same period.

⁽¹⁾ OJ No L 323, 19. 11. 1982, p. 31.

⁽²⁾ OJ No L 323, 19. 11. 1982, p. 34.

⁽³⁾ OJ No L 323, 19. 11. 1982, p. 37.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 12 November 1986.

For the Commission
Peter SUTHERLAND
Member of the Commission

COMMISSION DECISION

of 3 December 1986

on a proposal by the Belgian Government to grant aid for investments by a flat-glass producer at Moustier

(Only the French and Dutch texts are authentic)

(87/195/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice in accordance with the above Article to interested parties to submit their comments, and having regard to those comments,

Whereas :

I

The Belgian Law of 17 July 1959 introducing and coordinating measures to encourage economic expansion and the creation of new industries and the royal decree of 17 August 1959⁽¹⁾ implementing it introduced general measures to assist the Belgian economy in the form, *inter alia*, of interest rebates on loans raised to pay for investments, government guarantees covering loans contracted by enterprises with banks giving entitlement to a rebate, and exemption for five years from land tax.

When it examined the Law in accordance with the procedure laid down in Article 93 (1) and (2) of the EEC Treaty, the Commission found that it constituted a general aid scheme as it contained no sectoral or regional objectives. Since the scheme applied to all investments, making no distinction between enterprises, regions or sectors, it could not qualify for application of any of the exceptions provided for in Article 92 (3) (a) or (c) of the EEC Treaty. Without such detailed information, the Commission was unable to assess the scheme's effects on trade between Member States and on competition, or, more especially, its compatibility with the common market.

The Commission has decided to authorize such general aid schemes where one or other of the following two conditions is met: either the Member State concerned notifies to the Commission a plan for regional or sectoral application, or alternatively, where this is not considered feasible, it notifies significant individual awards.

Under Commission Decision 75/397/EEC⁽²⁾, the Belgian Government is required to notify the Commission, giving

⁽¹⁾ *Moniteur belge/Belgisch Staatsblad*, 29. 8. 1959.

⁽²⁾ OJ No L 177, 8. 7. 1975, p. 13.

it time to state its views in advance, of all significant individual awards under the Law of 17 July 1959, so that the Commission may decide whether they are compatible with the common market.

II

By letter dated 15 November 1985, the Belgian Government informed the Commission, in accordance with that procedure, of its intention to grant, under the Law of 17 July 1959, aid towards investments by a flat-glass producer at Moustier in the province of Namur.

The investments, which total Bfrs 1 201 725 000, relate to the renovation of one of the two float-glass production lines and the modernization of the other, thereby improving energy use and working conditions without increasing optimum capacity. They would make it possible to produce tinted glass and pyrolytically coated glass besides clear glass.

The proposed aid would take the form of an interest subsidy of four percentage points for six years on Bfrs 531,6 million, a capital grant of 4 % for six years on Bfrs 269,55 million and exemption from land tax for six years on the whole investment, representing a net grant equivalent of 5,8 %. In justification of its proposal, the Belgium Government pointed to the diversification into new high-technology products with the help of the investments in question, which would lead in turn to an increase in exports to third countries, the potential energy savings and the favourable impact on other businesses in the area, in particular those in the neighbouring steel area of Charleroi.

III

After an initial scrutiny of the notification, the Commission concluded that the aid proposals could not be considered compatible with the common market on the ground that they would distort competition and affect trade between Member States to an extent contrary to the common interest, owing notably to the vulnerability of the flat-glass sector and the Commission's view that the

renovation of a float line is in principle a replacement investment. As the exceptions provided for in Article 92 of the Treaty did not seem to be applicable, the Commission decided to initiate the procedure provided for in the first subparagraph of Article 93 (2) and, by letter dated 13 January 1986, gave notice to the Belgian Government to submit its observations.

The Belgian Government submitted its observations under the procedure by letter dated 13 June 1986. It stressed the research and diversification drive undertaken by the firm, to a large extent at the instigation and with the encouragement of the authorities. The firm would not have made its expenditure on research, development and pre-production since 1979 had it not been able to count on economic expansion aid for the subsequent stage of production and adaptation of the existing plant. There was in Europe no significant competition in the recipient firm's new products, and the Commission's assessment of the utilization of production capacity in the flat-glass sector was false. The assertion that the renovation of a float line was a mere replacement and modernization investment was likewise false.

In the context of the consultation of other interested parties, the Governments of two Member States, an industry federation, a manufacturing group in the same sector and the recipient firm submitted observations.

IV

The interest subsidy, the capital grant and the exemption from land tax proposed by the Belgian Government constitute aids within the meaning of Article 92 (1) of the EEC Treaty because they would enable the recipient firm to be relieved, by means of State resources, of part of the cost of the investment which it would normally have to bear.

According to the information in the Commission's possession, there were in the Community of Ten at the end of 1985 25 flat-glass float lines and six drawn flat-glass production plants, plus another three float lines and two drawn glass plants in Spain and Portugal.

For its part, Belgium has four float lines and one drawn glass plant.

The two float lines belonging to the Belgian producer concerned have a joint effective capacity of 446 000 tonnes a year, or approximately 8 % of installed capacity in the Community and approximately half of Belgian basic flat-glass production.

Flat glass is traded between Member States and there is competition between the various producers. The Belgian

producer in question exports about 50 % of its production to the other Member States and 20 % to non-member countries, the remainder being sold or processed in the Benelux. Exports of flat glass (SITC 66440) from the Belgo-Luxembourg Economic Union to the other Member States amounted to 413 000 tonnes in 1982, 447 000 tonnes in 1983, 481 000 tonnes in 1984 and 434 000 tonnes in 1985, and the corresponding imports to 126 000 tonnes in 1982, 114 000 tonnes in 1983, 92 000 tonnes in 1984 and 109 000 tonnes in 1985. In this context it should be noted that Luxembourg has one float line.

The basic flat-glass industry has been in difficulties owing to stagnant demand and underutilization of capacity, and these have had an adverse effect on company finances and led to job cuts and plant closures. The Groupement Européen des Producteurs de Verre Plat (GEPVP) estimates that unused capacity in the Community of Ten amounted to some 590 000 tonnes in 1982, 500 000 tonnes in 1983, 400 000 tonnes in 1984 and 480 000 tonnes in 1985, or 16 %, 13 %, 10 % and 12 %, respectively, of net saleable glass capacity. For these reasons, by Decision 84/497/EEC (1), the Commission found that aid proposed by the Netherlands Government for the setting-up of a new flat-glass production plant in the Netherlands was incompatible with the common market and should therefore not be granted.

Consequently, the aid proposed by the Belgian Government would affect trade between Member States and distort competition within the meaning of Article 92 (1) of the EEC Treaty by favouring both the firm concerned and Belgian flat-glass production.

Where financial assistance from the State strengthens the position of certain enterprises compared with that of others competing with them in the Community, it must be deemed to affect those other enterprises.

Article 92 (1) provides that, in principle, any aid fulfilling the criteria set out therein is incompatible with the common market.

The exceptions to this principle set out in Article 92 (2) of the Treaty are inapplicable in this case in view of the nature and objectives of the proposed aid.

Article 92 (3) of the Treaty lists those aids which may be considered compatible with the common market. Compatibility with the Treaty must be viewed in the context of the Community as a whole and not in that of a single Member State. In order to ensure the proper functioning

(1) OJ No L 276, 19. 10. 1984, p. 37.

of the common market and to take into account the principles laid down in Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1) set out in paragraph 3 of that Article must be interpreted strictly when any aid scheme or any individual aid award is examined.

In particular, they may be applied only where the Commission establishes that, without the aid, the free play of market forces would not by itself induce potential recipients to act in such a manner as to contribute to the attainment of one of the objectives sought.

To apply the exceptions to cases which do not contribute to the attainment of such an objective, or where the aid is not essential to that end, would be tantamount to granting undue advantages to the industries or firms of certain Member States, the financial position of which would be bolstered, and might affect trade between Member States and distort competition without this being justified in any way by the common interest within the meaning of Article 92 (3).

In view of the above, the proposed aid does not fall within any of the categories of exception provided for in Article 92 (3).

As to the exceptions provided for in Article 92 (3) (a) and (c) concerning aid to promote or facilitate the development of certain areas, it should be noted that the standard of living in no part of Belgium is abnormally low and that there is no serious underemployment there within the meaning of the exception provided for in Article 92 (3) (a); as far as the exception in Article 92 (3) (c) is concerned, the Moustier area in the province of Namur where the plants in question are located has not been included among those requiring special regional aid by virtue of the Commission's Decision 82/740/EEC⁽¹⁾ concerning the delimitation of development areas in Belgium.

As to the exceptions provided for in Article 92 (3) (b), it is clear that the aid is intended neither to promote the execution of an important project of common European interest nor to remedy a serious disturbance in the Belgian economy.

As to the exceptions provided for in Article 92 (3) (c) in favour of aid to facilitate the development of certain economic activities, the periodic renovation of a float line, which must be carried out every six to nine years must — in principle — be considered a replacement investment, the cost of which is an element of the operating costs. It is perfectly normal and in the interests of the producer itself that it should use the most modern and economic techniques and materials in order to reduce its running costs, including energy consumption. Consequently, aid

for the periodic renovation of a float line does not satisfy the requirements of the development of the sector concerned without adversely affecting trading conditions to an extent contrary to the common interest within the meaning of paragraph 3 (c) of Article 92. For these reasons, by Decision 86/593/EEC⁽²⁾, the Commission found that aid which the Belgian Government was planning to grant for the renovation of two other float lines in Belgium, involving improved energy use and incorporating technical developments without any increase in optimum capacity, was incompatible with the common market and should therefore not be granted.

The information furnished by the Belgian Government and the recipient firm under the procedure concerning the technical innovations included in the investment at issue was examined by the Commission with particular care. According to the Belgian Government, these elements cost Bfrs 672 million, or 56 % of the total investment. The Commission also took note of the fact that the recipient firm is the first glassmaker in Europe to produce glass with energy-saving coatings directly on floats.

It should be noted in this connection that coated glass can be made using two different processes, either by vacuum deposit in processing units or by pyrolysis on flat-glass production lines. The two processes result in products whose composition differs but whose uses are partly the same, namely insulation in buildings. In view of the undoubted surplus capacity in the coated and tempered glass field, the Commission determined by Decision 84/507/EEC⁽³⁾, that aid which the Luxembourg Government was proposing to grant for the establishment of a flat-glass coating and tempering plant was incompatible with the common market and should therefore not be granted.

The GEPVP, while it considers that aid for repairing existing basic flat-glass plants is justifiable — a view not shared by the Commission — expressed opposition in 1985 to the award of any investment aid in the field of the processing of flat glass intended for use in the motor and construction industries.

Under these circumstances, the aid in question would affect trading conditions to an extent contrary to the common interest, even if the investment included technological innovations.

Consequently, the Belgian Government's proposed aid does not satisfy the conditions necessary for the application of one of the exceptions set out in Article 92 (3) of the EEC Treaty,

⁽¹⁾ OJ No L 312, 9. 11. 1982, p. 18.

⁽²⁾ OJ No L 342, 5. 12. 1986, p. 32.

⁽³⁾ OJ No L 283, 27. 10. 1984, p. 39.

HAS ADOPTED THIS DECISION :

Article 1

The Belgian Government shall refrain from implementing its proposal, notified to the Commission by letter dated 15 November 1985 to grant aid under the Law of 17 July 1959 towards investments effected at Moustier by a flat-glass producer.

Article 2

The Belgian Government shall inform the Commission within two months of the date of notification of this

Decision of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 3 December 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 4 March 1987

establishing the conditions under which Ireland may repeat the action taken to control an outbreak of vine weevil

(Only the English text is authentic)

(87/196/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances⁽¹⁾, as last amended by Directive 86/355/EEC⁽²⁾, and in particular Article 7 (2) thereof,

Having regard to the request from Ireland,

Whereas Ireland was authorized by Commission Decision 85/295/EEC⁽³⁾ to repeat action taken to control an outbreak of vine weevil which was unforeseeable because of the climatic conditions normally prevailing in Ireland;

Whereas that authorization was subject to the conducting of trials during the 1985 growing season to ascertain whether products not containing active substances prohibited by Directive 79/117/EEC could be effective against vine weevil in soft fruit plantations;

Whereas the results of those trials were inconclusive;

Whereas the infestation, which affected blackcurrant and gooseberry crops on a single holding when it began in 1984, has now become established in the counties of Wexford and Kilkenny and also affects strawberry crops;

Whereas Ireland has therefore again invoked the emergency procedure of Article 7 (1) of Directive 79/117/EEC to permit the use of aldrin;

Whereas, because of the danger presented by the vine weevil, Ireland should again be authorized to repeat its permission of the use of aldrin;

Whereas, however, in view of the short-term nature of strawberry crops, it is not appropriate to include them in the authorization;

Whereas, in the light of the possibility that the infestation may become more widely established, it is prudent to extend the authorization to the counties at present affected and to an adjoining county;

Whereas Ireland should, however, be required to carry out further trials to see whether products not containing active substances prohibited by Directive 79/117/EEC could be effective against vine weevil in the areas affected;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Ireland may authorize the supply and use of aldrin, under the supervision of officials of the Department of Agriculture, for the treatment of blackcurrant and gooseberry plantations in the counties of Kilkenny, Waterford and Wexford during the 1987 and 1988 growing seasons in order to control infestations of vine weevil, subject to the obligations set out in Article 2.

2. Ireland shall send to the Commission and the other Member States by 31 March 1988 and 31 March 1989 a report on the extent to which aldrin was used pursuant to this Decision during the previous year.

Article 2

1. Trials shall be conducted during the 1987 and 1988 growing seasons, under the supervision of officials of the Department of Agriculture and in accordance with generally recognized procedures, to ascertain whether products not containing active substances prohibited by Directive 79/117/EEC can be effective against vine weevil in soft-fruit plantations. The trials shall be conducted in a variety of growing conditions within the affected area.

2. Ireland shall send to the Commission and the other Member States an interim report on the trials by 31 March 1988 and a full report by 31 March 1989.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 36.

⁽²⁾ OJ No L 212, 2. 8. 1986, p. 33.

⁽³⁾ OJ No L 153, 12. 6. 1985, p. 33.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 4 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President
