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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3365/87

of 9 November 1987

**imposing a definitive anti-dumping duty on imports of ferro-silico-calcium/
calcium silicide originating in Brazil**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional action

- (1) The Commission, by Regulation (EEC) No 1361/87⁽³⁾, imposed a provisional anti-dumping duty on imports of ferro-silico-calcium/calcium silicide originating in Brazil. This duty was extended for a period not exceeding two months by Regulation (EEC) No 2810/87⁽⁴⁾.

B. Subsequent proceeding

- (2) Following the imposition of the provisional duty, the exporter being found to have dumped, one importer which had not cooperated in the investigation and one Community producer, requested, and were granted, an opportunity to be heard by the Commission. The Commission informed them in detail of the facts on which it had based its provisional findings. They also made written submissions making known their views on the findings.

- (3) Another importer, hitherto unknown to the Commission, made itself known without, however, making any requests or comments. This importer did not cooperate at any stage of the investigation.

- (4) Upon their request, parties were also informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were granted a period within which they could make representations subsequent to these disclosure meetings. Their comments were taken into consideration.

C. Dumping

- (5) No fresh evidence regarding dumping has been submitted. The conclusion reached at the provisional stage is therefore confirmed.

D. Injury

- (6) As mentioned in point 3, a further importer of ferro-silico-calcium/calcium silicide in addition to the ones hitherto known manifested itself to the Commission. If the information given by this importer orally — although not verifiable — were correct, the imports from Brazil were even higher than those provisionally established and, as a result, the market share held by these imports was in excess of that given in point 10 of Regulation (EEC) No 1361/87. No fresh evidence regarding the other elements of injury referred to in points 10 and 13 of that Regulation has been submitted. The conclusions reached at the provisional stage are therefore confirmed.

- (7) It was again claimed by an exporter and two importers which purchase the exporter's product that the Community industry could not have suffered any injury from dumped imports because the Community producers refused to supply a specific group of customers, namely the producers of ferro-silico-calcium/calcium silicide cored wire. The arguments put forward were basically identical to those raised previously.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 129, 19. 5. 1987, p. 5.

⁽⁴⁾ OJ No L 268, 19. 9. 1987, p. 63.

The Commission notes that this allegation has been supported by only one of the Community cored wire producers; the Community industry denies it.

The Commission considered it appropriate to carry out an additional investigation concentrating on this particular element of injury at the premises of the following Community producers:

- Pechiney Electrometallurgie, Paris (France),
- SKW Trostberg AG, Trostberg (Germany),
- FLG Metallurgie GmbH, Düsseldorf (Germany).

As far as the period under investigation is concerned, the Commission has not found that the Community industry refused to supply ferro-silico-calcium/calcium silicide to the cored wire producer making the allegation. Consequently, there is no evidence of self-inflicted injury which would have to be taken into consideration for the purpose of the Commission's injury assessment in the anti-dumping investigation.

Since the complaint lodged under Articles 85 and 86 of the Treaty by the cored wire producer referred to above is still being considered, the considerations made under point 12 of Regulation (EEC) No 1361/87 remain fully valid and need not be developed further.

- (8) It is therefore definitively concluded that dumped imports of ferro-silico-calcium/calcium silicide originating in Brazil, taken in isolation, have to be considered as causing material injury to the Community industry.

E. Community interest

- (9) No arguments other than those dealt with in points 14 and 15 of Regulation (EEC) No 1361/87 were made. The conclusions drawn therein are endorsed.

F. Rate of duty

- (10) No arguments other than those dealt with in points 16 and 17 of Regulation (EEC) No 1361/87 were made. The conclusions drawn therein are endorsed.

It is appropriate to impose the duty in the form of a specific duty which, given the complex company structures and links of exporters and importers concerned should prevent any circumvention of the duty.

The proceeding with regard to exports by Eletrometalur SA, which was found not to have dumped, should be terminated.

G. Undertakings

- (11) Following the completion of the preliminary investigation, the Brazilian exporter found to have dumped, namely Bozel Mineração e Ferroligas SA, offered undertakings concerning its exports of ferro-silico-calcium/calcium silicide to the Community.

After consultation, these undertakings were not considered acceptable by the Commission. The exporter was informed of the reasons therefor.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferro-silico-calcium/calcium silicide falling within Common Customs Tariff subheadings 73.02 G and 28.57 D, corresponding to NIMEXE codes ex 73.02-99 and ex 28.57-40, originating in Brazil.
2. For the purposes of this Regulation, ferro-silico-calcium/calcium silicide are products containing between 28 % and 35 % of calcium and up to 8 % of iron, either in lumpy or powder form.
3. The amount of the duty shall be 143 ECU per tonne net.
4. The duty shall not apply to products manufactured and exported by Eletrometalur SA Indústria e Comércio. The proceeding concerning this exporter is hereby terminated.
5. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 1361/87 shall be definitively collected.

Article 3

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

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

Done at Brussels, 9 November 1987.

For the Council
The President
 B. HAAKONSEN

COMMISSION REGULATION (EEC) No 3380/87

of 11 November 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 1900/87 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1944/87 ⁽⁵⁾ and subsequent amending Regulations ;

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

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

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

Whereas these exchange rates being those recorded on 10 November 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 1944/87 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 12 November 1987.

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

Done at Brussels, 11 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

ANNEX

to the Commission Regulation of 11 November 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	0,92	192,52
10.01 B II	Durum wheat	51,48	253,78 ⁽¹⁾ ⁽²⁾
10.02	Rye	36,96	160,85 ⁽⁶⁾
10.03	Barley	24,71	183,57
10.04	Oats	87,99	131,03
10.05 B	Maize, other than hybrid maize for sowing	1,24	170,80 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	24,71	117,05
10.07 B	Millet	24,71	123,09 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	25,08	176,71 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed; other cereals	24,71	55,41 ⁽⁵⁾
11.01 A	Wheat or meslin flour	15,17	283,41
11.01 B	Rye flour	65,63	239,07
11.02 A I a)	Durum wheat groats and meal	93,13	406,69
11.02 A I b)	Common wheat groats and meal	15,42	305,12

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Council Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 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 3381/87

of 11 November 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 1900/87⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1945/87⁽⁵⁾ and subsequent amending Regulations;

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

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

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 10 November 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 coming from Portugal shall be zero.
2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 November 1987.

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

Done at Brussels, 11 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 11 November 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 11	1st period 12	2nd period 1	3rd period 2
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	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	<i>(ECU/tonne)</i>				
		Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
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 3382/87
of 10 November 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 13 November 1987.

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

Done at Brussels, 10 November 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	£frl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	31,72	1365	249,42	65,83	219,32	4944	24,56	47658	74,16	22,20
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	54,03	2332	431,08	111,43	378,87	8768	41,89	82264	125,36	37,29
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	41,22	1772	322,69	85,59	285,00	6316	32,06	61054	96,57	29,13
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	12,38	532	96,65	25,69	85,83	1919	9,59	18579	28,95	8,67
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	87,26	3767	696,13	179,94	611,81	14159	67,66	132844	202,45	60,23
1.22	ex 07.01-36	ex 07.01 D II	Endives	40,67	1748	318,40	84,46	281,22	6232	31,63	60243	95,28	28,74
1.28	07.01-41 07.01-43	07.01 F I	Peas	338,04	14592	2696,66	697,07	2370,04	54851	262,10	514608	784,25	233,31
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	95,47	4121	761,60	196,87	669,36	15491	74,02	145338	221,49	65,89
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	28,32	1220	221,09	58,81	196,63	4381	21,99	42649	66,32	19,62
1.40	ex 07.01-54	ex 07.01 G II	Carrots	7,70	331	60,66	15,99	53,18	1205	5,96	11577	17,99	5,41
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	101,91	4399	812,97	210,15	714,50	16536	79,01	155141	236,43	70,34
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	15,35	662	122,48	31,66	107,65	2491	11,90	23374	35,62	10,59
1.70	07.01-67	ex 07.01 H	Garlic	159,68	6893	1273,83	329,27	1119,54	25910	123,81	243087	370,46	110,21
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	30,12	1297	235,77	62,60	208,56	4628	23,41	44668	70,60	21,14
1.80		07.01 K	Asparagus :										
1.80.1	ex 07.01-71		— green	250,35	10807	1997,18	516,26	1755,28	40623	194,11	381126	580,83	172,79
1.80.2	ex 07.01-71		— other	181,82	7848	1450,44	374,93	1274,76	29502	140,97	276790	421,82	125,49
1.90	07.01-73	07.01 L	Artichokes	93,89	4053	749,05	193,62	658,33	15236	72,80	142943	217,84	64,80
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	50,04	2160	399,25	103,20	350,89	8121	38,80	76190	116,11	34,54
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	73,50	3173	586,40	151,58	515,38	11927	56,99	111905	170,54	50,73
1.112	07.01-85	07.01 Q II	Chantarelles	380,81	16444	3035,75	791,09	2634,74	60745	294,66	570911	890,27	264,14
1.118	07.01-91	07.01 R	Fennel	31,34	1350	245,33	65,13	217,02	4816	24,36	46478	73,46	21,99
1.120	07.01-93	07.01 S	Sweet peppers	55,62	2401	443,73	114,70	389,99	9025	43,12	84678	129,04	38,39
1.130	07.01-97	07.01 T II	Aubergines	73,41	3169	585,69	151,39	514,75	11913	56,92	111768	170,33	50,67
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	73,61	3177	587,21	151,79	516,08	11944	57,07	112058	170,77	50,80
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	50,36	2174	401,78	103,86	353,12	8172	39,05	76674	116,85	34,76
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	94,38	4074	752,96	194,63	661,76	15315	73,18	143689	218,98	65,14
2.10	08.01-31	ex 08.01 B	Bananas, fresh	46,51	2008	371,09	95,92	326,15	7548	36,06	70817	107,92	32,10
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	62,79	2710	500,89	129,48	440,23	10188	48,68	95587	145,67	43,33
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	127,77	5516	1019,32	263,49	895,86	20733	99,07	194519	296,44	88,19
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	186,29	8041	1486,11	384,15	1306,11	30228	144,44	283597	432,19	128,58
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	95,60	4112	746,74	198,46	664,05	14837	74,12	143693	223,54	66,52

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	37,14	1 603	296,30	76,59	260,41	6 027	28,79	56 544	86,17	25,63
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	43,38	1 877	345,24	90,02	300,83	6 931	33,60	64 957	101,28	30,09
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	29,42	1 270	234,70	60,67	206,28	4 774	22,81	44 790	68,25	20,30
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	44,92	1 933	358,31	93,05	310,84	7 092	34,99	67 414	104,86	31,49
2.60.3	08.02-28	08.02 B I	— Clementines	60,64	2 618	483,79	125,05	425,19	9 840	47,02	92 323	140,69	41,85
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	55,81	2 416	444,20	115,83	387,07	8 918	43,23	83 576	130,31	38,71
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	48,21	2 081	384,64	99,42	338,05	7 823	37,38	73 402	111,86	33,28
2.80		ex 08.02 D	Grapefruit, fresh :										
2.80.1	ex 08.02-70		— white	51,63	2 228	411,88	106,46	361,99	8 377	40,03	78 600	119,78	35,63
2.80.2	ex 08.02-70		— pink	81,91	3 536	653,43	168,90	574,28	13 291	63,51	124 695	190,03	56,53
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	149,41	6 449	1 191,89	308,09	1 047,53	24 243	115,84	227 451	346,63	103,12
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	60,39	2 607	481,80	124,54	423,45	9 800	46,82	91 943	140,12	41,68
2.95	08.05-50	08.05 C	Chestnuts	73,70	3 181	587,98	151,99	516,77	11 960	57,15	112 206	171,00	50,87
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	37,94	1 637	302,66	78,23	266,00	6 156	29,41	57 757	88,02	26,18
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	51,38	2 218	409,94	105,96	360,29	8 338	39,84	78 231	119,22	35,46
2.120	08.07-10	08.07 A	Apricots	45,25	1 950	361,62	93,84	313,57	7 103	35,10	68 040	105,79	31,44
2.130	ex 08.07-32	ex 08.07 B	Peaches	61,94	2 681	493,00	128,56	429,60	9 897	47,98	92 759	144,63	42,96
2.140	ex 08.07-32	ex 08.07 B	Nectarines	92,31	3 977	728,35	191,86	638,67	14 466	71,60	138 835	215,95	64,09
2.150	08.07-51 08.07-55	08.07 C	Cherries	115,53	4 978	911,55	240,12	799,31	18 105	89,61	173 756	270,27	80,21
2.160	08.07-71 08.07-75	08.07 D	Plums	49,88	2 159	397,01	103,52	345,95	7 970	38,64	74 697	116,46	34,60
2.170	08.08-11 08.08-15	08.08 A	Strawberries	110,57	4 753	862,87	229,27	766,67	17 157	85,64	166 095	258,40	77,52
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	155,23	6 688	1 240,23	322,25	1 074,37	24 633	120,26	232 567	362,70	108,08
2.180	08.09-11	ex 08.09	Water melons	28,08	1 212	224,02	57,91	196,89	4 556	21,77	42 751	65,15	19,38
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	50,19	2 167	400,45	103,51	351,95	8 145	38,92	76 419	116,46	34,64
2.190.2	ex 08.09-19		— other	109,82	4 741	876,13	226,47	770,01	17 821	85,15	167 193	254,80	75,80
2.195	ex 08.09-80	ex 08.09	Pomegranates	58,81	2 539	469,19	121,28	412,37	9 543	45,60	89 538	136,45	40,59
2.200	08.09-50	ex 08.09	Kiwis	153,20	6 613	1 222,13	315,91	1 074,11	24 858	118,78	233 222	355,42	105,74
2.202	ex 08.09-80	ex 08.09	Khakis	217,60	9 353	1 697,99	451,17	1 508,67	33 763	168,53	326 848	508,50	152,54
2.203	ex 08.09-80	ex 08.09	Lychees	461,56	19 886	3 687,64	958,18	3 194,48	73 242	357,58	691 501	1 078,42	321,36

COMMISSION REGULATION (EEC) No 3383/87

of 11 November 1987

correcting Commission Regulation (EEC) No 3326/87 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 1900/87 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1945/87 ⁽⁵⁾ and subsequent amending Regulations;

Whereas a check has revealed that a mistake was made in the Annex to Commission Regulation (EEC) No

3326/87 ⁽⁶⁾; whereas the Regulation in question should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3326/87 the amounts given for Common Customs Tariff subheadings 10.01 B I and 11.01 A in the columns headed '1st period', '2nd period' and '3rd period' are replaced by '0', and the amounts given for Common Customs Tariff subheadings 11.07 A I a) and 11.07 A I b) in the columns headed '1st period', '2nd period', '3rd period' and '4th period' are also replaced by '0'.

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 on 6 November 1987.

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

Done at Brussels, 11 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

⁽⁶⁾ OJ No L 316, 6. 11. 1987, p. 9.

COMMISSION REGULATION (EEC) No 3384/87
of 11 November 1987

re-establishing the levying of customs duties on oxalic acid and its salts and esters, falling within subheading 29.15 A I of the Common Customs Tariff, originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 3924/86, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of oxalic acid and its salts and esters, falling within subheading 29.15 A I of the Common Customs Tariff, originating in South Korea, the individual ceiling was fixed at 170 000 ECU; whereas, on 2 November 1987, imports of these products into the Community originating in Korea reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 November 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in South Korea:

Order No	CCT heading No and NIMEXE code	Description
10.0190	29.15 A I (29.15-11)	Oxalic acid and its salts and esters

Article 2

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

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

Done at Brussels, 11 November 1987.

For the Commission
COCKFIELD
Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 3385/87

of 11 November 1987

re-establishing the levying of customs duties on bovine cattle leather and equine leather falling within subheading 41.02 ex C of the Common Customs Tariff, originating in Pakistan and Argentina, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

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

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 3924/86, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of bovine cattle leather and equine leather falling within subheading 41.02 ex C of the Common Customs Tariff, originating in Pakistan and Argentina, the individual ceiling was fixed at 6 000 000 ECU; whereas, on 2 November 1987, imports of these products into the Community originating in Pakistan and Argentina reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Pakistan and Argentina,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 November 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in Pakistan and Argentina:

Order No	CCT heading No and NIMEXE code	Description
10.0520	41.02 (41.02-21, 28, 31, 32, 35, 37, 98)	Bovine cattle leather (including buffalo leather) and equine leather except leather falling within heading No 41.06 or 41.08: ex c. Other, excluding leather not further prepared than tanned

Article 2

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

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

Done at Brussels, 11 November 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 3386/87

of 11 November 1987

re-establishing the levying of customs duties on travel goods and articles of apparel and clothing accessories, of leather or of composition leather falling within subheadings 42.02 B and 42.03 A, B II, III, C, originating in India, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 3924/86, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of travel goods and articles of apparel and clothing accessories, of leather or of composi-

tion leather falling within subheadings 42.02 B and 42.03 A, B II, III, C of the Common Customs Tariff, originating in India, the individual ceiling was fixed at 4 000 000 and 5 500 000 ECU respectively; whereas, on 2 November 1987, imports of these products into the Community originating in India reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 November 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in India:

Order No	CCT heading No and NIMEXE code	Description
10.0570	42.02 (42.02-21, 23, 25, 31, 35, 41, 49, 51, 59, 60, 91, 99)	Travel goods (for example, trunks, suitcases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, briefcases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or of composition leather, of vulcanized fibre, of artificial plastic sheeting, of paperboard or of textile fabric: B. Of other materials
10.0580	42.03 (42.03-10, 25, 27, 28, 51, 59)	Articles of apparel and clothing accessories, of leather or of composition leather: A. Articles of apparel B. Gloves, including mittens and mitts: II. Special for sports III. Other C. Other clothing accessories

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

Article 2

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

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

Done at Brussels, 11 November 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 3387/87

of 11 November 1987

re-establishing the levying of customs duties on other toys ; working models of a kind used for recreational purposes falling within heading No 97.03, originating in Macao, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 3924/86, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of other toys ; working models of a kind used for recreational purposes falling within heading No 97.03, originating in Macao, the individual ceiling was fixed at 20 000 000 ECU ; whereas, on 2 November 1987, imports of these products into the Community originating in Macao reached the ceiling in question after being charged thereagainst ; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Macao,

HAS ADOPTED THIS REGULATION :

Article 1

As from 15 November 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in Macao :

Order No	CCT heading No and NIMEXE code	Description
10.1300	97.03 (97.03-all numbers)	Other toys ; working models of a kind used for recreational purposes

Article 2

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

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

Done at Brussels, 11 November 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 3388/87
of 11 November 1987
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 3376/87 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 November 1987.

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

Done at Brussels, 11 November 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 192, 11. 7. 1987, p. 38.
⁽⁴⁾ OJ No L 321, 11. 11. 1987, p. 24.

ANNEX

to the Commission Regulation of 11 November 1987 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form : A. White sugar: flavoured or coloured sugar B. Raw sugar	52,52 43,56 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 3389/87

of 11 November 1987

altering the import levies on products processed from cereals and rice

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1900/87⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1907/87⁽⁴⁾ and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3223/87⁽⁷⁾, as last amended by Regulation (EEC) No 3364/87⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ as amended by Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 10 November 1987;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1906/87, as fixed in the Annex to amended Regulation (EEC) No 3223/87 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 12 November 1987.

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

Done at Brussels, 11 November 1987.

For the Commission

Frans ANDRIESEN

Vice-President

(¹) OJ No L 281, 1. 11. 1975, p. 1.
(²) OJ No L 182, 3. 7. 1987, p. 40.
(³) OJ No L 166, 25. 6. 1976, p. 1.
(⁴) OJ No L 182, 3. 7. 1987, p. 51.
(⁵) OJ No L 164, 24. 6. 1985, p. 1.
(⁶) OJ No L 153, 13. 6. 1987, p. 1.
(⁷) OJ No L 307, 29. 10. 1987, p. 20.
(⁸) OJ No L 320, 10. 11. 1987, p. 9.
(⁹) OJ No L 182, 3. 7. 1987, p. 49.
(¹⁰) OJ No L 281, 1. 11. 1975, p. 65.

(¹¹) OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 11 November 1987 altering the import levies on products processed from cereals and rice

CCT heading No	(ECU/tonne)	
	Imports	
	Portugal	
07.06 A I	25,88	(¹) (²)
07.06 A II	28,90	(¹) (²)
11.01 C (²)	52,62	
11.01 D (²)	163,61	
11.01 F (²)	105,23	
11.01 G (²)	29,81	
11.02 A II (²)	75,16	
11.02 A III (²)	52,62	
11.02 A IV (²)	163,61	
11.02 A VI (²)	105,23	
11.02 A VII (²)	29,81	
11.02 B I a) 1 (²)	44,43	
11.02 B I a) 2 aa)	92,31	
11.02 B I a) 2 bb) (²)	160,59	
11.02 B I b) 1 (²)	44,43	
11.02 B I b) 2 (²)	160,59	
11.02 B II b) (²)	54,09	
11.02 B II d) (²)	45,04	
11.02 C II (²)	64,46	
11.02 C III (²)	70,74	
11.02 C IV (²)	143,08	
11.02 C VI (²)	45,04	
11.02 D II (²)	42,19	
11.02 D III (²)	29,42	
11.02 D IV (²)	92,31	
11.02 D VI (²)	29,81	
11.02 E I a) 1 (²)	29,42	
11.02 E I a) 2 (²)	92,31	
11.02 E I b) 1 (²)	57,80	
11.02 E I b) 2 (²)	181,12	
11.02 E II b) (²)	75,16	
11.02 E II d) 1 (²)	179,60	
11.02 E II d) 2 (²)	53,31	
11.02 F II (²)	75,16	
11.02 F III (²)	52,62	
11.02 F IV (²)	163,61	
11.02 F VI (²)	105,23	
11.02 F VII (²)	29,81	
11.04 C I	28,90	(²)
11.07 A II a)	56,95	(⁴)
11.07 A II b)	45,30	
11.07 B	50,99	(⁴)
11.08 A II	177,39	

- (1) This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.
- (2) For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications :
- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
 - an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.
- Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.
- (*) In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.
- (*) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories :
- arrowroot falling within subheading ex 07.06 A,
 - flours and meal of arrowroot falling within subheading 11.04 C,
 - arrowroot starch falling within subheading ex 11.08 A V.
-

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3246/87 of 29 October 1987 altering the export refunds on milk and milk products

(Official Journal of the European Communities No L 308 of 30 October 1987)

Page 31, in the Annex the CCT heading Nos 04.01, 04.02 and 04.03 are abolished.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 9 November 1987

on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation

(87/540/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the organization of the transport market is one of the necessary preconditions for the implementation of the common transport policy which is provided for in the Treaty;

Whereas the adoption of measures designed to coordinate the conditions for access to the occupation of carrier is likely to encourage the achievement of freedom to provide services and the effective exercise of the right of establishment;

Whereas provision must be made for the introduction of common rules governing access to the occupation of carrier of goods by waterway in national and international transport in order to improve the level of qualifications of carriers; whereas such improvement is likely to help towards putting the market on a sounder footing, eliminating structural excess capacities and improving the

quality of the service provided, in the interests of users, carriers and the economy as a whole;

Whereas satisfactory results have been obtained through the implementation of Council Directive 74/561/EEC of 12 November 1974 on admission to the occupation of road haulage operator in national and international transport operations ⁽⁴⁾ and Council Directive 77/796/EEC of 12 December 1977 aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment ⁽⁵⁾;

Whereas the rules governing access to the occupation of carrier of goods by waterway should therefore cover at least the professional competence of the carrier; whereas Member States may also maintain or lay down rules governing the good repute and financial standing of the carrier;

Whereas, however, there is no need to include in the common rules laid down by this Directive certain transport activities with a minor economic impact and whereas transport on own account is by definition excluded from these rules; whereas it also seems appropriate to provide for the possible exclusion from the scope of this Directive of carriers operating exclusively on navigable waterways within their territory not linked to the waterway network of another Member State;

Whereas there is a need for mutual recognition of diplomas, certificates and other evidence of formal qualifications for the activities covered by this Directive, in order to promote the effective exercise of the right of establishment;

⁽¹⁾ OJ No C 351, 24. 12. 1983, p. 5.

⁽²⁾ OJ No C 172, 2. 7. 1984, p. 8.

⁽³⁾ OJ No C 248, 17. 9. 1984, p. 40.

⁽⁴⁾ OJ No L 308, 19. 11. 1974, p. 18.

⁽⁵⁾ OJ No L 334, 24. 12. 1977, p. 37.

Whereas the certificate of professional competence issued pursuant to the provisions of this Directive regarding access to the occupation of carrier must be recognized as sufficient proof by the host Member State ;

Whereas Member States which impose on their own nationals certain requirements as to good repute and financial standing must recognize the production of appropriate documents issued by a competent authority in the carrier's State of origin or prior establishment as sufficient evidence in respect of nationals of other Member States ;

Whereas, further, this Directive must also apply to employed persons covered by Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community⁽¹⁾, if the Member States make access to the occupation covered by this Directive or the exercise thereof by such persons conditional on the possession of professional knowledge and skills,

HAS ADOPTED THIS DIRECTIVE :

CHAPTER I

Definitions and scope

Article 1

1. Access to the occupation of carrier of goods by waterway in national and international transport shall be governed by the provisions adopted by the Member States pursuant to the common rules laid down in this Directive.

2. For the purposes of this Directive :

- 'occupation of carrier of goods by waterway vessel' means the activities engaged in by any natural person or any undertaking carrying goods by inland waterway for hire or reward, even if this occupation is not exercised on a regular basis,
- 'undertaking' means companies or firms within the meaning of Article 58 of the Treaty and groups or cooperatives of operators whose purpose is to obtain business from shipping agents for distribution among their members, irrespective of whether such groups or cooperatives possess legal personality.

Article 2

This Directive shall not apply to natural persons or undertakings pursuing the occupation of carrier of goods

by waterway using vessels with a deadweight capacity at maximum draft not exceeding 200 tonnes.

Member States may lower this limit for all or some transport operations or certain categories of transport.

This Directive shall likewise not apply to natural persons or undertakings operating ferries.

CHAPTER II

Access to the occupation

Article 3

1. Natural persons or undertakings wishing to pursue the occupation of carrier of goods by waterway must satisfy the condition of professional competence, even if they are members of a group or cooperative of operators within the meaning of Article 1 (2) or exercise their occupation exclusively for a specific period of time as sub-contractors to another waterway transport undertaking.

If the applicant is a natural person who does not satisfy that condition, the competent authorities may nevertheless authorize him to pursue the occupation of carrier of goods by waterway provided that he indicates to them another person satisfying the condition who in actual fact manages the transport operations on a permanent basis.

If the applicant is an undertaking within the meaning of Article 1 (2) one of the natural persons who in actual fact manage the undertaking's transport operations on a permanent basis must meet the condition of professional competence.

2. The condition of professional competence shall consist in the possession of the standard of competence accepted by the authority or body appointed for this purpose by each Member State in the subjects listed in the Annex. The necessary knowledge shall be acquired either by attending courses or by practical experience in a waterway transport undertaking, or by a combination of the two. Member States may exempt the holders of certain diplomas from providing evidence of their knowledge of the subjects listed in the Annex which are covered by the said diplomas.

After verifying possession of the knowledge concerned, the authority or body referred to in the first subparagraph shall issue a certificate.

3. A Member State may, after consulting the Commission, exempt from application of this Directive carriers operating exclusively on navigable waterways within their territory not linked to the waterway network of another Member State. Practical experience gained in a transport undertaking exempted from application of these conditions shall not give entitlement to the certificate referred to in paragraph 2.

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2.

Article 4

1. Member States shall lay down the terms on which a transport undertaking may, by way of derogation from Article 3 (1), operate on a provisional basis for a maximum of one year, which period may be extended by not more than six months in special duly justified cases, in the event of the death or physical or legal incapacity of the natural person pursuing the occupation of carrier or the natural person complying with the provisions of Article 3.

2. However, the competent authorities of the Member States may, by way of exception, permanently authorize in certain special cases the operation of an undertaking by a person who does not meet the condition of professional competence referred to in Article 3, but who has had at least three years' practical experience in the everyday management of the undertaking concerned.

Article 5

Natural persons who provide proof that before 1 July 1990 they legally pursued in a Member State the occupation of carrier of goods by waterway in national or international transport shall, for the purposes of obtaining the certificate referred to in Article 3 (2), be exempt from the obligation to prove that they meet the conditions laid down therein.

Article 6

1. Reasons must be given for any decision rejecting an application for access to the occupation of carrier of goods by waterway taken by the competent authorities of the Member States pursuant to the measures adopted on the basis of this Directive.

2. Member States shall ensure that the competent authorities withdraw an authorization to pursue the occupation of carrier of goods by waterway if they find that the conditions laid down in Article 3 are no longer met, subject to allowing, where appropriate, sufficient time for the recruitment of a replacement.

3. Member States shall ensure that the natural persons and undertakings referred to in this Directive have the opportunity to defend their interests by appropriate means with regard to the decisions referred to in paragraphs 1 and 2.

CHAPTER III

Mutual recognition of diplomas, certificates and other evidence of formal qualifications*Article 7*

Member States shall recognize the certificates referred to in the second subparagraph of Article 3 (2) which have been issued by another Member State as sufficient proof of professional competence.

Article 8

1. Where a Member State imposes on its own nationals certain requirements as to good repute or absence of bankruptcy, that State shall accept as sufficient evidence in respect of nationals of other Member States, without prejudice to paragraphs 2 and 3, an extract from a judicial record or, failing that, an equivalent document issued by a competent judicial or administrative authority in the carrier's country of origin or prior establishment showing that these conditions have been met.

2. Where a Member State imposes on its own nationals certain requirements as to good repute, and proof that such requirements are met cannot be furnished by means of the document referred to in paragraph 1, that State shall accept as sufficient evidence in respect of nationals of other Member States a certificate issued by a competent judicial or administrative authority in the State of origin or prior establishment stating that the requirements in question have been met. Such certificates shall relate to the specific facts regarded as relevant by the host State.

3. Where the document required in accordance with paragraphs 1 and 2 is not issued by the State of origin or prior establishment, such document may be replaced by a declaration on oath or by a solemn declaration made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary in that person's State of origin or prior establishment; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. The declaration in respect of bankruptcy may likewise be made before a competent professional body in the same State.

4. Documents issued in accordance with paragraphs 1 and 2 must not, when produced, have been issued more than three months earlier. This condition shall also apply to declarations made in accordance with paragraph 3.

Article 9

1. Where a Member State imposes certain requirements as to financial standing on its own nationals and where a certificate is required as proof, that State shall regard corresponding certificates issued by banks in the State of origin or prior establishment, or by other bodies designated by that State, as equivalent to certificates issued within its own territory.

2. Where a Member States imposes certain requirements as to financial standing on its own nationals and where proof that such requirements are satisfied cannot be furnished by means of the document referred to in paragraph 1, that State shall accept as sufficient evidence in respect of nationals of other Member States a certificate issued by a competent administrative authority in the State of origin or prior establishment stating that the requirements in question have been met. Such certificates shall relate to the specific facts regarded as relevant by the host State.

Article 10

Articles 7, 8 and 9 shall also apply to nationals of Member States who, pursuant to Regulation (EEC) No 1612/68, are required to engage as employed persons in the activities referred to in Article 1 of this Directive.

CHAPTER IV

Final provisions*Article 11*

1. Member States shall bring into force the measures necessary to comply with this Directive by 30 June 1988. They shall forthwith inform the Commission thereof.

They shall ensure that the initial verification of the standards of competence referred to in Article 3 takes place before 1 July 1990.

2. Member States shall forward to the Commission the texts of the main provisions of national law which they adopt in the fields governed by this Directive.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 9 November 1987.

For the Council

The President

B. HAAKONSEN

ANNEX

LIST OF THE SUBJECTS REFERRED TO IN ARTICLE 3 (2) FOR WHICH PROOF OF PROFESSIONAL COMPETENCE MUST BE PROVIDED

The knowledge to be taken into consideration for recognition of professional competence must relate to at least the subjects listed below. The latter must be described in detail and be defined or approved by the competent national authorities. The subject matter must be such that it can be assimilated by persons whose educational level is equivalent to that attained at the end of compulsory schooling.

A. Subjects of which a satisfactory knowledge is required in the case of carriers intending to engage solely in national transport operations**1. Law**

Rudiments of civil law and commercial, social and tax legislation of which knowledge is necessary for the pursuit of the occupation, particularly as regards:

- contracts in general,
- haulage contracts, in particular the liability of the carrier (nature and limits),
- commercial companies,
- business accounts,
- labour and social security regulations,
- the tax system.

2. The commercial and financial management of an undertaking

- methods of payment and financing,
- calculation of cost prices,
- system of prices and terms of carriage,
- commercial accounting,
- insurance,
- invoices,
- transport agents.

3. Access to the market

- the provisions relating to the taking up and pursuit of the occupation,
- chartering systems,
- transport documents.

4. Technical standards and technical aspects of operation

- the technical features of vessels,
- the choice of vessels,
- registration,
- lay days and demurrage.

5. Safety

- the provisions laid down by law, regulation or administrative action concerning waterway traffic,
- accident prevention and measures to be taken in the event of accident.

B. Subjects of which a knowledge is required in the case of carriers intending to engage in international transport operations

- subjects listed under A,
- provisions applicable to waterway transport between the Member States and between the Community and non-member countries which are derived from national law, Community standards and international conventions and agreements, particularly with regard to chartering and prices and terms of carriage,
- customs practices and formalities,
- principal traffic regulations in the Member States.