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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3688/87

of 10 December 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 9 December 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 11 December 1987.

⁽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.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 December 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	6,33	193,84
10.01 B II	Durum wheat	46,27	254,17 ⁽¹⁾ ⁽²⁾
10.02	Rye	42,27	165,73 ⁽⁶⁾
10.03	Barley	32,63	183,45
10.04	Oats	89,99	141,90
10.05 B	Maize, other than hybrid maize for sowing	3,24	168,81 ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	32,63	118,87
10.07 B	Millet	32,63	124,91 ⁽⁵⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	27,08	174,03 ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	32,63	57,12 ⁽⁷⁾
11.01 A	Wheat or meslin flour	22,97	285,26
11.01 B	Rye flour	73,28	245,24
11.02 A I a)	Durum wheat groats and meal	85,14	408,50
11.02 A I b)	Common wheat groats and meal	23,60	306,88

⁽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).

COMMISSION REGULATION (EEC) No 3689/87

of 10 December 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 9 December 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 11 December 1987.

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

Done at Brussels, 10 December 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 10 December 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	(ECU/tonne)			
		Current 12	1st period 1	2nd period 2	3rd period 3
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	(ECU/tonne)				
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 3690/87

of 10 December 1987

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1915/87⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

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

the world market and the Community market and of the levy rates indicated by tenderers;

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 7 and 8 December 1987 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 11 December 1987.

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 79, 21. 3. 1987, p. 11.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 79, 21. 3. 1987, p. 13.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

CCT heading No	(ECU/100 kg)	
	Non-member countries	
15.07 A I a)	62,00 (1)	
15.07 A I b)	62,00 (1)	
15.07 A I c)	62,00 (1)	
15.07 A II a)	73,00 (2)	
15.07 A II b)	100,00 (3)	

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

- (a) Lebanon : 0,60 ECU/100 kg ;
- (b) Turkey : 11,48 ECU/100 kg (*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Algeria, Tunisia and Morocco ; 12,69 ECU/100 kg (*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

CCT heading No	(ECU/100 kg)	
	Non-member countries	
07.01 N II	13,64	
07.03 A II	13,64	
15.17 B I a)	31,00	
15.17 B I b)	49,60	
23.04 A II	4,96	

COMMISSION REGULATION (EEC) No 3691/87
of 9 December 1987
amending Council Regulation (EEC) No 918/83 setting up a Community system
of reliefs from customs duty

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 15 thereof,

Whereas the classification of the goods listed in the Annexes to Council Regulation (EEC) No 918/83⁽²⁾, is based on use of the Customs Cooperation Council Nomenclature, whereas the Customs Cooperation Council approved the International Convention on the Harmonized Commodity Description and Coding System (hereinafter referred to as the 'HS') on 14 June 1983; whereas the Council approved it by Decision 87/369/EEC⁽³⁾, which provides for its application with effect from 1 January 1988; whereas consequently a Combined Nomenclature has been drawn up with a view to the implementation of the HS within the European Economic Community; whereas consequently the terms and the Annexes to Regulation (EEC) No 918/83 must be based, with effect from 1 January 1988 on the aforesaid Combined Nomenclature.

Whereas the abovementioned adaptations of Regulation (EEC) No 918/83 to the Combined Nomenclature consequently constitute mere technical adaptations not entail-

ing any amendment concerning the scope of duty reliefs laid down in the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 918/83 is hereby amended as follows:

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

'(e) "alcoholic products" means products (beer, wine, aperitifs with a wine en alcohol base, brandies, liquers or spirituous beverages, etc.) falling within heading Nos 2203 to 2208 of the Combined Nomenclature.'

2. The Annexes are replaced by the text annexed to this Regulation.

Article 2

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

It shall apply from 1 January 1988.

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

Done at Brussels, 9 December 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽³⁾ OJ No L 198, 20. 7. 1987, p. 1.

ANNEX

ANNEX I

A. Books, publications and documents

CN code	Description
3705	Photographic plates and film, exposed and developed, other than cinematograph film :
ex 3705 20 00	– Microfilms of books, children's picture books and drawing or painting books, school exercise books (workbooks), crossword-puzzle books, newspapers and periodicals, printed documents or reports of a non-commercial character, and of loose illustrations, printed pages and reproduction proofs for the production of books
ex 3705 10 00	– Reproduction films for the production of books
ex 3705 90 10	
ex 3705 90 90	
4903 00 00	Children's picture, drawing or colouring books
4905	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps, topographical plans and globes, printed :
	– Other :
ex 4905 99 00	– – Other : – Maps, charts and diagrams of interest in scientific fields such as geology, zoology, botany, mineralogy, palaeontology, archaeology, ethnology, meteorology, climatology and geophysics
ex 4906 00 00	Architectural, industrial or engineering plans and designs and reproductions thereof
4911	Other printed matter, including pictures and photographs :
4911 10	– Trade advertising material, commercial catalogues and the like :
ex 4911 10 90	– – Other : – Catalogues of books and publications, being books and publications offered for sale by publishers or booksellers established outside the territory of the European Communities – Catalogues of films, recording or other visual and auditory materials of an educational, scientific or cultural character – Posters for the promotion of tourism and tourist publications, brochures, guidebooks, timetables, pamphlets and like publications, whether or not illustrated, including those published by private concerns, designed to encourage the public to travel outside the territory of the European Communities, including microcopies of such articles – Bibliographical information material for distribution free of charge (!)
	– Other :
4911 99	– – Other :
ex 4911 99 90	– – – Other : – Loose illustrations, printed pages and reproduction proofs to be used for the production of books, including microcopies of such articles (!) – Microcopies of books, children's picture books and drawing or painting books, school exercise books (workbooks), crossword puzzle books, newspapers and periodicals and of documents or reports of a non-commercial character (!) – Publications designed to encourage the public to study outside the territory of the European Communities, including microcopies of such publications (!) – Meteorological and geophysical diagrams

CN code	Description
9023 00	Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses :
ex 9023 00 90	– Other : – Maps and charts in relief of interest in scientific fields such as geology, zoology, botany, mineralogy, paleontology, archaeology, ethnology, meteorology, climatology and geophysics

(¹) The exemption shall not, however, apply to articles in which the advertising covers more than 25 % of the surface. In the case of publications and posters for the promotion of tourism, this percentage applies only to private commercial publicity.

B. Visual and auditory materials of an educational, scientific or cultural character

The articles listed in Annex II (A) produced by the United Nations or any of its specialized agencies.

ANNEX II

A. Visual and auditory materials of an educational, scientific or cultural character

CN code	Description	Beneficiary establishment or organizations
3704 00	Photographic plates, film, paper, paperboard and textiles, exposed but not developed :	
ex 3704 00 10	<ul style="list-style-type: none"> - Plates and film : - Cinematograph film, positives, of an educational, scientific or cultural character 	
ex 3705	Photographic plates and film, exposed and developed, other than cinematograph film : <ul style="list-style-type: none"> - Of an educational, scientific or cultural character 	
3706	Cinematograph film, exposed and developed, whether or not incorporating sound track or consisting only of sound track :	
3706 10	<ul style="list-style-type: none"> - Of a width of 35 mm or more : 	
ex 3706 10 99	<ul style="list-style-type: none"> - - Other : - - - Other positives : <ul style="list-style-type: none"> - Newsreels (with or without sound track) depicting events of current news value at the time of importation, and imported up to a limit of two copies of each subject for copying purposes - Archival film material (with or without sound track) intended for use in connection with newsreel films - Recreational films particularly suited for children and young people - Other films of educational, scientific or cultural character 	
3706 90	<ul style="list-style-type: none"> - Other : 	
ex 3706 90 51	<ul style="list-style-type: none"> - - Other : 	
ex 3706 90 91	<ul style="list-style-type: none"> - - - Other positives : 	
ex 3706 90 99	<ul style="list-style-type: none"> - Newsreels (with or without sound track) depicting events of current news value at the time of importation, and imported up to a limit of two copies of each subject for copying purposes - Archival film material (with or without sound track) intended for use in connection with newsreel films - Recreational films particularly suited for children and young people - Other films of educational, scientific or cultural character 	All organizations (including broadcasting and television organizations), institutions or associations approved by the competent authorities of the Member States for the purpose of duty-free admission of these goods
4911	Other printed matter, including printed pictures and photographs :	
4911 99	<ul style="list-style-type: none"> - Other : 	
ex 4911 99 90	<ul style="list-style-type: none"> - - - Other : - Microcards or other information storage media required in computerized information and documentation services of an educational, scientific or cultural character - Wall charts designed solely for demonstration and education 	
ex 8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena including matrices and masters for the production of records, but excluding products of Chapter 37 : <ul style="list-style-type: none"> - Of an educational, scientific or cultural character 	
ex 9023 00	Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses : <ul style="list-style-type: none"> - Patterns, models and wall charts of an educational, scientific or cultural character, designed solely for demonstration and education - Mock-ups or visualizations of abstract concepts such as molecular structures or mathematical formulae 	
Various	Holograms for laser projection Multi-media kits Materials for programmed instructions, including materials in kit form with the corresponding printed materials	

B. Collector's pieces and works of art of an educational, scientific or cultural character

CN code	Description	Beneficiary establishment or organizations
Various	Collectors' pieces and works of art, not intended for sale	Galleries, museums and other institutions approved by the competent authorities of the Member States for the purpose of duty-free admission of these goods

ANNEX III

CN code	Description
4911	Other printed matter, including printed pictures and photographs :
4911 10	– Trade advertising material, commercial catalogues and the like :
ex 4911 10 90	– – Other :
	– In relief for the blind and partially sighted
4911 91	– Other :
	– – Pictures, prints and photographs :
	– – – Other :
ex 4911 91 91	– – – – Pictures and designs :
	– In relief for the blind and partially sighted
ex 4911 91 99	– – – – Photographs :
	– In relief for the blind and partially sighted
4911 99	– – Other :
ex 4911 99 90	– – – Other :
	– In relief for the blind and partially sighted

ANNEX IV

CN code	Description
4802	Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and punch card-stock and punch tape paper, in rolls or sheets, other than paper of heading No 4801 or 4803; hand-made paper and paperboard:
	– Other paper and paperboard, not containing fibres obtained by mechanical process or of which not more than 10 % by weight of the total fibre content consists of such fibres:
ex 4802 52 00	– – Weighing 40 g/m ² or more but not more than 150 g/m ² – Braille paper
4802 53	– – Weighing more than 150 g/m ² :
ex 4802 53 90	– – – Other: – Braille paper
4802 60	– Other paper and paperboard of which more than 10 % by weight of the total fibre content consists of fibres obtained by a mechanical process:
ex 4802 60 90	– – Other: – Braille paper
4805	Other uncoated paper and paperboard, in rolls or sheets:
4805 60	– Other paper and paperboard, weighing 150 g/m ² or less:
ex 4805 60 90	– Other: – Braille paper
4805 70	– Other paper and paperboard, weighing more than 150 g/m ² but less than 225 g/m ² :
ex 4805 70 90	– – Other: – Braille paper
4805 80	– Other paper and paperboard, weighing 225 g/m ² or more:
ex 4805 80 90	– – Other: – Braille paper
4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibres:
	– Other paper and paperboard, of a kind used for writing, printing or other graphic purposes:
4823 59	– – Other:
ex 4823 59 90	– – Other: – Braille paper
ex 6602 00 00	Walking-sticks, seat-sticks, whips, riding-crops and the like: – White canes for the blind and partially sighted
ex 8469	Typewriters and word-processing machines: – Adapted for use by the blind and partially sighted
ex 8471	Automatic data-processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included: – Equipment for the mechanical production of braille and recorded material for the blind
ex 8519	Turntables (record-decks), record-players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device: – Record-players and cassette players specially designed or adapted for the blind and partially sighted

CN code	Description
ex 8524	<p>Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37 :</p> <ul style="list-style-type: none"> - Talking books - Magnetic tapes and cassettes for the production of Braille and talking books
9013	<p>Liquid crystal devices not constituting articles provided for more specifically in other headings ; lasers, other than laser diodes ; other optical appliances and instruments, not specified or included elsewhere in this chapter :</p>
ex 9013 80 00	<ul style="list-style-type: none"> - Other devices, appliances and instruments : <ul style="list-style-type: none"> - Television enlargers for the blind and partially sighted
9021	<p>Orthopaedic appliances, including crutches, surgical belts and trusses ; splints and other fracture appliances ; artificial parts of the body ; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability :</p>
9021 90	<ul style="list-style-type: none"> - Other :
ex 9021 90 90	<ul style="list-style-type: none"> - - Other : <ul style="list-style-type: none"> - Electronic orientator and obstacle detector appliances for the blind and partially sighted - Television enlargers for the blind and partially sighted - Electronic reading machines for the blind and partially sighted
9023 00	<p>Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses :</p>
ex 9023 00 90	<ul style="list-style-type: none"> - Other : <ul style="list-style-type: none"> - Teaching aids and apparatus specifically designed for the use of the blind and partially sighted
ex 9102	<p>Wrist-watches, pocket-watches and other watches, including stop-watches, other than those of heading No 9101 :</p> <ul style="list-style-type: none"> - Braille watches with cases other than of precious metals
9504	<p>Articles for funfair, table or parlour games, including pintables, billiards, special tables for casino games and automatic bowling alley equipment :</p>
9504 90	<ul style="list-style-type: none"> - Other :
ex 9504 90 90	<ul style="list-style-type: none"> - - Other : <ul style="list-style-type: none"> - Tables games and accessories specially adapted for the use of the blind and partially sighted
Various	<p>All other articles specially designed for the education, scientific or cultural advancement of the blind and partially sighted'</p>

COMMISSION REGULATION (EEC) No 3692/87

of 9 December 1987

amending Regulation (EEC) No 2288/83 establishing the list of biological or chemical substances provided for in Article 60 (1) (b) of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

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

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, as amended by Commission Regulation (EEC) No 3691/87⁽²⁾, and in particular Article 143 (1) thereof,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾, and in particular Article 15 thereof,

Whereas the classification of biological or chemical substances set out in the list annexed to Commission Regulation (EEC) No 2288/83⁽⁴⁾, as last amended by Regulation (EEC) No 2340/86⁽⁵⁾, is based on use of the Customs Cooperation Council Nomenclature; whereas the Customs Cooperation Council approved the International Convention on the Harmonized Commodity Description and Coding System (hereinafter referred to as

the 'HS') on 14 June 1983; whereas it is provided that with effect from 1 January 1988 the HS will replace the present nomenclature in respect of international trade;

Whereas the classification of the goods in question must therefore be adopted in so far as it must be based on use of the HS,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2288/83 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 9 December 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ See page 8 of this Official Journal.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 220, 11. 8. 1983, p. 13.

⁽⁵⁾ OJ No L 203, 26. 7. 1986, p. 15.

ANNEX

ANNEX

Reference No	HS heading No	Description
	2845 90 90	Helium-3
	2845 90 90	(Oxygen-18) Water
20273	2901 29 90	3-Methylpent-1-ene
20274	2901 29 90	4-Methylpent-1-ene
20275	2901 29 90	2-Methylpent-2-ene
20276	2901 29 90	3-Methylpent-2-ene
20277	2901 29 90	4-Methylpent-2-ene
25634	2902 19 10	P-Mentha-1 (7), 2-diene beta-Phellandrene
14769	2903 69 00	4,4'-Dibromobiphenyl
17305	2904 10 00	Ethyl methanesulphonate
14364	2923 90 00	Decamethonium bromide (INN)
20641	2926 90 90	1-Naphtonitrile
20642	2926 90 90	2-Naphtonitrile
22830	2936 21 00	Retinyl acetate
21887	3507 90 00	Phosphoglucomutase ²

COMMISSION REGULATION (EEC) No 3693/87

of 9 December 1987

on the supply of various consignments of cereals to the International Committee
of the Red Cross (ICRC) 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 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21
May 1987 laying down implementing rules for Regulation
(EEC) No 3972/86 on food-aid policy and food-aid man-
agement⁽²⁾ lays down the list of countries and organiz-
ations eligible for food-aid operations and specifies the
general criteria on the transport of food aid beyond the
fob stage;

Whereas, by its Decisions of 10 February 1986 and 15
April 1987 on the supply of food aid to ICRC, the
Commission allocated to the latter organization 7 961
tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of
this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July
1987 laying down general rules for the mobilization in
the Community of products to be supplied as Community
food aid⁽³⁾; whereas it is necessary to specify the time
limits and conditions of supply and the procedure to be
followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION :

Article 1

A tendering procedure is hereby initiated for the award of
a contract for the supply of cereals to ICRC in accordance
with the provisions of Regulation (EEC) No 2200/87 and
with the conditions laid down in the 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, 9 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1 and corrigendum OJ No L
42, 12. 2. 1987, p. 54.

⁽²⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽³⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation No** ⁽¹⁾: 974/87
2. **Programme**: 1986
3. **Recipient**: ICRC
4. **Representative of the recipient** ⁽²⁾: Délégation du CICR, Immeuble Makarem, rue de Koweit, Hamra, Ras-Beyrouth, BP 7188 Beyrouth
5. **Place or country of destination**: Lebanon
6. **Product to be mobilized**: Milled long grain rice (not parboiled)
7. **Characteristics and quality of the goods** ⁽³⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.10)
8. **Total quantity**: 100 tonnes (290 tonnes cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.1 (e))
marking on the bags: a red cross 10 × 10 followed by, in letters at least 5 cm high:
'ACTION No 974/87 / LB-116 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS / BEYROUTH'
11. **Method of mobilization**: Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Beirut
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20 January to 20 February 1988
18. **Deadline for the supply**: 15 March 1988
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 5 January 1988 at 12 noon (Brussels time)
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19 January 1987 at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 29 February 1988
 - (c) deadline for the supply: 31 March 1988
22. **Amount of the tendering security**: 5 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** ⁽⁵⁾:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Bruxelles
Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾:
Refund applicable on 15 December 1987 fixed by Regulation (EEC) No 3573/87 in *Official Journal of the European Communities* No L 338 of 28 November 1987

ANNEX II

1. **Operation No** ⁽¹⁾: 997/87
2. **Programme**: $\left\{ \begin{array}{l} 1986 - 3\,996 \text{ tonnes} \\ 1987 - 1\,604 \text{ tonnes} \end{array} \right.$
3. **Recipient**: ICRC, 17, Avenue de la Paix, CH-1211 Genève, Telex 22269 CICR CH
4. **Representative of the recipient** ⁽²⁾: ICRC-Delegation, Keftegna 15, Kebelle 28/house 117, PO Box 5701, Addis Ababa, Ethiopia, Telex 21098 ICRC ET
5. **Place or country of destination**: Ethiopia
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.A.6)
Specific characteristics: Hagberg falling number of at least 160
8. **Total quantity**: 5 600 tonnes (7 671 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾:
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II.B.2 (c)):
'ACTION No 997 / ET-178 / WHEAT FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / MASSAWA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Massawa
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15 January to 31 January 1988
18. **Deadline for the supply**: 31 March 1988
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 5 January 1988
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 19 January 1988
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 29 February 1988
 - (c) deadline for the supply: 15 April 1988
22. **Amount of the tendering security**: 5 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** ⁽⁵⁾:
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B-1049 Bruxelles, Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾:
Refund applicable on 15 December 1987 fixed by Regulation (EEC) No 3573/87 in *Official Journal of the European Communities* No L 338 of 28 November 1987, page 21.

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to contact by the successful tenderer :
- I. Lebanon : Immeuble Duraffourd, avenue de Paris, 11-4008 Beyrouth,
(Telex : DELEUR 23307 — LE BEYROUTH)
- II. Ethiopia : Mr Haffner, Iedla Desta Building, Africa avenue (Bole Road), 1st Floor, PO Box 5570,
Addis Ababa (Telex 21135 DELEGEUR — ADDIS ABABA).
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate, fumigation certificate,
— certificate of origin.
- (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'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the Office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
- 235 01 32,
236 10 97,
235 01 30,
236 20 05.
- (⁶) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
-

COMMISSION REGULATION (EEC) No 3694/87

of 10 December 1987

fixing, for 1988, the quota for imports into Spain of meat of domestic rabbits from third countries and certain detailed rules for the application thereof and repealing Regulation (EEC) No 176/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 491/86 of 25 February 1986 laying down detailed rules concerning quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, and in particular Article 3 thereof,

Whereas the 1987 quota for imports into Spain of meat of domestic rabbits from third countries is set out in Article 1 of Commission Regulation (EEC) No 176/87⁽²⁾; whereas this quota should be increased for 1988 by the minimum rate of increase of 10 % laid down in Article 3 of the said Regulation;

Whereas to ensure proper management of the quota, applications for import authorizations should be subject to the lodging of a security to cover, as a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽³⁾, the effective importation of the goods; whereas provision should also be made for the quotas to be staggered over the year;

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

Whereas this Regulation replaces certain provisions of Regulation (EEC) No 176/87 whereas for the sake of clarity the said Regulation should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quota for 1988 that the Kingdom of Spain may apply, pursuant to Article 77 of the Act of Accession, to imports of meat and edible offals of rabbit meat falling

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 21, 23. 1. 1987, p. 23.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

within subheading 0208 10 10 of the Combined Nomenclature from third countries shall be 484 tonnes.

Article 2

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

The quota shall be staggered over the year as follows:

- 50 % during the period from 1 January to 30 June 1988,
- 50 % during the period from 1 July to 31 December 1988.

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

Article 3

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

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

Article 4

1. The Spanish authorities shall inform the Commission of the measures which they adopt for the implementation of Article 2 above.

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

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

Article 5

Regulation (EEC) No 176/87 is hereby repealed.

Article 6

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3695/87
of 10 December 1987
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2998/87 ⁽²⁾, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 3812/85 ⁽⁶⁾, provides that the refund on products falling within subheading 04.02 B is equal to the sum of two components, the first representing the quantity of milk products and the second representing the quantity of added sucrose; whereas, however, the latter component applies only if the added sucrose was produced from beet or cane harvested within the Community;

Whereas for the products falling within subheading 04.02 B II a) or 04.02 B II b) 1 with a fat content not exceeding 9,5 % by weight, the first component referred to above is fixed for 100 kilograms of the whole product; whereas, for the other products falling within subheading 04.02 B, this component is calculated by multiplying the basic amount by the milk product content of the product in question; whereas this basic amount is the refund on one kilogram of milk products contained in the product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 285, 8. 10. 1987, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 3.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

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⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- 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 level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for these products which fall within heading No 04.04;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as amended by Regulation (EEC) No 2881/84⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for different refunds according to the date of manufacture of the products;

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex hereto.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 04.01, 04.02, 04.03 and 23.07 of the Common Customs Tariff.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 11 December 1987.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 272, 13. 10. 1984, p. 16.

ANNEX

to the Commission Regulation of 10 December 1987 fixing the export refunds on milk and milk products

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01	Milk and cream, fresh, not concentrated or sweetened :		
	ex A. Other than whey, of a fat content, by weight, not exceeding 6 % (!) :		
	I. Yoghourt, kephir, curdled milk, buttermilk and other fermented or acidified milk :		
	a) In immediate packings of a net capacity of two litres or less :		
	(1) Of a fat content, by weight, not exceeding 1,5 %	0110 05	8,95
	(2) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0110 15	12,62
	(3) Of a fat content, by weight, exceeding 3 %	0110 20	16,07
	b) Other :		
	(1) Of a fat content, by weight, not exceeding 1,5 %	0110 25	8,95
	(2) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0110 35	12,62
	(3) Of a fat content, by weight, exceeding 3 %	0110 40	16,07
	II. Other :		
	a) In immediate packings of a net capacity of two litres or less and of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1,5 %	0130 10	8,95
	(bb) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0130 22	12,62
	(cc) Of a fat content, by weight, exceeding 3 %	0130 31	16,07
	2. Exceeding 4 %	0140 00	18,37
	b) Other, of a fat content, by weight :		
	1. Not exceeding 4 % :		
	(aa) Of a fat content, by weight, not exceeding 1,5 %	0150 10	8,95
	(bb) Of a fat content, by weight, exceeding 1,5 % but not exceeding 3 %	0150 21	12,62
	(cc) Of a fat content, by weight, exceeding 3 %	0150 31	16,07
	2. Exceeding 4 %	0160 00	18,37

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.01 (cont'd)	<p>ex B. Other, excluding whey, of a fat content, by weight (1) :</p> <p>ex I. Exceeding 6 % but not exceeding 21 % :</p> <p>(a) Of a fat content, by weight, not exceeding 10 %</p> <p>(b) Of a fat content, by weight, exceeding 10 % but not exceeding 17 %</p> <p>(c) Of a fat content, by weight, exceeding 17 %</p> <p>II. Exceeding 21 % but not exceeding 45 % :</p> <p>(a) Of a fat content, by weight, not exceeding 35 %</p> <p>(b) Of a fat content, by weight, exceeding 35 % but not exceeding 39 %</p> <p>(c) Of a fat content, by weight, exceeding 39 %</p> <p>III. More than 45 % :</p> <p>(a) Of a fat content, by weight, not exceeding 68 %</p> <p>(b) Of a fat content, by weight, exceeding 68 % but not exceeding 80 %</p> <p>(c) Of a fat content, by weight, exceeding 80 %</p>	<p></p> <p>0200 05</p> <p>0200 11</p> <p>0200 21</p> <p></p> <p>0300 12</p> <p>0300 13</p> <p>0300 20</p> <p></p> <p>0400 11</p> <p>0400 22</p> <p>0400 30</p>	<p></p> <p>22,94</p> <p>34,18</p> <p>50,23</p> <p></p> <p>59,40</p> <p>91,50</p> <p>100,67</p> <p></p> <p>114,44</p> <p>167,17</p> <p>194,68</p>
04.02	<p>Milk and cream, preserved, concentrated or sweetened :</p> <p>A. Not containing added sugar (2) :</p> <p>II. Milk and cream, in powder or granules :</p> <p>a) In immediate packings of a net capacity of 2,5 kilograms or less and of a fat content, by weight :</p> <p>1. Not exceeding 1,5 %</p> <p>2. Exceeding 1,5 % but not exceeding 27 % :</p> <p>(aa) Of a fat content, by weight, not exceeding 11 %</p> <p>(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %</p> <p>(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %</p> <p>(dd) Of a fat content, by weight, exceeding 25 %</p> <p>3. Exceeding 27 % but not exceeding 29 % :</p> <p>(aa) Of a fat content, by weight, not exceeding 28 %</p> <p>(bb) Of a fat content, by weight, exceeding 28 %</p>	<p></p> <p>0620 00</p> <p></p> <p>0720 00</p> <p>0720 20</p> <p>0720 30</p> <p>0720 40</p> <p></p> <p>0820 20</p> <p>0820 30</p>	<p></p> <p>100,00</p> <p></p> <p>100,00</p> <p>120,86</p> <p>128,89</p> <p>140,00</p> <p></p> <p>141,28</p> <p>142,77</p>

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	4. Exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 41 %	0920 10	144,88
	(bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 %	0920 30	157,54
	(cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 %	0920 40	161,93
	(dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 %	0920 50	177,37
	(ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 %	0920 60	188,07
	(ff) Of a fat content, by weight, exceeding 79 %	0920 70	199,03
	b) Other, of a fat weight content :		
	1. Not exceeding 1,5 %	1020 00	100,00
	2. Exceeding 1,5 % but not exceeding 27 % :		
	(aa) Of a fat content, by weight, not exceeding 11 %	1120 10	100,00
	(bb) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	1120 20	120,86
	(cc) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	1120 30	128,89
	(dd) Of a fat content, by weight, exceeding 25 %	1120 40	140,00
	3. Exceeding 27 % but not exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 28 %	1220 20	141,28
	(bb) Of a fat content, by weight, exceeding 28 %	1220 30	142,77
	4. Exceeding 29 % :		
	(aa) Of a fat content, by weight, not exceeding 41 %	1320 10	144,88
	(bb) Of a fat content, by weight, exceeding 41 % but not exceeding 45 %	1320 30	157,54
	(cc) Of a fat content, by weight, exceeding 45 % but not exceeding 59 %	1320 40	161,93
	(dd) Of a fat content, by weight, exceeding 59 % but not exceeding 69 %	1320 50	177,37
	(ee) Of a fat content, by weight, exceeding 69 % but not exceeding 79 %	1320 60	188,07
	(ff) Of a fat content, by weight, exceeding 79 %	1320 70	199,03

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	III. Milk and cream, other than in powder or granules :		
	a) In immediate packings of a net content of 2,5 kg or less and of a fat content by weight not exceeding 11 % :		
	1. Of a fat content, by weight, not exceeding 8,9 % and of a non-fat lactic dry matter content :		
	(aa) Of less than 15 % and of a fat content :		
	(11) Not exceeding 3 %, by weight	1420 12	—
	(22) Exceeding 3 %, by weight	1420 22	16,07
	(bb) Of 15 % or more and of a fat content :		
	(11) Not exceeding 3 %, by weight	1420 50	25,68
	(22) Exceeding 3 %, by weight, but not exceeding 7,4 %	1420 60	32,56
	(33) Exceeding 7,4 %	1420 70	40,57
	2. Other, of a non fat lactic dry matter content :		
	(aa) Of less than 15 %, by weight	1520 10	29,59
	(bb) Of 15 % or more, by weight	1520 20	48,10
	b) Other, of a fat content, by weight :		
	1. Not exceeding 45 % and of a non fat lactic dry matter content :		
	(aa) Of less than 15 % and of a fat content :		
	(11) Not exceeding 3 %, by weight	1620 70	—
	(22) Exceeding 3 %, by weight, but not exceeding 8,9 %	1630 00	16,07
	(33) Exceeding 8,9 %, by weight, but not exceeding 11 %	1630 10	29,59
	(44) Exceeding 11 %, by weight, but not exceeding 21 %	1630 20	36,47
	(55) Exceeding 21 %, by weight, but not exceeding 39 %	1630 30	59,40
	(66) Exceeding 39 %	1630 40	100,67
	(bb) Of 15 % or more and of a fat content :		
	(11) Not exceeding 3 %, by weight	1630 50	25,68
	(22) Exceeding 3 %, by weight, but not exceeding 7,4 %	1630 60	32,56
	(33) Exceeding 7,4 %, by weight, but not exceeding 8,9 %	1630 70	40,57
	(44) Exceeding 8,9 %	1630 80	48,10
	2. Exceeding 45 %	1720 00	114,44

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	B. Containing added sugar :		
	I. Milk and cream, in powder or granules :		
	ex b) Other, excluding whey :		
	1. In immediate packings of a net capacity of 2,5 kilograms or less and of a fat content, by weight :		
	(aa) Not exceeding 1,5 %	2220 00	1,0000 (*) per kg
	(bb) Exceeding 1,5 % but not exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 11 %	2320 10	1,0000 (*) per kg
	(22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2320 20	1,2086 (*) per kg
	(33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2320 30	1,2889 (*) per kg
	(44) Of a fat content, by weight, exceeding 25 %	2320 40	1,4000 (*) per kg
	(cc) Exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 41 %	2420 10	1,4128 (*) per kg
	(22) Of a fat content, by weight, exceeding 41 %	2420 20	1,5754 (*) per kg
	2. Other, of a fat content, by weight :		
	(aa) Not exceeding 1,5 %	2520 00	1,0000 (*) per kg
	(bb) Exceeding 1,5 % but not exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 11 %	2620 10	1,0000 (*) per kg
	(22) Of a fat content, by weight, exceeding 11 % but not exceeding 17 %	2620 20	1,2086 (*) per kg
	(33) Of a fat content, by weight, exceeding 17 % but not exceeding 25 %	2620 30	1,2889 (*) per kg
	(44) Of a fat content, by weight, exceeding 25 %	2620 40	1,4000 (*) per kg
	(cc) Exceeding 27 % :		
	(11) Of a fat content, by weight, not exceeding 41 %	2720 10	1,4128 (*) per kg
	(22) Of a fat content, by weight, exceeding 41 %	2720 20	1,5754 (*) per kg

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.02 (cont'd)	ex II. Milk and cream, excluding whey other than in powder or granules :		
	ex a) In immediate packings of a net capacity of 2,5 kg or less and of a fat content by weight not exceeding 9,5 % :		
	(1) Of a fat content, by weight, not exceeding 6,9 % and of a non fat lactic dry matter content :		
	(aa) Of less than 15 % and of a fat content :		
	(11) Not exceeding 3 %, by weight	2810 11	— (*) per kg
	(22) Exceeding 3 % by weight	2810 12	0,1607 (*) per kg
	(bb) Of 15 % or more	2810 15	29,63 (?)
	(2) Of a fat content, by weight, exceeding 6,9 % and of a non fat lactic dry matter content, by weight, of 15 % or more	2810 20	50,07 (?)
	b) Other, of a fat content, by weight :		
	ex 1. Not exceeding 45 % :		
	(aa) Of a fat content, by weight, not exceeding 6,9 % and of a non fat lactic dry matter content, by weight, of 15 % or more	2910 70	29,63 (?)
	(bb) Of a fat content, by weight, exceeding 6,9 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, of 15 % or more	2910 76	50,07 (?)
	(cc) Of a fat content by weight, exceeding 9,5 % but not exceeding 21 % and of a non fat lactic dry matter content, by weight, less than 15 %	2910 80	0,3189 (*) per kg
	(dd) Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	2910 85	0,5940 (*) per kg
	(ee) Of a fat content, by weight, exceeding 39 %	2910 90	1,0067 (*) per kg
	2. Exceeding 45 %	3010 00	1,1444 (*) per kg
04.03	Butter :		
	ex A. Of a fat content, by weight, not exceeding 85 % :		
	(I) Of a fat content, by weight, of 62 % or more, but less than 78 %	3110 03	159,91 (10)
	(II) Of a fat content, by weight, of 78 % or more but less than 80 %	3110 16	201,18 (10)

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.03 (cont'd)	(III) Of a fat content, by weight, of 80 % or more, but less than 82 %	3110 22	206,34 ⁽¹⁰⁾
	(IV) Of a fat content, by weight, of 82 % or more	3110 32	211,50 ⁽¹⁰⁾
	B. Other, of a fat content, by weight :		
	(I) Not exceeding 99,5 %	3210 10	211,50 ⁽¹⁰⁾
	(II) Exceeding 99,5 %	3210 20	262,75 ⁽¹⁰⁾
04.04	Cheese and curd ^(*) :		
	ex A. Emmentaler and Gruyère, not grated or powdered :		
	(I) Pieces packed in vacuum or in inert gas, of a net weight of less than 7,5 kg	3800 40	
	For exports to :		
	— Zone E		60,00
	— Canada		—
	— Norway and Finland		—
	— Liechtenstein and Switzerland		—
	— Austria		—
	— Other destinations		162,18
	(II) Other	3800 60	
	For exports to :		
	— Zone E		60,00
	— Canada		—
	— Norway and Finland		—
	— Liechtenstein and Switzerland		—
	— Austria		—
	— Other destinations		162,18
	ex C. Blue-veined cheese, not grated or powdered, other than Roquefort	4000 00	
	for exports to :		
	— Austria		—
	— Zone E		45,00
	— Canada		—
	— Norway and Finland		—
	— Australia		78,65
	— Other destinations		131,51
	D. Processed cheese, not grated or powdered, of a fat content, by weight :		
	I. Not exceeding 36 % and of a fat content, by weight, in the dry matter :		
	ex a) Not exceeding 48 % and of a dry matter content, by weight :		
	(1) Of 27 % or more but less than 33 %	4410 05	
	for exports to :		
	— Austria		—
	— Zone E		8,65
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		25,36

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(2) Of 33 % or more but less than 38 % for exports to : — Austria — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	4410 10	— 18,81 — — — 55,06
	(3) Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :		
	(aa) Less than 20 % for exports to : — Austria — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	4410 20	— 18,81 — — — 55,06
	(bb) Of 20 % or more for exports to : — Austria — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	4410 30	— 27,66 — — — 80,13
	(4) Of 43 % or more and of a fat content, by weight, in the dry matter :		
	(aa) Less than 20 % for exports to : — Austria — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	4410 40	— 18,81 — — — 55,06
	(bb) Of 20 % or more but less than 40 % for exports to : — Austria — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	4410 50	— 27,66 — — — 80,13
	(cc) Of 40 % or more for exports to : — Austria — Zone E — Canada — Norway and Finland — Switzerland — Other destinations	4410 60	— 40,23 — — — 117,74

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	ex b) Exceeding 48 % and of a dry matter content, by weight :		
	(1) Of 33 % or more but less than 38 %	4510 10	
	for exports to :		
	— Austria		—
	— Zone E		18,81
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		55,06
	(2) Of 38 % or more but less than 43 %	4510 20	
	for exports to :		
	— Austria		—
	— Zone E		27,66
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		80,13
	(3) Of 43 % or more but less than 46 %	4510 30	
	for exports to :		
	— Austria		—
	— Zone E		40,23
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		117,74
	(4) Of 46 % or more and of a fat content, by weight, in the dry matter :		
	(aa) Less than 55 %	4510 40	
	for exports to :		
	— Austria		—
	— Zone E		40,23
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		117,74
	(bb) Of 55 % or more	4510 50	
	for exports to :		
	— Austria		—
	— Zone E		47,74
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		139,67
	II. Exceeding 36 %	4610 00	
	for exports to :		
	— Austria		—
	— Zone E		47,74
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		139,67

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	E. Other :		
	I. Not grated or powdered, of a fat content, by weight, not exceeding 40 % and a water content, calculated by weight, of the non-fatty matter :		
	ex a) Not exceeding 47 % :		
	(1) Grana Padano, Parmigiano Reggiano	4710 11	
	for exports to :		
	— Zone E		155,00
	— Canada		100,00
	— Norway and Finland		—
	— Switzerland		90,00
	— Other destinations		200,06
	(2) Fiore Sardo and Pecorino manufactured exclusively from sheep milk	4710 17	
	for exports to :		
	— Zone E		205,00
	— Canada		128,15
	— Norway and Finland		—
	— Switzerland		105,03
	— Other destinations		227,18
	(3) Other (excluding cheeses produced from whey), of a fat content, by weight, in the dry matter of 30 % or more	4710 22	
	for exports to :		
	— Zone E		130,00
	— Canada		80,00
	— Norway and Finland		—
	— Switzerland		70,00
	— Other destinations		180,00
	b) Exceeding 47 % but not exceeding 72 % :		
	ex 1. Cheddar of a fat content, by weight, in the dry matter of 48 % or more	4850 00	
	for exports to :		
	— Austria		—
	— Zone E		45,00
	— Canada		—
	— Norway and Finland		—
	— Australia		133,89
	— Switzerland		—
	— Other destinations		177,25
	ex 2. Other, of a fat content, by weight, in the dry matter (?):		
	(aa) Less than 5 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses produced from whey)	5120 12	
	for exports to :		
	— Austria		—
	— Zone E		37,69
	— Canada		—
	— Norway and Finland		13,50
	— Switzerland		—
	— Other destinations		99,96

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(bb) Of 5 % or more but less than 19 % and of a content, by weight, in the dry matter of 32 % or more (excluding cheeses produced from whey)	5120 16	
	for exports to :		
	— Austria		—
	— Zone E		41,56
	— Canada		—
	— Norway and Finland		20,00
	— Switzerland		—
	— Other destinations		110,21
	(cc) Of 19 % or more but less than 39 % and of a water content, calculated by weight, of the non-fatty matter not exceeding 62 % (excluding cheeses produced from whey)	5120 22	
	for exports to :		
	— Austria		—
	— Zone E		47,24
	— Canada		—
	— Norway and Finland		24,00
	— Switzerland		—
	— Other destinations		125,21
	(dd) Of 39 % or more :		
	(11) Asiago, Caciocavallo, Montasio, Provolone, Ragusano :		
	(aaa) Provolone	5120 32	
	for exports to :		
	— Zone E		150,00
	— Canada		90,00
	— Norway and Finland		—
	— Switzerland		42,66
	— Other destinations		163,54
	(bbb) Others	5120 36	
	for exports to :		
	— Zone E		15,00
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		138,50
	(22) Danbo, Edam, Fontal, Fontina, Fynbo, Gouda, Havarti, Maasdam, Maribo, Samsø, Tilsit	5120 44	
	for exports to :		
	— Austria		—
	— Zone E		15,00
	— Canada		—
	— Norway and Finland		—
	— Australia		115,20
	— Switzerland		—
	— Other destinations		153,00

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(33) Butterkäse, Esrom, Italice, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio for exports to :	5120 54	
	— Austria		—
	— Zone E		14,00
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		119,71
	(44) Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney for exports to :	5120 58	
	— Austria		—
	— Zone E		53,00
	— Canada		—
	— Norway and Finland		—
	— Australia		108,40
	— Switzerland		—
	— Other destinations		139,37
	(55) Salted ricotta and manouri, of a fat content, by weight, of 30 % or more :		
	(aaa) Manufactured exclusively from sheep's milk for exports to :	5120 60	
	— Zone E		21,11
	— Canada		—
	— Norway and Finland		—
	— Other destinations		55,88
	(bbb) Other	5120 65	
	for exports to :		
	— Zone E		21,11
	— Canada		—
	— Norway and Finland		—
	— Other destinations		55,88
	(66) Feta ⁽³⁾ :		
	(aaa) Manufactured exclusively from sheep's and/or goats' milk for exports to :	5120 80	
	— Zone E		38,59
	— Austria		15,00
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		102,26
	(bbb) Other	5120 81	
	for exports to :		
	— Zone E		38,59
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		102,26
	(77) Colby, Monterey	5120 83	
	for exports to :		
	— Austria		—
	— Zone E		45,00
	— Canada		—
	— Norway and Finland		—
	— Australia		108,40
	— Switzerland		—
	— Japan		150,00
	— Other destinations		139,37

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)	
04.04 (cont'd)	(88) Kefalotyri, Kefalograviera, Kasseri, Idiazabal, Manchego, Roncal, manufactured exclusively from sheep's and/or goats' milk	5120 84		
	for exports to :			
	— Zone E			150,00
	— Canada			90,00
	— Norway and Finland			—
	— Switzerland		42,66	
	— Other destinations		163,54	
	(99) Other (excluding cheeses produced from whey), of a water content, calculated by weight, of the non-fatty matter :			
	(aaa) Exceeding 47 % but not exceeding 52 %	5120 87		
	for exports to :			
	— Austria			—
	— Zone E			53,00
	— Canada			—
	— Norway and Finland			—
	— Australia			108,40
— Switzerland		—		
— Japan		150,00		
— Other destinations		139,37		
(bbb) Exceeding 52 % but not exceeding 62 %	5120 92			
for exports to :				
— Austria			—	
— Zone E			15,00	
— Canada			—	
— Norway and Finland			27,50	
— Australia			115,20	
— Switzerland		—		
— Other destinations		153,00		
ex c) Exceeding 72 % (excluding cheeses produced from whey) (7) :				
1. In immediate packings of a net capacity not exceeding 500 grams :				
(aa) Cottage cheese of a fat content, by weight in the dry matter, not exceeding 25 %	5121 11			
For exports to :				
— Austria			—	
— Zone E			14,52	
— Canada			—	
— Norway and Finland			—	
— Switzerland and Liechtenstein		—		
— Other destinations		26,95		
(bb) Cream cheese of a water content, calculated by weight, of the non-fatty matter, exceeding 77 % but not exceeding 82 % and of a fat content, by weight in the dry matter :				

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(11) Of 60 % or more but less than 69 %	5121 20	
	For exports to :		
	— Austria		—
	— Zone E		25,41
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		40,37
	(22) Of 69 % or more	5121 30	
	For exports to :		
	— Austria		—
	— Zone E		31,03
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		49,31
	(cc) Other :		
	(11) Feta ⁽²⁾ , with a dry matter content, by weight, of 40 % or more and a fat content by weight, in the dry matter of 50 % or more :		
	(aaa) Manufactured exclusively from sheep's and/or goats' milk	5121 41	
	For exports to :		
	— Zone E		36,08
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(bbb) Other	5121 42	
	For exports to :		
	— Zone E		36,08
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(22) Other	5121 45	—
	2. Other :		
	(aa) Cottage cheese of a fat content, by weight in the dry matter, not exceeding 25 %	5121 51	
	For exports to :		
	— Austria		—
	— Zone E		14,52
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		26,95

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(bb) Cream cheese of a water content, calculated by weight of the non-fatty matter, exceeding 77 % but not exceeding 82 % and of a fat content, by weight in the dry matter :		
	(11) Of 60 % or more but less than 69 %	5121 60	
	For exports to :		
	— Austria		—
	— Zone E		25,41
	— Canada		—
	— Norway and Finland		7,50
	— Switzerland and Liechtenstein		—
	— Other destinations		40,37
	(22) Of 69 % or more	5121 70	
	For exports to :		
	— Austria		—
	— Zone E		31,03
	— Canada		—
	— Norway and Finland		—
	— Switzerland and Liechtenstein		—
	— Other destinations		49,31
	(cc) Other :		
	(11) Feta ⁽³⁾ , with a dry matter content, by weight, of 40 % or more and a fat content by weight, in the dry matter of 50 % or more :		
	(aaa) Manufactured exclusively from sheep's and/or goats' milk	5121 81	
	For exports to :		
	— Zone E		36,08
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(bbb) Other	5121 82	
	For exports to :		
	— Zone E		36,08
	— Austria		—
	— Canada		—
	— Norway and Finland		—
	— Switzerland		—
	— Other destinations		95,58
	(22) Other	5121 85	—
	ex II. Other (excluding cheeses produced from whey) :		
	ex a) Grated or powdered of a fat content, by weight, exceeding 20 %, of a lactose content, by weight, less than 5 % and of a dry matter content, by weight :		
	(1) Of 60 % or more but less than 80 %	5310 05	
	For exports to :		
	— Zone E		45,00
	— Canada		—
	— Norway and Finland		—
	— Other destinations		91,14

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
04.04 (cont'd)	(2) Of 80 % or more but less than 85 % For exports to: — Zone E — Canada — Norway and Finland — Other destinations	5310 11	60,00 — — 121,52
	(3) Of 85 % or more but less than 95 % For exports to: — Zone E — Canada — Norway and Finland — Other destinations	5310 22	63,75 — — 129,12
	(4) Of 95 % or more For exports to: — Zone E — Canada — Norway and Finland — Other destinations	5310 31	71,25 — — 144,31
23.07	Sweetened forage ; other preparations of a kind used in animal feeding : ex B. Other, containing starch, glucose or glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II, or milk products, excluding special compound feedingstuffs (*) : I. Containing starch, or glucose or glucose syrup, or maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II : a) Containing no starch or containing 10 % or less, by weight, of starch : (3) Containing 50 % or more but less than 75 %, by weight, of milk products and a content of milk in powder or granules (excluding whey), by weight, of (*) : (aa) Less than 30 % (bb) 30 % or more but less than 40 % (cc) 40 % or more but less than 50 % (dd) 50 % or more but less than 60 % (ee) 60 % or more but less than 70 % (ff) 70 % or more	5700 13 5700 23 5700 33 5700 42 5700 52 5700 62	— 6,00 8,00 10,00 12,00 14,00

CCT heading No	Description	Code	Refund (in ECU/100 kg net weight unless otherwise indicated)
23.07 (cont'd)	(4) Containing 75 % or more, by weight, of milk products and a content of milk in powder or granules (excluding whey), by weight, of ^(*) :		
	(aa) Less than 30 %	5800 13	—
	(bb) 30 % or more but less than 40 %	5800 23	6,00
	(cc) 40 % or more but less than 50 %	5800 32	8,00
	(dd) 50 % or more but less than 60 %	5800 42	10,00
	(ee) 60 % or more but less than 70 %	5800 52	12,00
	(ff) 70 % or more but less than 75 %	5800 62	14,00
	(gg) 75 % or more but less than 80 %	5800 72	15,00
	(hh) 80 % or more	5800 82	16,00
	ex II. Containing no starch, glucose or glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 17.02 B and 21.07 F II, and containing 50 % or more milk products, by weight, and with a milk content in powder or granules (excluding whey), by weight, of ^(*) :		
	(a) 30 % or more but less than 40 %	5900 01	30,00
	(b) 40 % or more but less than 50 %	5900 05	40,00
	(c) 50 % or more but less than 60 %	5900 12	50,00
	(d) 60 % or more but less than 70 %	5900 22	60,00
	(e) 70 % or more but less than 80 %	5900 32	70,00
	(f) 80 % or more but less than 88 %	5900 42	80,00
	(g) 88 % or more	5900 52	88,00

(*) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no export refund shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates, shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account in the calculation of the amount of refund.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

— the actual content by weight of whey and/or lactose and/or casein and/or caseinate added per 100 kg of finished product, and, in particular,

— the lactose content of the added whey.

(³) When the product contains casein and/or caseinates that were added before or at the time of processing, no refund shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added.

- (⁴) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculating the fat content, by weight.
The refund per 100 kg of product falling within this subheading shall be equal to the sum of the following components:
- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kg of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added casein and/or added caseinates, contained in 100 kg of product;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kg of finished product, and, in particular,
 - the lactose content of the added whey.
- (⁵) The refund on 100 kg of product falling within this subheading is equal to the sum of the following elements:
- (a) the amount per 100 kg shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per 100 kg shown shall be:
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kg of product, and then
 - divided by the weight of the lactic part contained in 100 kg of product;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinate added per 100 kg of finished product, and, in particular,
 - the lactose content of the added whey.
- (⁶) No refund shall be paid in respect of exported cheese of which the free-at-frontier price, before application of the refund and the monetary compensatory amount, in the exporting Member State, is less than 140 ECU per 100 kilograms. This limitation to 140 ECU per 100 kilograms does not apply to cheeses falling within subheading 04.04 E I ex c) of the Common Customs Tariff.
- (⁷) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the refund is granted on the net weight, the weight of the liquid being deducted.
- (⁸) When completing customs formalities, the applicant shall state on the declaration provided for this purpose:
- the skimmed-milk powder content, by weight,
- whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the content by weight of the added whey and/or added lactose and/or added casein and/or added caseinates, and
 - the lactose content of the added whey
- per 100 kg of finished product
- (⁹) 'Special compound feedingstuffs' are compound feedingstuffs containing skimmed-milk powder and fish meal and/or more than 9 g of iron and/or more than 1,2 g of copper in 100 kg of product.
- (¹⁰) On the export of such products under Regulation (EEC) No 765/86:
- the amount of the refund shall be that applying on 16 October 1986 in respect of products for which the export licence with advance fixing of the refund was issued before 1 January 1987;
 - no refund is to apply in respect of products for which the export licence was issued on or after 1 January 1987.
- N.B.:* Zones A, B, C and E are those defined in Regulation (EEC) No 1098/68, as last amended by Regulation (EEC) No 2283/81.

The weight of non-milk fat should be disregarded for the purposes of calculating fat content, by weight.

COMMISSION REGULATION (EEC) No 3696/87
of 10 December 1987
amended Regulation (EEC) No 3644/87 introducing a countervailing charge on
clementines originating in Morocco

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 2275/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3644/87⁽³⁾ introduced a countervailing charge on clementines originating in Morocco;

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 clementines originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3644/87, '13,29 ECU' is hereby replaced by '19,16 ECU'.

Article 2

This Regulation shall enter into force on 11 December 1987.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 209, 31. 7. 1987, p. 4.
⁽³⁾ OJ No L 342, 4. 12. 1987, p. 18.

COMMISSION REGULATION (EEC) No 3697/87
of 10 December 1987
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1915/87⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2594/87⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 1869/87⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increments in the target price for colza, rape and sunflower seed for the 1987/88 marketing year have been fixed in Council Regulations (EEC) No 1917/87⁽⁷⁾ and (EEC) No 1918/87⁽⁸⁾;

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commis-

sion Regulation (EEC) No 3154/87⁽⁹⁾, as last amended by Regulation (EEC) No 3588/87⁽¹⁰⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3154/87 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽¹¹⁾ shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹²⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹³⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 11 December 1987.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 245, 29. 8. 1987, p. 11.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 176, 1. 7. 1987, p. 30.

⁽⁷⁾ OJ No L 183, 3. 7. 1987, p. 14.

⁽⁸⁾ OJ No L 183, 3. 7. 1987, p. 16.

⁽⁹⁾ OJ No L 300, 23. 10. 1987, p. 25.

⁽¹⁰⁾ OJ No L 339, 1. 12. 1987, p. 26.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹³⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kilograms)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,854	22,230	22,486	23,361	23,758	24,338
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,24	54,14	54,77	56,93	57,87	59,55
— Netherlands (Fl)	59,03	60,03	60,72	63,15	64,21	66,06
— BLEU (Bfrs/Lfrs)	1 046,80	1 064,87	1 077,14	1 118,65	1 137,73	1 160,83
— France (FF)	157,20	160,01	161,60	167,84	170,80	175,93
— Denmark (Dkr)	188,46	191,74	193,96	201,70	205,18	208,49
— Ireland (£ Irl)	17,471	17,782	17,986	18,702	19,032	19,441
— United Kingdom (£)	12,297	12,541	12,691	13,325	13,586	13,861
— Italy (Lit)	33 237	33 833	34 088	35 363	35 997	36 742
— Greece (Dr)	1 911,75	1 931,99	1 948,33	2 053,13	2 104,08	2 118,38
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Pta)	3 291,36	3 349,29	3 358,74	3 483,14	3 544,36	3 604,07
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 269,31	4 327,51	4 365,59	4 505,69	4 573,87	4 631,56

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	2,500	2,500	2,500	2,500	2,500	2,500
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	24,354	24,730	24,986	25,861	26,258	26,838
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	59,20	60,10	60,74	62,89	63,84	65,51
— Netherlands (Fl)	65,71	66,72	67,41	69,84	70,90	72,75
— BLEU (Bfrs/Lfrs)	1 166,96	1 185,03	1 197,31	1 238,82	1 257,90	1 280,99
— France (FF)	175,89	178,70	180,29	186,53	189,49	194,62
— Denmark (Dkr)	210,34	213,63	215,85	223,59	227,07	230,38
— Ireland (£ Irl)	19,549	19,861	20,065	20,780	21,110	21,519
— United Kingdom (£)	13,937	14,181	14,332	14,965	15,226	15,501
— Italy (Lit)	37 229	37 826	38 080	39 355	39 989	40 734
— Greece (Dr)	2 232,60	2 252,84	2 269,18	2 373,98	2 424,93	2 439,23
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	385,53	385,53	385,53	385,53	385,53	385,53
— in another Member State (Pta)	3 676,89	3 734,83	3 744,27	3 868,67	3 929,89	3 989,61
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	429,31	429,31	429,31	429,31	429,31	429,31
— in another Member State (Esc)	4 698,62	4 756,82	4 794,90	4 935,01	5 003,18	5 060,87

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1. Gross aids (ECU):					
— Spain	3,440	3,440	3,440	3,440	3,440
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	33,622	34,024	34,211	34,613	34,944
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	81,27	82,24	82,72	83,78	84,58
— Netherlands (Fl)	90,47	91,55	92,06	93,25	94,14
— BLEU (Bfrs/Lfrs)	1 612,55	1 631,86	1 640,78	1 659,43	1 675,30
— France (FF)	245,38	248,35	249,38	251,86	254,27
— Denmark (Dkr)	291,58	295,08	296,67	300,18	303,05
— Ireland (£ Irl)	27,276	27,608	27,748	28,046	28,315
— United Kingdom (£)	20,083	20,338	20,425	20,680	20,880
— Italy (Lit)	52 083	52 716	52 848	53 305	53 816
— Greece (Dr)	3 450,27	3 471,89	3 471,42	3 483,99	3 518,14
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	530,49	530,49	530,49	530,49	530,49
— in another Member State (Pta)	3 917,48	3 979,30	3 977,31	4 025,85	4 076,20
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 747,92	6 812,08	6 836,84	6 888,15	6 944,30
— in another Member State (Esc)	6 528,95	6 591,03	6 614,99	6 664,64	6 718,96
3. Compensatory aids:					
— in Spain (Pta)	3 863,92	3 925,74	3 923,75	3 972,30	4 022,64
4. Special aid:					
— in Portugal (Esc)	6 528,95	6 591,03	6 614,99	6 664,64	6 718,96

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0335380.

ANNEX IV

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

(value of 1 ECU)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
DM	2,063020	2,057490	2,052300	2,047300	2,047300	2,032210
Fl	2,320400	2,316170	2,312360	2,308590	2,308590	2,297060
Bfrs/Lfrs	43,197900	43,196700	43,199200	43,196600	43,196600	43,194200
FF	7,012950	7,025820	7,038720	7,050250	7,050250	7,087740
Dkr	7,970410	7,994530	8,017190	8,038550	8,038550	8,104820
£ Irl	0,776588	0,777849	0,779021	0,780450	0,780450	0,784800
£	0,689114	0,690704	0,691792	0,692929	0,692929	0,696294
Lit	1 520,72	1 525,94	1 531,68	1 537,76	1 537,76	1 555,80
Dr	162,68800	164,72600	166,67600	168,48500	168,48500	174,47400
Esc	168,40900	169,54400	170,61400	171,98300	171,98300	174,93700
Pta	139,66700	140,45700	141,19800	141,95400	141,95400	144,40800

COMMISSION REGULATION (EEC) No 3698/87
of 10 December 1987
altering the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1915/87⁽²⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds⁽³⁾, as last amended by Regulation (EEC) No 2429/72⁽⁴⁾, and in particular the second sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the exchange rates to be applied in agriculture⁽⁵⁾, as last amended by Regulation (EEC) No 1953/87⁽⁶⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza,

rape and sunflower seed⁽⁷⁾, as last amended by Regulation (EEC) No 1869/87⁽⁸⁾, in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the export refunds on oil were fixed by Regulation (EEC) No 3590/87⁽⁹⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3590/87 to the information at present known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71⁽¹⁰⁾, fixed in the Annex to Regulation (EEC) No 3590/87, are altered as shown in the Annex hereto.
2. There shall be no refund on sunflower seed.

Article 2

This Regulation shall enter into force on 11 December 1987.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 185, 4. 7. 1987, p. 68.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 176, 1. 7. 1987, p. 30.

⁽⁹⁾ OJ No L 339, 1. 12. 1987, p. 35.

⁽¹⁰⁾ OJ No L 75, 30. 3. 1971, p. 16.

ANNEX

to the Commission Regulation of 10 December 1987 altering the export refunds on colza
and rape seed*(amounts per 100 kilograms)*

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross refunds (ECU):						
— Spain	21,342	21,739	—	—	—	—
— Portugal	26,102	26,499	—	—	—	—
— other Member States	21,600	21,997	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	52,65	53,60	—	—	—	—
— Netherlands (Fl)	58,36	59,42	—	—	—	—
— BLEU (Bfrs/Lfrs)	1 034,53	1 053,62	—	—	—	—
— France (FF)	155,21	158,18	—	—	—	—
— Denmark (Dkr)	186,19	189,66	—	—	—	—
— Ireland (£ Irl)	17,249	17,579	—	—	—	—
— United Kingdom (£)	12,099	12,359	—	—	—	—
— Italy (Lit)	32 806	33 437	—	—	—	—
— Greece (Dr)	1 865,34	1 889,03	—	—	—	—
— Spain (Pta)	3 251,59	3 312,81	—	—	—	—
— Portugal (Esc)	4 221,64	4 283,69	—	—	—	—

COMMISSION REGULATION (EEC) No 3699/87

of 10 December 1987

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 23 to 29 November 1987

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

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 467/87 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 23 to 29 November 1987 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 23 to 29 November 1987 shall be those set out in the Annex.

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 with effect from 23 November 1987.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during the week 23 to 29 November 1987

(ECU/100 kg net weight)

CCT heading No	Description	Amount
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen : 1. Carcasses, half-carcasses or 'compensated' quarters 2. Separated or unseparated forequarters 3. Separated or unseparated hindquarters 4. Other : aa) Unboned (bone-in) bb) Boned or boneless	26,26474 21,01179 31,51769 21,01179 35,98269
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals : 1. Unboned (bone-in) 2. Boned or boneless	21,01179 29,94180
ex 16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals : aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal : 11. Containing 80 % or more by weight of beef meat excluding offals and fat 22. Other	29,94180 21,01179

COMMISSION REGULATION (EEC) No 3700/87
of 10 December 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 3664/87 ⁽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 11 December 1987.

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

Done at Brussels, 10 December 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 344, 8. 12. 1987, p. 13.

ANNEX

to the Commission Regulation of 10 December 1987 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar: flavoured or coloured sugar	51,86
	B. Raw sugar	42,87 ⁽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 3701/87
of 10 December 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 3574/87⁽⁷⁾, as last amended by Regulation (EEC) No 3657/87⁽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 9 December 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 3574/87 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 11 December 1987.

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

Done at Brussels, 10 December 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 338, 28. 11. 1987, p. 23.

⁽⁸⁾ OJ No L 343, 5. 12. 1987, p. 16.

⁽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 10 December 1987 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 D ⁽²⁾	263,28	257,24
11.02 A IV ⁽²⁾	263,28	257,24
11.02 B I a) 2 aa)	148,79	145,77
11.02 B I a) 2 bb) ⁽²⁾	260,26	257,24
11.02 B I b) 2 ⁽²⁾	260,26	257,24
11.02 C IV ⁽²⁾	231,68	228,66
11.02 D IV ⁽²⁾	148,79	145,77
11.02 E I a) 2 ⁽²⁾	148,79	145,77
11.02 E I b) 2 ⁽²⁾	291,86	285,82
11.02 F IV ⁽²⁾	263,28	257,24

⁽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.

COMMISSION REGULATION (EEC) No 3702/87

of 10 December 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1900/87⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 11 December 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 December 1987 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

		(ECU/tonne)
CCT heading No	Description	Refund
10.01 B I	Common wheat and meslin	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	110,00
	— zone II b)	115,00
	— Ceuta, Melilla, the Canary Islands and Tunisia	122,00
10.01 B II	— the USSR	130,00
	— other third countries	25,00
	Durum wheat	
	for exports to :	
10.02	— zones II and III	30,00 ⁽³⁾
	— Algeria	25,00 ⁽³⁾
	— other third countries	20,00 ⁽³⁾
10.03	Rye	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	10,00
	— Japan	20,00
	— South Korea	15,00
10.04	— other third countries	25,00
	Barley	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	110,00
	— zone II b)	115,00
10.05 B	— the USSR	130,00
	— other third countries	25,00
	Oats	
10.07 B	for exports to :	
	— Switzerland, Austria and Liechtenstein	—
	— other third countries	—
10.07 C II	Maize, other than hybrid maize for sowing	
	for exports to :	
	— Switzerland, Austria and Liechtenstein	110,00
	— Canary Islands	116,00
ex 11.01 A	— other third countries	0
	Millet	—
	Grain sorghum, other than hybrid sorghum for sowing	—
	Wheat flour :	
	— of an ash content of 0 to 520	168,00
	— of an ash content of 521 to 600	168,00
— of an ash content of 601 to 900	151,00	
— of an ash content of 901 to 1 100	142,00	
— of an ash content of 1 101 to 1 650	133,00	
— of an ash content of 1 651 to 1 900	122,00	

		(ECU / tonne)
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	168,00
	— of an ash content of 701 to 1 150	168,00
	— of an ash content of 1 151 to 1 600	168,00
11.02 A I a)	— of an ash content of 1 601 to 2 000	168,00
	Durum wheat groats and meal	
	— of an ash content of 0 to 1 300 ⁽¹⁾	297,00
	— of an ash content of 0 to 1 300 ⁽²⁾	281,00
ex 11.02 A I b)	— of an ash content of 0 to 1 300	250,00
	— of an ash content of more than 1 300	236,00
	Common wheat groats and meal :	
	— of an ash content of 0 to 520	168,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Regulation (EEC) No 1569/77 with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis); 7 % maximum of which 5 % of soft wheat or other cereals.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 1548/87 (OJ No L 144, 4. 6. 1987).

COMMISSION REGULATION (EEC) No 3703/87

of 10 December 1987

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Commission Regulation (EEC) No 1281/75 ⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

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

exports and the need to avoid disturbances on the Community market;

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

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

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

Whereas it may be altered in the period between fixings;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 December 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 December 1987 fixing the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
10.01 B I	Common wheat and meslin for export to:							
	— USSR	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
	— Tunisia	0	0	0	- 10,00	- 10,00	- 10,00	- 10,00
	— other third countries	0	0	0	0	- 6,00	- 6,00	- 6,00
10.01 B II	Durum wheat	0	0	0	0	0	- 20,00	- 20,00
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley for export to:							
	— USSR	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
	— other third countries	0	0	0	0	- 6,00	- 6,00	- 6,00
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0	- 20,00	- 20,00	- 20,00
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	—	—
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 1548/87 (OJ No L 144, 4. 6. 1987).

COMMISSION REGULATION (EEC) No 3704/87

of 10 December 1987

fixing the export refunds on 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 the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed

from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 11 December 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 December 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 December 1987 fixing the export refunds on malt

CCT heading No	Refund <i>(ECU/tonne)</i>
11.07 A I b)	146,30
11.07 A II b)	184,36
11.07 B	214,86

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 July 1987

on the redesignation of assisted areas in Denmark on 1 January 1987

(only the Danish text is authentic)

(87/573/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 as provided in Article 93,

Whereas :

I

1. The Danish Law of 13 March 1985⁽¹⁾ provides for a distinction between two categories of regions eligible for aid : priority assisted areas where aid can be granted up to 35 % gross (25 % net grant equivalent) and normal assisted areas where the maximum intensity of aid is 25 % gross (16,9 nge).

The areas concerned were those approved for a five-year period by the Commission Decision 82/691/EEC⁽²⁾.

2. By letter dated 9 October 1986, the Danish Government notified to the Commission the redesignation of regional development areas for a five-year period from

1 January 1987. To classify areas in one of the two categories, the Danish Government has used a ranking of all Danish areas by the Danish Regional Development Council. The ranking of the Council was based, as in 1981, on the division of Denmark into the groups of districts ('kommuner') specified in the Regional and National Planning Act. These groups, numbered from 1 to 59, each contain 1 to 16 districts and their population varies between 11 665 and 350 789 inhabitants. For each of them a synthetic index as calculated composed of five indicators : the proportion of the total population aged 20 to 66 on 1 January 1985, average activity rate in 1980-1982-1984 expressed as a proportion of the number insured against unemployment, average taxable income per taxable person in 1983, and employment both in the public and private service sector and in manufacturing industry (excluding building and construction, the extractive industries and public utilities) in November 1983. Before being added up, the five indicators were corrected for their standard deviation and a double weighting was given to employment and income. Alternative indices were also calculated adding up the five indicators without any double weighting and with a double weighting for employment only, to compare possible changes in ranking.

⁽¹⁾ Approved by the Commission on 20 February 1985.
⁽²⁾ OJ No L 290, 14. 10. 1982, p. 39.

The ranking showed that since 1982 the trend had been positive in most of the aided areas.

The Danish Government therefore proposed that the population covered be reduced from 24,1 % to 20,7 % of Denmark's population. The population living in priority and ordinary assisted areas would be respectively 11,1 % and 9,6 % of the Danish population as against the current distribution of 15,5 % and 8,5 %.

3. The Commission has scrutinized both the existing and proposed areas in the national and Community context under Article 92 (3) of the EEC Treaty.

This scrutiny showed that no Danish region could be considered as experiencing abnormally low living standards or suffering from serious underemployment and that therefore assistance to none of the areas proposed could be accepted under the terms of Article 92 (3) (a) of the EEC Treaty.

Furthermore, no justification under Article 92 (3) (c) of the EEC Treaty could be found for the continuation of regional aid in the following districts: Spøttrup in the county ('amtskommune') of Viborg, Egvad, Holmsland, Ringkøbing and Skjern in the county of Ringkøbing.

The Commission also raised objections to the classification of the following groups of districts as priority assisted areas instead of ordinary assisted areas, with the implied higher aid ceiling: Nos 52, 53, 57, 47, 46, 45, 34 and the districts of Højer and Tønder in Sønderjylland; and to the upgrading of the previous ordinary assisted group of district No 21 in Sønderjylland.

At its meeting of 3 December 1986 the Commission therefore decided to initiate the Article 93 (2) of the EEC Treaty procedure in respect of these measures of the proposal.

It informed the Danish Government thereof by letter of 10 December 1986 and the Governments of the other Member States by letters of 12 March 1987, asking them to submit their observations.

In accordance with Article 93 (2) of the EEC Treaty a notice to other interested parties was also published in the *Official Journal of the European Communities* on 27 March 1987.

II

The Danish Government submitted its observations in a letter dated 23 February 1987 and during meetings between the Danish authorities and the Commission, held on 19 May and 1 June 1987.

The Danish Government's arguments can be divided in two categories: general arguments and arguments pertai-

ning to the areas in respect of which the Commission had reservations.

Its first general argument was that Denmark, provides regional aid to a smaller percentage of its population, has a smaller per capita aid budget and also supports a lower percentage of overall investments, of which moreover the vast majority goes to small and medium-sized businesses, than any other Member State in the Community.

It also pointed out that a further scaling down of aid in Denmark would create distorting effects on competition as long as the neighbouring Scandinavian countries and Germany grant higher aid.

It further criticized several points in relation to the method used by the Commission in its scrutiny.

The Danish Government asked further why the Commission rejected three of the indicators used by the Danish Regional Council.

On the districts whose classification as priority or ordinary assisted area the Commission had challenged, the following criticisms were made. Although the Danish Government had suggested downgrading four districts of Nordjylland to take into account the improvement of its situation, the Commission wanted eleven more districts to be downgraded, disregarding their relative position compared to the rest of the country and their peripheral location. Moreover, the Danish Government proposed granting aid of 25 % nge only to small and medium-sized business in these eleven districts.

In the county of Viborg, the Commission, in requesting the exclusion of the district of Spøttrup, did not take into account its geographical and structural links with the accepted adjoining group of districts. The same criticism was made with regard to the requested downgrading of group No 47, which borders on an accepted assisted group in Nordjylland with similar characteristics.

When objecting against the maintaining of eight currently assisted districts of the county of Ringkøbing, the Commission did not take into account their inclusion by Council Regulation (EEC) No 3638/85⁽¹⁾, in the Danish non-quota fisheries-programme area on 17 December 1985, and the difficulties for the Danish Government in implementing its participation in this programme, if it is prevented from granting aid.

With regard to Sønderjylland, the Commission disregarded the high level in the German area of Flensburg when objecting to the priority status of the border districts Højer and Tønder, and the deterioration of the socio-economic situation in the area of Gram, against whose upgrading to priority assisted area it objected.

⁽¹⁾ OJ No L 350, 27. 12. 1985, p. 17.

III

No other Member States replied to the Commission's invitation to comment. Of the parties concerned, other than the Member States, the Danish county of Storstrøm submitted its comments by letter of 22 April 1987 pursuant to the notice published in the *Official Journal of the European Communities* of 27 March 1987. It expressed the view that the whole of Lolland and also Falster and Møn should become priority areas.

IV

1. The aid for industrial and service investment provided under the Danish Regional Development Law of 13 March 1985 falls within the scope of Article 92 (1) of the EEC Treaty.

The aid is given to firms undertaking eligible types of investment in assisted areas. It favours those firms in as far as the same aid is not granted to similar investments outside those areas.

The aid provided under the Danish Regional Development Law distorts competition because it calculably improves the recipient's return on his investment, in comparison with competitors who do not receive such assistance. The distortions of competition are appreciable. The aid can amount to 16,9 %, 20 % or 25 % nge. A reduction in the costs of investment by such margins makes investments artificially more profitable for the assisted firm than for its unaided competitors.

In so far as the aid induces firms to choose another location, this also constitutes a distortion of competition falling within Article 92 (1), since the institution of a system ensuring that competition in the common market is not distorted (Article 3 (f) of the EEC Treaty) implies that firms should be allowed to make up their own minds where to locate and that their choice should therefore not be swayed or guided by financial inducements.

The aid concerned in the present case also affects trade between Member States. Although, in assessing the implementation of a general aid scheme such as the Regional Development Law it is not possible to say exactly where the recipients' markets are since the prospective recipients are not known, past experience indicates that at least some of the aided firms, will be active in intra-Community trade. Furthermore, intra-Community trade is also affected when aid furthers national production at the expense of imports from the other Member States.

As shown above, the aid increases the profitability of recipients compared with their competitors. Where intra-Community trade is involved, it must be regarded as affected by the aid.

Trade is also affected by the influence which the aid has on the location decisions of aided firms. When, for example, a firm relocates from one Member State to another, both the relocation itself and the production at, and supply of output from, the new location change trade patterns between Member States.

The aid under the Danish Regional Development Law therefore falls within the scope of Article 92 (1).

2. As the redesignation of assisted areas in Denmark concerns regional aid, the Commission can only accept those regions which do fit within the exceptions from prohibition of State aid that are provided for in Article 92 (3) (a) and (c). These require that the aid should serve specified Community objectives rather than simply serving the interests of the Member State or the aid recipient. The exceptions must be strictly construed when scrutinizing aid schemes or individual aid awards.

In particular, they may be applied only when the Commission is satisfied that market forces alone would be insufficient to guide the recipients towards behaviour that would serve one of the objectives specified in the exception clauses.

To invoke the exceptions in cases where there is no such causal link would be to allow trading conditions between Member States to be affected and competition to be distorted without any compensating benefit to the Community.

In applying the principles set out above in its scrutiny of regional aid schemes, the Commission must satisfy itself that the regions concerned are suffering from problems which are serious enough, in comparison with the situation in the rest of the Community, to justify the grant of aid at the level proposed. The scrutiny must show that the aid is necessary to achieve objectives specified in Article 92 (3) (a) or (c). Where this cannot be demonstrated, it must be assumed that the aid does not serve the objectives specified in the exception clauses, but does little more than further the private interests of the recipient.

3. The exception provided for in Article 92 (3) (a) is applicable to aid which promotes the economic development of areas where the standard of living is abnormally low or where there is serious underemployment.

When the Commission opened the Article 93(2) procedure against the redesignation of the Danish assisted areas under the Regional Development Law, it took the view that the economic and social situation in Denmark, whether nationally or locally, did not justify application of Article 92(3)(a). The Commission stated this position in the annex to its letter to the Danish Government of 10 December 1986.

This view was based on the per capita GDP figures for Denmark during 1981-1984, which grew faster than in the rest of the Community. As a result the lowest per capita GDP of all Danish level III regions is currently more than 2% above the Community average. These relative rankings remain valid even when the differences in purchasing power are taken into account. On the other hand, the highest unemployment index of all Danish level III regions was only 15% above the Community average, and unemployment is currently decreasing in Denmark.

This confirms that neither in Denmark as a whole, nor in the particular areas concerned by this Decision is the standard of living abnormally low or serious underemployment evident.

4. The exception provided for in Article 92(3)(c) is applicable to aid which facilitates the development of certain economic areas without at the same time adversely affecting trading conditions to an extent contrary to the common interest.

The only circumstances in which the effect on trading conditions caused by regional aid can be regarded as not against the common interest are where it can be shown that the aided region suffers from difficulties that are relatively severe by Community standards, that without the aid market forces would not eliminate these difficulties and that the grant of aid does not unduly distort competition in particular sectors.

Therefore, when assessing the compatibility of regional aid with Article 92(3)(c), the Commission must take account both of any serious disparities existing between regions of the same country and of the social and economic situation in the regions concerned by comparison with the rest of the Community.

According to the Court of Justice, the Commission has a discretion the exercise of which involves the economic and social assessments which must be made in a Community context⁽¹⁾.

To ensure that this Community-related assessment is systematic and objective, the Commission has developed a method of determining, for all Member States,

general threshold levels of structural unemployment and per capita gross domestic product from which regional aid can be deemed acceptable. In this method the thresholds for a given Member State are adapted in the light of its relative position in comparison with Community average. The thresholds are therefore more restrictive for more developed Member States. For the rest, the method does not limit to a wider extent the discretion of the Member States to pursue their own regional policy objectives.

On the basis of this method, the current thresholds from which regions (Nomenclature of Territorial Units level III) in Denmark are considered in principle to be eligible for aid were a level of per capita GDP of less than 73% of the national average, or an average unemployment rate of more than 110% of the national average. The Danish authorities were informed of this method by a note dated 8 July 1986.

The result obtained from applying these thresholds was that no county has an index for per capita GDP below 73% of the national average, and that the counties of Storstrøm (index 113), Fyn (index 115) and Nordjylland (index 128) have an unemployment rate above the threshold of 110.

In a second stage, the Commission scrutinized on the basis of the indicators of the groups of districts used by the Danish Government, whether within the counties (NUTS level III) important disparities were noticeable which could warrant a separate assessment of parts of these regions.

For this purpose the groups of districts used in the Danish proposal were examined on the basis of unemployment figures for 1981 to 1985, total population, per capita taxable income in 1983, population density in the same year, net migration, employment in the primary sector and some geographical features such as insularity or borderline areas.

In the county of Nordjylland the Commission distinguished the northeastern part covering groups Nos 52, 53 and 57 from southwestern part covering groups Nos 55, 56, 58 and 59 and the island of Læsø (No 54). In the county of Viborg the Commission clustered the three northern groups (Nos 45, 46 and 47). In Ringkøbing group 34 was assessed separately. So was the island of Samsø in county of Århus. The two northern groups of that county (Nos 40 and 41) were assessed together. In the western part of Sønderjylland the Commission clustered groups Nos 21, 23, 24 and 28. In the county of Fyn, the Commission assessed the three groups proposed separately since they did not form a geographical unit. In the County of Storstrøm, East and West Lolland were also assessed separately to take fully into account the socio-economic consequences of the closing of the Nakskov shipyards on the latter.

⁽¹⁾ Case 730/79 Philip Morris, Holland BV v. Commission (1980) ECR 2671 ground 24.

With regard to the aid level proposed, the Commission deemed compatible with the common market aid up to the highest ceiling where unemployment was highest. This prompted the Commission to raise no objection to the aid level proposed in district groups Nos 54, 34, 20, 17, 16 and 12, the region formed by groups Nos 55, 56, 57 and 59 and the area covering groups Nos 40 and 41. Taking into account its increasing unemployment index, West Lolland — group 11 — was accepted as a priority assisted area.

The islands of Bornholm and Samsø were accepted on the basis of their specific problems as islands and the latter also in view of its negative net migration figure.

The Commission similarly did not object to aid in the western part of Sønderjylland, groups 21, 23, 24 and 28, although its unemployment index was below the above threshold. The Commission accepted the region on the grounds of the attraction to investors of the assisted areas in Germany (mainly the Flensburg area), where the relatively high aid of the Eastern border area's programme are offered.

5. However, the Commission did not find any justification for maintaining as priority areas groups Nos 52, 53 and 57 in the county of Nordjylland, 45, 46 and 47 in the county of Viborg, 34 in the county of Ringkøbing, one district in group No 48 and group No 37, mainly because of their relatively low unemployment figures. The upgrading of group 21 in the county of Sønderjylland could not be accepted either.

The Danish Government states that the Commission did not take into account the relative position of the area of Nordjylland compared to the rest of the country when objecting against some of the districts in the priority area. But the Commission's objections are based on a difference in the relative position of respectively the northeastern part and the southwestern part of the county in comparison with the national average. Moreover, limiting of the award of aid of the highest intensity (25 % nge) to small and medium-sized business does not ensure that trading conditions are not affected. Regional aid to such firms must be also justified on regional grounds.

In the county of Viborg, the Commission accepted the inclusion of the district of Spøttrup (group No 48) with the adjoining group No 46 because of their economic similarities. This justifies regional aid in this district. On the other hand, the maintaining of groups 45, 46 and 47 as priority areas could not be accepted because the region is not one of the areas with the highest

unemployment in Denmark. In addition, unemployment has been declining in recent years. Because of this trend and since all the other indicators are satisfactory, the Danish argument concerning the geographical situation (peripherality) could not justify priority status for the area. The same is true for group 34 in the county of Ringkøbing.

The Danish Government also stated that the Commission would make the implementation of the non-quota fisheries programme in group No 37 difficult. The Commission has therefore accepted the granting of aid in the area until the end of the implementation of the Council Regulation concerned.

With regard to the districts of Højer and Tønder in Sønderjylland, the Commission has taken into account the fact that these districts border on a German assisted area, but even then priority area status is not warranted in view of the relatively good socio-economic indicators of the areas to which these districts belong. It objected also against the proposed upgrading of group No 21. This group with a population of only 26 000 could not be assessed separately from the adjoining area of Western Sønderjylland, which has the least unfavourable socio-economic situation of all assisted areas. For this reason the Commission did not deem the upgrading of the group concerned compatible with the common market.

6. Although account has been taken of the fact the Danish aid scheme covers a small percentage of the population, that Denmark has the lowest per capita aid budget in the Community and the lowest aid percentage of overall investments, the Commission is nonetheless bound to assess whether the regions and the aid levels proposed are warranted under Article 92 (3).

Nor can the aid granted in EFTA-Member States, from which industrial goods are imported into the common market free of duty, be accepted as a justification for regional aid in Denmark under Article 92. Furthermore, the Commission is not able to assess the level of the aid granted in the Scandinavian countries.

With regard to the indicators used by the Danish authorities, the Commission did not use three of them: — activity in manufacturing industry, activity in the service sector, and the proportion of the population aged 18-66. The first two are already reflected in one of the indicators used by the Commission (employment in the primary sector). The third has not been used because it is of no direct relevance.

7. The Commission deems it warranted to provide for a transitional period of two years for the reduction of the aid ceiling in the abovementioned areas in the counties of Nordjylland, Viborg, Ringkøbing and Sønderjylland and for a transitional period of three years, i.e. for the duration of the non-quota fisheries programme, for the area in the county of Ringkøbing where aid is to be abolished. Applications for aid for investment may thus still be made in the former areas until 31 December 1988 and in the latter until 31 December 1989, on the scale previously approved by the Commission.
8. To enable the Commission to check if the aid granted in the future under the scheme keeps within the approved limits, the Commission should further be sent an annual report showing, *inter alia*, the total amount of aid awarded, the value of the aided investment and the number of awards,

HAS ADOPTED THIS REGULATION :

Article 1

The award of aid in the districts of Viborg, Egvad, Holmsland, Ringkøbing and Skjern in the county of Ringkøbing is hereby found to be incompatible with the common market under Article 92 (1) of the EEC Treaty. Denmark shall discontinue such aid as from 1 January 1990. Applications for aid submitted up to 31 December 1989 may be processed after that date in accordance with the provisions of the Danish Act of 13 March 1985.

Article 2

The award of aid for investment by firms in the districts of Hirtshals, Hjørring, Løkken-Vrå, Sindal, Skagen, Dronninglund, Hals, Nibe, Sejflod, Skørping and Åbybro in the county of Nordjylland, Hanstholm, Sydthy, Thisted, Morsø, Sallingsund, Sundsøre, Møldrup and Ålestrup in the county of Viborg, Lemving, Thyborøn, Harboøre, Thyholm and Ulfborg-Vemb in the county of Ringkøbing, and Højer and Tønder in the county of Sønderjylland is hereby deemed compatible with the common market under Article 92 (3) of the EEC Treaty in so far its intensity remains below 17 % nge. Denmark shall discontinue the award of aid with a higher intensity as

from 1 January 1989. Applications for aid submitted up to 31 December 1988 may be processed after that date.

Article 3

In the districts of Gram, Nørre Ringstrup and Rødding in the county of Sønderjylland, the award of aid with an intensity of 17 % nge or more is hereby deemed incompatible with the common market under Article 92 (3) of the EEC Treaty.

Article 4

This Decision shall be without prejudice to compliance with the Community rules and regulations applicable to the combination of different kinds of aid, to agricultural enterprises run on industrial lines or in certain sectors of industry, agriculture and fisheries.

Article 5

Denmark shall every year before the end of June present to the Commission a report containing information on the total amount of regional aid awarded, the value of the aided investment and the number of awards. This information shall be given by region (level III according to the Nomenclature of Territorial Units drawn up by the Statistical Office of the European Communities) and by sector (two-digit sectoral breakdown according to the General Industrial Classification of Economic Activities drawn up by the Statistical Office of the European Communities). In addition, the Commission will from time to time examine a certain number of individual cases.

Article 6

Denmark 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 7

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 15 July 1987.

For the Commission

Peter SUTHERLAND

Member of the Commission