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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 1021/88**

of 18 April 1988

**extending the anti-dumping duty imposed by (EEC) No 1058/86 to certain electronic scales assembled in the Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 13 (10) thereof,

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

Whereas :

**A. Procedure**

(1) In July 1987, the Commission received a complaint lodged by W & T Avery Ltd, Esselte Moreau SA and Bizerba-Werke Wilhelm Kraut GmbH & Co. KG, representing the majority Community production of electronic scales. The complaint contained sufficient evidence of the fact that following the opening of the investigation on electronic scales originating in Japan<sup>(3)</sup>, which led to the adoption of Regulation (EEC) No 1058/86<sup>(4)</sup> imposing a definitive anti-dumping duty on imports of those products, two companies were assembling electronic scales in the Community under the conditions referred to in Article 13 (10) of Regulation (EEC) No 2176/84. After consultation, the Commission accordingly announced, by notice published in the *Official Journal of the European Communities*<sup>(5)</sup>, the initiation of an

investigation, under the said Article 13 (10), concerning electronic scales assembled in the Community by the following companies :

- TEC (UK) Ltd, Preston, United Kingdom,
- TEC-Keylard Weegschalen Nederland BV.

(2) The Commission so advised the companies concerned, the representatives of Japan and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) The two companies concerned as well as the complainants made their views known in writing. TEC (UK) and the complainants requested and were granted hearings by the Commission.

(4) No submissions were made by purchasers of electronic scales assembled in the Community. The Commission sought and verified all information it deemed necessary for the purpose of the assessment of the character of the alleged assembly operations and carried out investigations at the premises of the following companies :

- TEC (UK) Ltd, Preston, United Kingdom,
- TEC-Keylard Weegschalen Nederland BV.

(5) The period of investigation was from 1 January to 31 July 1987.

**B. Relationship or association with exporter**

(6) It was found that TEC (UK) was a subsidiary of TEC (Japan) and that TEC-Keylard had substantial capital links and close economic and commercial relations with TEC (Japan).

**c. Production**

(7) The two companies started their assembly operations after the initiation of the anti-dumping proceeding concerning the imports of electronic scales originating in Japan on 3 September 1983.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No C 236, 3. 9. 1983, p. 5.

<sup>(4)</sup> OJ No L 97, 12. 4. 1986, p. 1.

<sup>(5)</sup> OJ No C 235, 1. 9. 1987, p. 3.

**D. Parts**

- (8) The value of parts and the ratio between Japanese parts and parts of other origin were determined on the basis of the companies' purchase prices of these parts when delivered to the factories in the Community, that is on an into-factory, duty-paid basis.

*TEC-Keylard*

- (9) TEC-Keylard claimed that some sub-assembled items of significant value used for some models were of Community origin. It was found that these items were assembled in the Community by an independent Community producer, from parts imported from Japan, from parts purchased in the Community, and from parts manufactured by this Community producer itself. On the basis of information received from two sources, one being the complainants carrying out virtually identical assembly operations themselves and the other being the company referred to above, it was concluded that this sub-assembly did constitute a substantial process or operation as required by Article 5 of Regulation (EEC) No 802/68<sup>(1)</sup>. The assembly operation and the manufacture of the components carried out in the Community was of a substantial nature. The item was thus of Community origin.
- (10) The weighted average value of Japanese parts for all models produced by TEC-Keylard was found to be less than 60 %. The investigation is, therefore, terminated by a Commission Decision.

*TEC (UK)*

- (11) Only one model was produced during the investigation period. It was found that the value of Japanese parts used by TEC (UK) was 92,38 % of the total parts value.

**E. Other circumstances**

- (12) Consideration was given to other relevant circumstances with regard to the assembly operations referred to above, in accordance with Article 13 (10) (a) of Regulation (EEC) No 2176/84.
- (13) It was found that no genuine attempts had been made by TEC (UK) to change the sourcing pattern.

- (14) As to direct labour, it was found that a very limited number of new jobs had been created by the assembly operations of TEC (UK). Furthermore, this company only carries out simple assembly operations of a very basic nature, whereas the Community producers normally have an integrated, in-depth production which requires more personnel. Since the increased sales of assembled electronic scales result in decreased sales by the Community producers, it can only be concluded that the functioning of the assembly operation of that company has resulted in a net loss of employment in the Community.

- (15) Furthermore, as regards research and development, it was found that none was carried out in the Community. In this context, TEC (UK) claimed that the fact that its technical manager visited TEC Japan's factory for two months in order to receive training as well as its decision to set up an R & D centre for the development of software application should be duly taken into consideration. This claim has to be rejected since these activities, one of which has yet to become operational, do not constitute research and development carried out in the Community for the products under consideration.

**F. Conclusions**

- (16) In view of the foregoing, it is concluded that the anti-dumping duty imposed by Regulation (EEC) No 1058/86 should be extended to certain electronic scales assembled in the Community.

The amount of the duty to be collected, which takes the form of a flat-rate duty for the company concerned, was calculated in a manner to ensure that it corresponds to the percentage rate of the anti-dumping duty applicable to the exporters in question, on the cif value of the parts or materials from Japan as established for the investigation period.

**G. Undertakings**

- (17) TEC (UK), against which protective measures are considered necessary, having been informed of the essential facts and considerations on the basis of which the present measures are being proposed, offered an undertaking referring, in particular, to the attainment of a certain proportion of parts originating in the Community. The Commission does not consider this undertaking to be acceptable at present for reasons that have been given separately to the interested company. The Commission is invited, however, to re-examine the acceptability of the undertaking and to proceed to the necessary verification as soon as it has been

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

informed by the company concerned that the conditions justifying the present extension of the anti-dumping duty to assembled products have been removed. Satisfactory guarantees should also be given that these conditions would not recur in the future,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The definitive anti-dumping duty imposed by Regulation (EEC) No 1058/86 on imports of electronic scales for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing these data) corresponding to CN code ex 8423 81 50, originating in Japan, is hereby also imposed on electronic scales introduced into the commerce of the Community after having been assembled in the Community by TEC (UK) Ltd, Preston, United Kingdom.
2. The duty shall be 65,63 ECU per unit assembled by the company concerned.

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

Done at Luxembourg, 18 April 1988.

*For the Council*  
*The President*  
G. STOLTENBERG

*Article 2*

1. Parts and materials suitable for use in the assembly or production of electronic scales by the company referred to in Article 1 (1) and originating in Japan can only be considered to be in free circulation in so far as they will not be used in the assembly or production operations referred to above.
2. Electronic scales thus assembled or produced shall be declared to the competent authorities before leaving the assembly or production plant for their introduction into the commerce of the Community. For the purpose of levying any anti-dumping duty, this declaration shall be considered to be equivalent to the declaration referred to in Article 2 of Directive 79/695/EEC (1)
3. The provisions in force concerning customs duties shall apply.

*Article 3*

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

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(1) OJ No L 205, 13. 8. 1979, p. 19.

**COUNCIL REGULATION (EEC) No 1022/88**

of 18 April 1988

extending the anti-dumping duty imposed by Regulation (EEC) No 1698/85 to  
certain electronic typewriters assembled in the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 13(10) thereof,

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

Whereas :

**A. Procedure**

(1) In July 1987, the Commission received a complaint lodged by CETMA, the Committee of European Typewriter Manufacturers, on behalf of French, German and Italian producers of electronic typewriters whose collective output constitutes practically all Community production of the product in question. The complaint contained sufficient evidence of the fact that following the opening of the investigation on electronic typewriters originating in Japan<sup>(3)</sup>, which led to the adoption of Regulation (EEC) No 1698/85<sup>(4)</sup> imposing a definitive anti-dumping duty on imports of those products, a number of companies were assembling electronic typewriters in the Community under the conditions referred to in Article 13(10) of Regulation (EEC) No 2176/84. After consultation, the Commission accordingly announced, by notice published in the *Official Journal of the European Communities*<sup>(5)</sup>, the initiation of an investigation, under the said Article 13(10), concerning electronic typewriters assembled in the Community by the following companies :

- Silver Reed International (Europe) Ltd, Watford, United Kingdom,
- Brother Industries (UK) Ltd, Wrexham, United Kingdom,
- Kyushu Matsushita (UK) Ltd, Newport, United Kingdom,

- Sharp Manufacturing Company of UK, Wrexham, United Kingdom,
- Canon Bretagne SA, Liffré, France,
- TEC Elektronik-Werk GmbH, Braunschweig, Germany.

(2) The Commission so advised the companies concerned, the representatives of Japan and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) All the companies concerned as well as the complainants made their views known in writing, requested and were granted hearings by the Commission.

(4) No submissions were made by purchasers of electronic typewriters assembled in the Community. The Commission sought and verified all information it deemed necessary for the purpose of the assessment of the character of the alleged assembly operations and carried out investigations at the premises of the following companies :

- Astec Europe Ltd, Stourbridge, United Kingdom,
- Brother Industries (UK) Ltd, Wrexham, United Kingdom,
- Canon Bretagne SA, Liffré, France,
- Kyushu Matsushita (UK) Ltd, Newport, United Kingdom,
- Sharp Manufacturing Company of UK Ltd, Wrexham, United Kingdom.

Furthermore, the Commission carried out an investigation at the premises of a supplier of sub-assemblies to some of the companies involved. Because it is not directly involved in this investigation, this company requested that its name be withheld. Given the circumstances, this request appears to be justified.

One other company, whose activities in the Community were to be investigated according to the opening notice, namely TEC Elektronik-Werk GmbH, Braunschweig, Germany, ceased assembling electronic typewriters in the Community before the beginning of the investigation. The investigation concerning this company was, therefore, terminated by a Commission decision.

(5) The period of investigation was from 1 January to 31 July 1987.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No C 83, 24. 3. 1984, p. 4.

<sup>(4)</sup> OJ No L 163, 22. 6. 1985, p. 1.

<sup>(5)</sup> OJ No C 235, 1. 9. 1987, p. 2.

**B. Relationship or association with exporter**

- (6) All companies referred to under point 1 were found to be wholly-owned subsidiaries of Japanese exporters of electronic typewriters which are subject to the definitive anti-dumping duty imposed by Regulation (EEC) No 1698/85.
- (7) One company, namely Silver Reed International (Europe) Ltd, claimed that it should not be included in this investigation because the assembly operation was not carried out by Silver Reed but by Astec Europe Ltd. However, the investigation revealed that Astec's activities in this context were limited to the mere assembly of all parts of electronic typewriters which were imported and delivered to it at its premises by Silver Reed. These assembled electronic typewriters were then exclusively sold on the Community market by the Silver Reed Group. This group bore all costs between importation of the parts and the sale of the finished products. An assembly fee was paid to Astec by the Silver Reed Group but this fee constituted only a small percentage of Silver Reed's total costs of sale. In these circumstances, this assembly operation should be considered as having been carried out by Silver Reed.

**C. Production**

- (8) All companies started their assembly operations after the initiation of the anti-dumping proceeding concerning imports of electronic typewriters originating in Japan on 24 March 1984.

**D. Parts**

- (9) The value of parts in question was generally determined on the basis of the companies' purchase prices of these parts when delivered to the factories in the Community. Some companies requested fob or cif values be used. This request had to be rejected since the relevant value is that of the parts and materials as they are used in the assembly operations, that is on an into-factory, duty-paid basis.
- (10) The companies' purchase prices were not used in those cases referred to in detail below where the investigation has shown that they did not adequately reflect their true value. In these cases, the purchase prices were replaced by appropriate alternative prices.

*Canon*

- (11) The investigation revealed that, for some models, the transfer price of certain parts and materials originating in Japan and supplied by Canon Incorporated (Japan) to its subsidiary in the Community did not cover all the costs incurred by Canon Incorporated. The sales prices were,

therefore, adjusted in order to ensure that they reflected Canon Incorporated's purchase price of those parts manufactured by third parties or the totality of Canon Incorporated's own production costs plus the sales, general and administrative expenses incurred by Canon Incorporated and shown in its public accounts.

Canon claimed that one sub-assembled item which was the most costly individual one used for some models was of Community origin. It was found, however, that this item was assembled in the Community, entirely from parts imported from Japan, by a subsidiary company of a Japanese producer which normally manufactures these products in Japan and supplies Canon's mother company there. On the basis of information received from two sources, one being an electronic typewriter producer carrying out a virtually identical assembly operation itself and the other being the company referred to above, it was concluded that this sub-assembly did not constitute a substantial process or operation as required by Article 5 of Regulation (EEC) No 802/68<sup>(1)</sup>. The simple assembly operation carried out in the Community was of a basic and unsubstantial nature compared with the manufacture of the components which was performed in Japan. The item was thus not of Community origin.

Canon requested that the assembly costs of one sub-assembly, incurred in its own factory, should be included in the value of Community parts. This request, however, cannot be granted because the cost of assembly cannot be included in the value of parts or materials used in the assembly or production operations, but constitutes a value added to these parts or materials in the assembly process.

It was found that the value of Japanese parts used by Canon varied according to model from 70 % to 95 % of the total parts value, the weighted average value of Japanese parts for all models assembled during the investigation period being 80 %.

*Brother*

- (12) The weighted average value of Japanese parts for all models produced by Brother was found to be less than 60 %. The investigation is, therefore, terminated by a Commission Decision.

*Kyushu Matsushita*

- (13) The investigation revealed, for almost all models, a situation identical to the one described under the second paragraph of point 11. The same conclusion was drawn.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

It was found that the value of Japanese parts used by Kyushu Matsushita varied according to model from 77 % to 94 % of the total parts value, the weighted average value of Japanese parts for all models assembled during the investigation period being 82 %.

#### *Sharp*

- (14) The investigation revealed that the transfer price of certain parts and materials originating in Japan and supplied by Sharp Corporation (Japan) to its subsidiary in the Community did not cover all the costs incurred by Sharp Corporation. The same observations as in the first paragraph of point 11, can be made and the same conclusion drawn in the case of Sharp.

Sharp claimed that one sub-assembled item used for most models, which was the most costly individual one, was of Community origin. It was found, however, that Sharp Corporation (Japan) sold all individual items to an unrelated Community company which carried out the sub-assembly and subsequently sold the product to Sharp. Sharp claimed that the entire sales price should be included in the computation as Community value. On the basis of information provided by a company carrying out a complete production cycle of the product concerned and on the basis of generally known facts regarding this product, it was concluded that this sub-assembly did not constitute a substantial process or operation as required by Article 5 of Regulation (EEC) No 802/68. The simple assembly operation carried out in the Community was of a basic and unsubstantial nature compared with the manufacture of the components which was performed in Japan. This item was thus not of Community origin.

It was found that the value of Japanese parts used by Sharp varied according to model from 72 % to 97 % of the total parts value, the weighted average value of Japanese parts for all models assembled during the investigation period being 75,7 %.

#### *Silver Reed*

- (15) It was found that the value of Japanese parts used by Silver Reed varied according to model from 95 % to 97 %, the weighted average value of Japanese parts for all models assembled during the investigation period being 96 %.

#### **E. Other circumstances**

- (16) Consideration was given to other relevant circumstances with regard to the assembly operations referred to above, in accordance with Article 13 (10) (a) of Regulation (EEC) No 2176/84.
- (17) In most cases, Brother being an exception, it was found that, the nature of the parts sourced in the Community was relatively simple and that they were of low value, limited in one case to packaging materials only. All parts of a higher technological value were imported from Japan and few genuine attempts appear to have been made to substantially change the sourcing pattern.
- (18) Some companies claimed that it was impossible to find sources of supply in the Community which guarantee a required level of quality. This was found to be an incorrect statement. Community producers of electronic typewriters, of comparable quality to those of the companies concerned, source their parts in the Community and Brother has proved that it is not indispensable to use predominantly parts of Japanese origin.
- (19) Furthermore, it was claimed that it was extremely difficult to have a high level of sourcing of parts outside Japan during the earlier stages of the production of new models. The example of Brother, which has always had a high level of Community sourcing, has shown that this claim is incorrect.
- (20) As to direct labour, it was found that a certain number of new jobs had been created by the companies concerned, in particular by Brother. However, the companies investigated only carry out assembly operations whereas the Community producers normally have an integrated, in-depth production which requires more personnel. Since the increased sales of assembled electronic typewriters result in decreased sales by the Community producers, it can only be concluded that the functioning of the assembling companies has resulted in a net loss of employment in the Community.
- (21) Furthermore, as regards research and development, it was found that none was carried out in the Community. In this context, Sharp claimed that its so-called 'Creative Center Europe' and its 'Engineering Research Office' should be duly taken into consideration. The purpose of the former is to 'improve the design of Sharp products so as to ensure their complete compatibility with European



lifestyles'. The purpose of the latter is to 'survey and collect data on the most advanced engineering techniques and developments' and 'to collate all available information on technological, research and development and engineering processes in Europe, analyse these and inform' the Sharp companies 'of improvements and developments'. It is not evident that these activities relate to electronic typewriters and, in any case, they are not considered to constitute research and development carried out in the Community.

- (22) Some companies claimed to have transferred technology to the Community by setting up assembly operations. However, since assembly technology for electronic typewriters has been known in the Community for longer than in Japan, this claim cannot be accepted.
- (23) Kyushu Matsushita requested that it be taken into consideration that it had never exported complete electronic typewriters to the Community. However the anti-dumping duty imposed by Regulation (EEC) No 1698/85 applies equally to Kyushu Matsushita and therefore Article 13(10) of Regulation (EEC) No 2176/84 is applicable to this case.

#### F. Conclusions

- (24) In view of the foregoing, it is concluded that the anti-dumping duty should be extended to certain electronic typewriters assembled in the Community. The amount of the duty to be collected, which takes the form of a flat-rate duty for each company, was calculated in a manner to ensure that it corresponds to the percentage rate of the anti-dumping duty, applicable to the exporters in question, on the cif value of the parts or materials from Japan as established for the investigation period.

#### G. Undertakings

- (25) The companies against which protective measures are considered necessary have been informed of the essential facts and considerations on the basis of which the present measures have been proposed. All these companies, with the exception of Silver Reed, offered undertakings referring, in particular, to the attainment of a certain proportion of parts originating in the Community. The Commission does not consider these undertakings to be acceptable at present for reasons that have been given separately to the interested companies. The Commission is, however, invited to re-examine the acceptability of undertakings and to proceed to the necessary verification as soon as it has been informed by the companies concerned that the conditions justifying the present extension of the anti-dumping duty to assembled products have

been removed. Satisfactory guarantees should also be given that these conditions would not recur in the future,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The definitive anti-dumping duty imposed by Regulation (EEC) No 1689/85 on imports of electronic typewriters, whether or not incorporating calculating mechanism, originating in Japan, is hereby also imposed on electronic typewriters, whether or not incorporating calculating mechanisms, corresponding to CN codes 8469 10 00, ex 8469 21 00, ex 8469 29 00 and ex 8470 90 00, introduced into the commerce of the Community after having been assembled in the Community by:

- Canon Bretagne (France),
- Kyushu Matsushita (United Kingdom),
- Sharp (United Kingdom),
- Silver Reed (United Kingdom).

2. The rate of duty shall be as set out below per unit assembled by the companies concerned:

— Canon Bretagne (France)	44,00 ECU,
— Kyushu Matsushita (United Kingdom)	40,94 ECU,
— Sharp (United Kingdom)	21,82 ECU,
— Silver Reed (United Kingdom)	56,14 ECU.

#### Article 2

1. Parts and materials suitable for use in the assembly or production of electronic typewriters by the companies referred to in Article 1(1) and originating in Japan can only be considered to be in free circulation in so far as they will not be used in the assembly or production operations referred to above.

2. Electronic typewriters thus assembled or produced shall be declared to the competent authorities before leaving the assembly or production plant for their introduction into the commerce of the Community. For the purpose of levying an anti-dumping duty, this declaration shall be considered to be equivalent to the declaration referred to in Article 2 of Directive 79/695/EEC<sup>(1)</sup>.

3. The provisions in force concerning customs duties shall apply.

#### Article 3

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

<sup>(1)</sup> OJ No L 205, 13. 8. 1979, p. 19.

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

Done at Luxembourg, 18 April 1988.

*For the Council*  
*The President*  
G. STOLTENBERG

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**COUNCIL REGULATION (EEC) No 1023/88**  
of 18 April 1988

**opening for 1988, as an autonomous measure, a special import tariff quota for high quality, fresh, chilled or frozen beef and veal falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas, in view of the market situation for beef and veal both within and outside the Community, provision should be made for the opening for 1988, as an autonomous measure, of a special Community import tariff quota for 8 000 tonnes, at a duty of 20 %, of high quality fresh, chilled or frozen beef and veal falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 ;

Whereas equal, continuous access for all operators concerned in the Community to the said tariff quota and the uninterrupted application of the rate laid down for that quota to all imports of the products concerned in all the Member States until the volume provided for is exhausted should in particular be ensured ; whereas, to this end, a system for utilizing the Community tariff quota, based on the presentation of a certificate of authenticity guaranteeing the type, provenance and origin of the products is called for ;

Whereas rules for the application of these provisions should be adopted in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(2)</sup>, as last amended by Regulation (EEC) No 3905/87<sup>(3)</sup>,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. A special Community tariff quota for high quality, fresh, chilled or frozen beef and veal falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 is hereby opened for 1988.

The total amount of this quota shall be 8 000 tonnes expressed in weight of the product.

2. Within the context of the quota referred to in paragraph 1, the duty shall be 20 %.

*Article 2*

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

- (a) provisions guaranteeing the type, provenance and origin of the products in question and laying down the document to be used for this purpose ; and
- (b) provisions relating to the recognition of the document provided for in (a)

shall be determined.

*Article 3*

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

It shall be applicable from 1 January 1988.

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

Done at Luxembourg, 18 April 1988.

*For the Council*

*The President*

I. KIECHLE

<sup>(1)</sup> Opinion delivered on 11 March 1988 (not yet published in the Official Journal).

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(3)</sup> OJ No L 370, 30. 12. 1987, p. 7.

**COUNCIL REGULATION (EEC) No 1024/88**

of 18 April 1988

**opening, for 1988, a special unilateral tariff quota for imported fresh high-quality beef and veal falling within CN codes 0201 and 0206 10 95**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the Agreement which was concluded following the negotiations, held with Argentina pursuant to Article XXIV (6) of the GATT, consequent on the accession of the Kingdom of Spain and the Portuguese Republic, provides for a unilateral concession under which 1 000 tonnes of fresh high-quality beef and veal falling within CN codes 0201 and 0206 10 95 may be imported for 1988 at a rate of duty of 20 %, thus covering the period which is to run between the signing of the Agreement and its entry into force in the Community;

Whereas there should be a guarantee of, *inter alia*, equal and continuing access for all interested importers in the Community to the tariff quota and of uninterrupted application of the rate laid down for that quota to all imports of the product in question, in all the Member States until the amount is used up; whereas, to that end, it is advisable to introduce a system of utilization of the tariff quota, based on the presentation of a certificate of authenticity guaranteeing the nature, the provenance and the origin of the products;

Whereas detailed implementing rules should be adopted in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and

veal <sup>(3)</sup>, as last amended by Regulation (EEC) No 3905/87 <sup>(4)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A special tariff quota for fresh high-quality beef and veal falling within CN codes 0201 and 0206 10 95 is hereby opened for 1988.

The said tariff quota shall total 1 000 tonnes expressed in weight of the product.

2. Within the context of the quota referred to in paragraph 1, the duty shall be 20 %.

No levy shall apply to the said quota.

*Article 2*

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

- (a) the provisions guaranteeing the nature, provenance and origin of the products in question and providing for the document to be used for that purpose;
- (b) the provisions relating to the recognition of the document provided for in (a).

*Article 3*

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

It shall apply with effect from 1 January 1988.

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

Done at Luxembourg, 18 April 1988.

*For the Council*

*The President*

I. KIECHLE

<sup>(1)</sup> OJ No C 30, 4. 2. 1988, p. 11.

<sup>(2)</sup> Opinion delivered on 11 March 1988 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(4)</sup> OJ No L 370, 30. 12. 1987, p. 7.

**COMMISSION REGULATION (EEC) No 1025/88**  
of 19 April 1988

**fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) 3989/87<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 4047/87<sup>(5)</sup> 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 18 April 1988;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4047/87 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 20 April 1988.

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

Done at Brussels, 19 April 1988.

*For the Commission*  
Frans ANDRIESEN  
*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.  
<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 1.  
<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.  
<sup>(5)</sup> OJ No L 378, 31. 12. 1987, p. 99.

## ANNEX

to the Commission Regulation of 19 April 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	14,54	173,36
0712 90 19	14,54	173,36
1001 10 10	71,19	260,58 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	71,19	260,58 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	9,43	191,66
1001 90 99	9,43	191,66
1002 00 00	49,73	168,57 <sup>(6)</sup>
1003 00 10	43,41	175,62
1003 00 90	43,41	175,62
1004 00 10	99,87	148,70
1004 00 90	99,87	148,70
1005 10 90	14,54	173,36 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	14,54	173,36 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	38,03	182,22 <sup>(4)</sup>
1008 10 00	43,41	101,85
1008 20 00	43,41	145,72 <sup>(4)</sup>
1008 30 00	43,41	65,06 <sup>(5)</sup>
1008 90 10	(7)	(7)
1008 90 90	43,41	65,06
1101 00 00	28,19	283,31
1102 10 00	84,61	250,98
1103 11 10	124,11	417,66
1103 11 90	28,27	303,80

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

<sup>(2)</sup> 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'.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within subheading 1008 90 10 (triticale).

**COMMISSION REGULATION (EEC) No 1026/88**  
of 19 April 1988

**fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3989/87<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 4048/87<sup>(5)</sup> 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 18 April 1988;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 April 1988.

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

Done at Brussels, 19 April 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 378, 31. 12. 1987, p. 102.

## ANNEX

to the Commission Regulation of 19 April 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0,86
1008 10 00	0	0	0	0
1008 20 00	0	12,22	12,22	12,22
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0



**COMMISSION REGULATION (EEC) No 1027/88**  
**of 19 April 1988**  
**fixing the export refunds on pigmeat**

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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 3906/87<sup>(2)</sup>, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds<sup>(3)</sup>, and in particular Article 5 (1) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of pigs falling within subheadings 0103 91 10 and 0103 92 19 of the combined nomenclature and certain products falling within heading No 0203; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within subheadings 0210 1951 and 0210 1981, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these subheadings and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within subheading 02 10 91 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within subheadings 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net

weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 4 of Regulation (EEC) No 2768/75 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 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas Commission Regulation (EEC) No 617/86 of 28 February 1986 laying down specific rules on export refunds in the pigmeat sector following the accession of Portugal and amending Regulation (EEC) No 150/86<sup>(4)</sup> established the principle that no Community refund should be granted on pigmeat products originating in Portugal;

Whereas, following the introduction of the combined nomenclature by Council Regulation (EEC) No 2658/87<sup>(5)</sup>, the nomenclature applicable from 1 January 1988 to export refunds on agricultural products was established by Regulation (EEC) No 3846/87<sup>(6)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.
2. The refund referred to in paragraph 1 shall not be granted on exports of products to Portugal.
3. The refund referred to in paragraph 1 shall not be granted on exports of products that originated in Portugal.

*Article 2*

This Regulation shall enter into force on 20 April 1988.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 370, 30. 12. 1987, p. 11.

<sup>(3)</sup> OJ No L 282, 1. 11. 1975, p. 39.

<sup>(4)</sup> OJ No L 58, 1. 3. 1986, p. 46.

<sup>(5)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(6)</sup> OJ No L 366, 24. 12. 1987, p. 1.

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

Done at Brussels, 19 April 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## ANNEX

to the Commission Regulation of 19 April 1988 fixing the export refunds on pigmeat

*(ECU/100 kg, net weight)*

Product code	Destination of refund (1)	Amount of refund	Notes
0103 91 10 000	01	30,00	
0103 92 19 000	01	30,00	
0203 11 10 000	01	40,00	
0203 12 11 000	02	25,00	
	03	45,00	
0203 12 19 000	02	25,00	
	03	42,00	
0203 19 11 000	02	25,00	
	03	42,00	
0203 19 13 000	02	25,00	
	03	45,00	
0203 19 15 000	02	20,00	
	03	35,00	
0203 19 55 110	02	25,00	(2)
	03	50,00	(2)
0203 19 55 130	02	25,00	(2)
	03	45,00	(2)
0203 19 55 190	02	25,00	(2)
	03	45,00	(2)
0203 19 55 310	02	20,00	(2)
	03	40,00	(2)
0203 19 55 390	02	20,00	(2)
	03	35,00	(2)
0203 19 55 900	01	—	
0203 21 10 000	01	40,00	
0203 22 11 000	02	25,00	
	03	45,00	
0203 22 19 000	02	25,00	
	03	42,00	
0203 29 11 000	02	25,00	
	03	42,00	
0203 29 13 000	02	25,00	
	03	45,00	
0203 29 15 000	02	20,00	
	03	35,00	
0203 29 55 110	02	25,00	(2)
	03	50,00	(2)
0203 29 55 130	02	25,00	(2)
	03	45,00	(2)
0203 29 55 190	02	25,00	(2)
	03	45,00	(2)
0203 29 55 310	02	20,00	(2)
	03	40,00	(2)
0203 29 55 390	02	20,00	(2)
	03	35,00	(2)
0203 29 55 900	01	—	
0210 11 11 000	01	52,00	
0210 11 31 100	01	70,00	(3)
0210 11 31 900	01	52,00	
0210 12 11 000	01	35,00	
0210 12 19 000	01	35,00	
0210 19 40 000	01	52,00	

(ECU/100 kg, net weight)

Product code	Destination of refund (1)	Amount of refund	Notes
0210 19 51 100	01	52,00	(2)
0210 19 51 300	01	35,00	(2)
0210 19 51 900	01	—	
0210 19 81 100	01	70,00	(2)
0210 19 81 300	01	52,00	(2)
0210 19 81 900	01	—	
1601 00 10 100	01	35,00	(7)
1601 00 10 900	01	—	
1601 00 91 100	01	58,00	(4) (2) (7) (2)
1601 00 91 900	01	—	
1601 00 99 100	01	40,00	(4) (7) (2)
1601 00 99 900	01	—	
1602 10 00 000	01	16,00	
1602 20 90 100	01	30,00	
1602 20 90 900	01	—	
1602 41 10 100	01	35,00	(6) (8)
1602 41 10 210	02	57,00	(8) (2)
	04	35,00	(8) (2)
	05	60,00	(8) (2)
1602 41 10 290	02	26,00	(8)
	03	28,00	(8)
1602 41 10 900	01	—	
1602 42 10 100	01	35,00	(6) (8)
1602 42 10 210	02	51,00	(8) (2)
	03	54,00	(8) (2)
1602 42 10 290	02	26,00	(8)
	03	28,00	(8)
1602 42 10 900	01	—	
1602 49 11 110	01	35,00	(6) (8)
1602 49 11 190	02	57,00	(8) (2)
	03	60,00	(8) (2)
1602 49 11 900	01	—	
1602 49 13 110	01	35,00	(6) (8)
1602 49 13 190	02	51,00	(8) (2)
	03	54,00	(8) (2)
1602 49 13 900	01	—	
1602 49 15 110	01	35,00	(6) (8)
1602 49 15 190	02	51,00	(8) (2)
	03	54,00	(8) (2)
1602 49 15 900	01	—	
1602 49 19 110	01	28,00	(6) (8)
1602 49 19 190	02	36,00	(8) (2)
	03	38,00	(8) (2)
1602 49 19 900	01	—	
1602 49 30 100	02	26,00	(8) (2)
	03	28,00	(8) (2)
1602 49 30 900	01	—	
1602 49 50 100	01	16,00	(8)
1602 49 50 900	01	—	
1602 90 10 100	01	28,00	
1602 90 10 900	01	—	
1902 20 30 100	01	16,00	
1902 20 30 900	01	—	

- 
- (1) The destinations are as follows :
- 01 All destinations,
  - 02 The United States of America and Canada,
  - 03 All destinations except the United States of America and Canada,
  - 04 Australia,
  - 05 All destinations except the United States of America, Canada and Australia.
- (2) The cuts are classified in this subheading only if they can be identified as originating from the primary cuts mentioned.
- (3) Only those products for which the name is certified by the competent authorities of the producing Member State can benefit from this refund.
- (4) The refund on sausages presented in containers with a preservative liquid is granted on net weight after deduction of weight of this liquid.
- (5) The weight of a coating of paraffin corresponding to normal use in the trade is considered as part of the net weight of the sausage.
- (6) The term 'uncooked' shall apply to products which have not been subjected to any heat-treatment or which have been subjected to a heat-treatment insufficient to ensure the coagulation of meat proteins in the whole of the product and which therefore show traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.
- (7) If composite food preparations (including prepared dishes) containing sausages, are classified under heading No 16.01 because of their composition, the refund is granted only on the net weight of the sausages, the meat and the offal, including fats of any kind or origin, which make part of these preparations.
- (8) The refund on products containing bones is granted on the net weight of the product after deduction of the weight of the bones.
- (9) The refunds shall be granted subject to the conditions laid down in Regulation (EEC) No 171/78. When customs export formalities are completed, the exporter shall declare in writing that the products in question meet those conditions.
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## COMMISSION REGULATION (EEC) No 1028/88

of 19 April 1988

## abolishing the countervailing charge on tomatoes 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 824/88<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 916/88<sup>(3)</sup> introduced a countervailing charge on tomatoes originating in Morocco

Whereas for these products originating in Morocco there were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of tomatoes originating in Morocco can be abolished,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 916/88 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 20 April 1988.

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

Done at Brussels, 19 April 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 85, 30. 3. 1988, p. 5.

<sup>(3)</sup> OJ No L 90, 7. 4. 1988, p. 21.

## COMMISSION REGULATION (EEC) No 1029/88

of 19 April 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EEC) No 3939/87 <sup>(2)</sup>,

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

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 28 March 1988, the level of the premium and the amount to be charged on products leaving that region;

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

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

Whereas Council Regulation (EEC) No 2658/87 <sup>(5)</sup> introduced from 1 January 1988 a new combined nomenclature meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

<sup>(1)</sup> OJ No L 183, 16. 7. 1980, p. 1.

<sup>(2)</sup> OJ No L 373, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 154, 9. 6. 1984, p. 27.

<sup>(4)</sup> OJ No L 161, 17. 6. 1986, p. 25.

<sup>(5)</sup> OJ No L 256, 7. 9. 1987, p. 1.

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 28 March 1988, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 28 March 1988, the level of the premium is fixed at 108,592 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 28 March 1988, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

*Article 3*

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

It shall apply with effect from 28 March 1988.

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

Done at Brussels, 19 April 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## ANNEX

Amount to be charged for products leaving region 5 during the week commencing  
28 March 1988

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	51,038	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	108,592	0
0204 21 00	108,592	0
0204 50 11		0
0204 22 10	76,014	
0204 22 30	119,451	
0204 22 50	141,170	
0204 22 90	141,170	
0204 23 00	197,637	
0204 30 00	81,444	
0204 41 00	81,444	
0204 42 10	57,011	
0204 42 30	89,588	
0204 42 50	105,877	
0204 42 90	105,877	
0204 43 00	148,228	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	141,170	
0210 90 19	197,637	
1602 90 71		
— unboned (bone-in)	141,170	
— boned or boneless	197,637	

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

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 18 April 1988

terminating the investigation under Article 13 (10) of Regulation (EEC) No 2176/84 concerning certain hydraulic excavators assembled or produced in the Community

(88/225/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 13 (10) thereof,

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

#### A. Procedure

- (1) In September 1987, the Commission received a complaint lodged by the Committee for European Construction Equipment representing practically all Community production of the product in question. The complaint contained sufficient evidence to the effect that following the opening of the investigation on hydraulic excavators originating in Japan<sup>(3)</sup>, which led to the adoption of Council Regulation (EEC) No 1877/85<sup>(4)</sup> imposing a definitive anti-dumping duty on

imports of those products, one company was assembling hydraulic excavators in the Community under the conditions referred to in Article 13 (10) of Regulation (EEC) No 2176/84. After consultation, the Commission accordingly announced, by notice published in the *Official Journal of the European Communities*<sup>(5)</sup>, the initiation of an investigation, under the said Article 13 (10), concerning hydraulic excavators assembled in the Community by Komatsu (UK) Ltd, Birtley, County Durham, United Kingdom.

- (2) The Commission so advised the company concerned, the representatives of Japan and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (3) The company concerned as well as the complainants made their views known in writing. They did not request hearings by the Commission.
- (4) No submissions were made by purchasers of hydraulic excavators assembled in the Community. The Commission sought and verified all information it deemed necessary for the purpose of the assessment of the character of the alleged assembly operations and carried out investigations at the premises of Komatsu (UK) Ltd, Birtley, County Durham, United Kingdom.
- (5) The period of investigation was from 1 January to 30 September 1987.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No C 201, 31. 7. 1984, p. 3.

<sup>(4)</sup> OJ No L 176, 6. 7. 1985, p. 1.

<sup>(5)</sup> OJ No C 285, 23. 10. 1987, p. 4.

**B. Relationship or association with exporter**

- (6) The company referred to under point 1 was found to be a wholly owned subsidiary of the Japanese exporters of hydraulic excavators which are subject to the definitive anti-dumping duty imposed by Regulation (EEC) No 1877/85.

**C. Production**

- (7) The company started its assembly operations after the initiation of the anti-dumping proceeding concerning the imports of hydraulic excavators originating in Japan on 31 July 1984.

**D. Parts**

- (8) The value of parts and the ratio between Japanese parts of other origin were determined on the basis of the company's purchase prices of these parts when delivered to the factory in the Community, that is on an into-factory, duty-paid basis.
- (9) Komatsu (UK) Ltd claimed that the direct manufacturing costs of an important part sub-assembled in its premises should be included in the Community parts value because the process of production was not simple assembly but a genuine manufacturing operation. This request, however, cannot be granted because the cost of assembly or production cannot be included in the value of parts or material used in the assembly or production operations but constitutes a value added to these parts or materials in the assembly or production process.
- (10) Accordingly, the weighted average value of Japanese parts, for all models produced by

Komatsu, was found to be less than 60 % of the total parts value.

**E. Termination of the investigation**

- (11) In these circumstances, therefore, the investigation should be terminated without the extension of the anti-dumping duty, imposed on some hydraulic excavators originating in Japan by Regulation (EEC) No 1877/85, to the hydraulic excavators assembled in the Community.
- (12) No objections to this course were raised in the Advisory Committee.
- (13) The complainant was informed of the facts on the basis of which the Commission intended to terminate the investigation and did not comment,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The investigation under Article 13 (10) of Regulation (EEC) No 2176/84 concerning self-propelled hydraulic excavators, track-laying or wheeled, of a total operating weight exceeding six tonnes but not exceeding 35 tonnes, equipped with a single bucket mounted on a boom capable of pivoting through 360°, or intended to be so equipped, falling within CN codes ex 8429 52 00 and ex 8429 59 00, originating in Japan, is hereby terminated.

Done at Brussels, 18 April 1988.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

## COMMISSION DECISION

of 18 April 1988

terminating the investigation under Article 13 (10) of Regulation (EEC) No 2176/84 concerning certain typewriters assembled or produced in the Community with regard to TEC Elektronik-Werk GmbH and Brother Industries (UK) Ltd

(88/226/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 13 (10) thereof,

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

## A. Procedure

(1) In July 1987, the Commission received a complaint lodged by CETMA, the Committee of European Typewriter Manufacturers, on behalf of French, German and Italian producers of electronic typewriters whose collective output constitutes practically all Community production of the product in question. The complaint contained sufficient evidence to the effect that following the opening of the investigation on electronic typewriters originating in Japan<sup>(3)</sup>, which led to the adoption of Council Regulation (EEC) No 1698/85<sup>(4)</sup> imposing a definitive anti-dumping duty on imports of those products, a number of companies were assembling electronic typewriters in the Community under the conditions referred to in Article 13 (10) of Regulation (EEC) No 2176/84. After consultations, the Commission accordingly announced, by notice published in the *Official Journal of the European Communities*<sup>(5)</sup>, the initiation of an investigation, under the said Article 13 (10), concerning electronic typewriters assembled in the Community by the following companies :

— Silver Reed International (Europe) Ltd, Watford, United Kingdom

— Brother Industries (UK) Ltd, Wrexham, United Kingdom  
 — Kyushu Matsushita (UK) Ltd, Newport, United Kingdom  
 — Sharp Manufacturing Company of UK Ltd, Wrexham, United Kingdom  
 — Canon Bretagne SA, Liffré, France  
 — TEC Elektronik-Werk GmbH, Braunschweig, Germany.

(2) The Commission so advised the companies concerned, the representatives of Japan and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) All the companies concerned as well as the complainants made their views known in writing, requested and were granted hearings by the Commission.

(4) No submissions were made by purchasers of electronic typewriters assembled in the Community. The Commission sought and verified all information it deemed necessary for the purpose of the assessment of the character of the alleged assembly operations and carried out investigations at the premises of the following companies :

— Astec Europe Ltd, Stourbridge, United Kingdom  
 — Brother Industries (UK) Ltd, Wrexham, United Kingdom  
 — Canon Bretagne SA, Liffré, France  
 — Kyushu Matsushita (UK) Ltd, Newport, United Kingdom  
 — Sharp Manufacturing Company of UK Ltd, Wrexham, United Kingdom.

Furthermore, the Commission carried out an investigation at the premises of a supplier of subassemblies to some of the companies involved. Because it is not directly involved in this investigation, this company requested that its name be withheld. Given the circumstances, this request appears to be justified.

(5) The period of investigation was from 1 January to 31 July 1987.

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No C 83, 24. 3. 1984, p. 4.

<sup>(4)</sup> OJ No L 163, 22. 6. 1985, p. 1.

<sup>(5)</sup> OJ No C 235, 1. 9. 1987, p. 2.

**B. Relationship or association with exporter**

- (6) All companies referred to under point 1 were found to be wholly owned subsidiaries of Japanese exporters of electronic typewriters which are subject to the definitive anti-dumping duty imposed by Regulation (EEC) No 1698/85.

**C. Production**

- (7) All companies started their assembly operations after the initiation of the anti-dumping proceeding concerning the imports of electronic typewriters originating in Japan on 24 March 1984.

*TEC Elektronik-Werk GmbH*

- (8) TEC ceased assembling electronic typewriters in the Community before the beginning of the investigation.

**D. Parts**

- (9) The value of parts used in the assembly was generally determined on the basis of the companies' purchase prices of these parts when delivered to the factories in the Community.

- (10) It was found that, for all companies referred to under point 1, except TEC and Brother, the weighted average value of Japanese parts for all models produced was more than 60 % of the total value of parts. Consequently and after taking into consideration the circumstances of each case, the extension of the anti-dumping duty imposed by Regulation (EEC) No 1698/85 to certain typewriters assembled in the Community by these companies referred to under point 1 except TEC and Brother.

*Brother Industries (UK) Ltd*

- (11) Brother requested that cif values be used. This request had to be rejected since the relevant value is that of the parts and materials as they are used in the assembly operations, that is on an into-factory, duty-paid basis.

- (12) Brother claimed that some subassembled items which were used for some models were of Community origin. It was found that these items

were assembled in the Community, partly from parts imported from Japan. After investigation, it was concluded that some of these subassemblies did not fulfil the conditions of Article 5 of Council Regulation (EEC) No 802/68<sup>(1)</sup>. The assembly operation carried out in the Community was of an unsubstantial nature compared with the manufacture of the components which was performed in Japan. These items thus not of Community origin.

- (13) It was found however, that the weighted average value of Japanese parts for all models produced by Brother was less than 60 % of the total value of parts.

**E. Termination of the investigation**

- (14) In these circumstances, therefore, the investigation should be terminated without the extension of the anti-dumping duty with regard to TEC-Elektronik GmbH and Brother Industries (UK) Ltd.

- (15) No objections to this course were raised in the Advisory Committee.

- (16) The complainant was informed of the facts on the basis of which the Commission intended to terminate the investigation and did not comment,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The investigation under Article 13 (10) of Regulation (EEC) No 2176/84 concerning electronic typewriters, whether or not incorporating calculating mechanisms falling within CN codes 8469 10 00, ex 8469 21 00, ex 8469 29 00 and ex 8470 90 00, originating in Japan, is hereby terminated with regard to TEC Elektronik-Werk GmbH and Brother Industries (UK) Ltd.

Done at Brussels, 18 April 1988.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

## COMMISSION DECISION

of 18 April 1988

terminating the investigation under Article 13 (10) of Regulation (EEC) No 2176/84 concerning certain electronic scales assembled or produced in the Community with regard to TEC-Keylard Weegschalen Nederland BV

(88/227/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 13 (10) thereof,

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

## A. Procedure

(1) In July 1987, the Commission received a complaint lodged by W & T Avery Ltd, Esselte Moreau SA and Bizerba-Werke Wilhelm Kraut GmbH & Co., KG, representing the majority Community production of electronic scales. The complaint contained sufficient evidence to the effect that following the opening of the investigation on electronic scales originating in Japan<sup>(3)</sup>, which led to the adoption of Council Regulation (EEC) No 1058/86<sup>(4)</sup> imposing a definitive anti-dumping duty on imports of those products, two companies were assembling electronic scales in the Community under the conditions referred to in Article 13 (10) of Regulation (EEC) No 2176/84. After consultation, the Commission accordingly announced, by notice published in the *Official Journal of the European Communities*<sup>(5)</sup>, the initiation of an investigation, under the said Article 13 (10), concerning electronic scales assembled in the Community by the following companies :

— TEC (UK) Ltd, Preston, United Kingdom  
— TEC-Keylard Weegschalen Nederland BV

(2) The Commission so advised the companies concerned, the representatives of Japan and the

complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

- (3) The two companies concerned as well as the complainants made their views known in writing. TEC (UK) and the complainants requested and were granted hearings by the Commission.
- (4) No submissions were made by purchasers of electronic scales assembled in the Community. The Commission sought and verified all information it deemed necessary for the purpose of the assessment of the character of the alleged assembly operations and carried out investigations at the premises of the following companies :
- TEC (UK) Ltd, Preston, United Kingdom  
— TEC-Keylard Weegschalen Nederland BV
- (5) The period of investigation was from 1 January to 31 July 1987

## B. Relationship or association with exporter

- (6) It was found that TEC (UK) was a subsidiary of TEC (Japan) and that TEC-Keylard had substantial capital links and close economic and commercial relations with TEC (Japan).

## C. Production

- (7) The two companies started their assembly operations after the initiation of the anti-dumping proceeding concerning the imports of electronic scales originating in Japan on 3 September 1983.

## D. Parts

- (8) The value of parts in question was determined on the basis of the companies purchase prices of these parts when delivered to the factories in the Community, that is on an into-factory, duty-paid basis.

## TEC (UK)

- (9) Only one model was produced during the investigation period. It was found that the value of Japanese parts used by TEC (UK) was 92,38 % of the total parts' value. Consequently and after taking into consideration the circumstances of the case,

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No C 236, 3. 9. 1983, p. 5.

<sup>(4)</sup> OJ No L 97, 12. 4. 1986, p. 1.

<sup>(5)</sup> OJ No C 235, 1. 9. 1987, p. 3.

the extension of the anti-dumping duty imposed by Regulation (EEC) No 1058/86 to certain electronic scales assembled in the Community by this company, was proposed by the Commission to the Council.

*TEC-Keylard*

- (10) TEC-Keylard claimed that some parts purchased in the Community from a subsidiary of a Japanese manufacturer were, in fact, of non-Japanese origin. It was claimed that the abovementioned manufacturer had transferred its production from Japan to another Asian country and that no such products were produced in Japan during the investigation period. It was found that some of these parts effectively used by TEC-Keylard during the investigation period were of non-Japanese origin. Nevertheless, for the purpose of the calculation of the value of Japanese parts, the whole stock of such parts detained by TEC-Keylard at the end of the investigation period was considered to have been used in the assembly during the investigation period because it cannot be accepted that a part of another origin is effectively used in the assembly operation unless the stocks of parts of the first origin are exhausted.
- (11) TEC-Keylard requested that the 'transformation costs' of some subassemblies incurred in its own factory should be included in the value of EEC parts. This request, however, cannot be granted because the 'transformation costs' are part of the total costs of assembly or production, they cannot be included in the value of parts or materials used in the assembly or production operation, but constitute a value added to these parts or materials in the assembly or production process.
- (12) TEC-Keylard claimed that the value of software included in an electronic component used in a subassembly should be considered to form part of the total value of the subassembly. This request was granted because the value which is to be taken into consideration for the purpose of the investigation under Article 13 (10) of Regulation (EEC) No 2176/84 is the total value of parts or materials as they are used for the assembly of the product investigated.
- (13) TEC-Keylard claimed that some subassembled items used for some models were of Community origin. It was found that these items were assembled in the Community, from parts imported from Japan and from parts purchased in the Community, by an independent Community producer. On the basis of information received

from two sources, one being the complainants carrying out virtually identical assembly operations themselves and the other being the company referred to above, it was concluded that these subassemblies did constitute a substantial transformation as required by Article 5 of Council Regulation (EEC) No 802/68<sup>(1)</sup>. The assembly operation and the manufacture of the components carried out in the Community was of a substantial nature. The item was thus of Community origin.

- (14) According to the weighted average value of Japanese parts for all models produced by TEC-Keylard was found to be less than 60 % of the total parts value.

**E. Termination of the investigation**

- (15) In the circumstances, therefore, the investigation should be terminated without the extension of the anti-dumping duty, imposed on some electronic sales originating in Japan by Regulation (EEC) 1058/86 to electronic scales assembled in the Community with regard to TEC-Keylard.
- (16) No objections to this course were raised in the Advisory Committee.
- (17) The complainants were informed of the facts on the basis of which the Commission intended to terminate the investigation. The Commission however, received no evidence from the companies concerned to alter its conclusions,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The investigation under Article 13 (10) of Regulation (EEC) No 2176/84 concerning electronic scales for use in the retail trade which incorporates a digital display of the weight, unit price and price to be paid (whether or not including a means of printing these data) falling within CN code ex 8423 81 50, originating in Japan, is hereby terminated with regard to TEC-Keylard Welgschalen Nederland BV.

Done at Brussels, 18 April 1988.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 1.

**COMMISSION DIRECTIVE**

of 8 April 1988

**amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs**

(88/228/EEC)

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

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs <sup>(1)</sup>, as last amended by Commission Directive 87/552/EEC <sup>(2)</sup>, and in particular Article 7 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the Annexes were consolidated by Commission Directive 85/429/EEC <sup>(3)</sup>;

Whereas canthaxanthin used as a colouring matter in feedingstuffs for trout and salmon complies under the conditions of use prescribed with the principles governing the admission of additives; whereas it is desirable therefore to authorize this use of canthaxanthin throughout the Community;

Whereas the Vitamin A content of certain feedingstuffs should in certain cases be limited to avoid the possible unfavourable effects that excessive ingestion of this additive could have on health;

Whereas new uses of the antibiotics avoparcin and virginiamycin have been successfully investigated in certain Member States; whereas it is desirable to authorize these new uses provisionally at national level, pending their authorization at Community level;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annexes to Directive 70/524/EEC are hereby amended as set out in the Annex hereto.

*Article 2*

Member States shall, by 16 May 1988 at the latest, bring into force the laws, regulations or administrative provisions necessary to comply with Article 1. They shall immediately inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 8 April 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 270, 14. 12. 1970, p. 1.

<sup>(2)</sup> OJ No L 336, 26. 11. 1987, p. 34.

<sup>(3)</sup> OJ No L 245, 12. 9. 1985, p. 1.



## ANNEX

## 1. In Annex I:

(a) under part F 'Colouring matters including pigments', item 1 'Carotenoids and xanthophylls' the wording of EEC No E 161 g 'Canthaxanthin' is completed as follows:

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedings			
			'(c) Salmon, Trout	—	—	—	80	Use permitted from the age of 6 months onwards

(b) under part H 'Vitamins, provitamins and chemically well-defined substances having a similar effect':

(aa) the following item 1 is hereby added:

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Maximum content iu/kg of complete feedings or of the daily ration	Other provisions
'E 672	1. Vitamin A	—	Chickens for fat- tening Other species or cat- egories of animals	—	20 000 —	All feedings

(bb) the present item 1 'Vitamin D' is renumbered item 2.

(cc) the present item 2 is replaced by the following:

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Maximum content iu/kg of complete feedings or of the daily ration	Other provisions
	'3. All substances in the group except vitamins A and D	—	All species or cat- egories of animals	—	—	All feedings

## 2. In Annex II, part A 'Antibiotics':

(a) the item No 21 'Virginiamycin' is completed as follows:

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorization
					mg/kg of complete feedings	mg/kg of complete feedings			
			'Cattle for fattening	—	15	40		Indicate in the instructions for use: 'For supplementary feeding- stuffs, the maximum dose in the daily ration must not exceed: — for 100 kg bodyweight: 140 mg — above 100 kg: add 6 mg for each additional 10 kg bodyweight'	30.11.1989'

(b) the item No 22 'Avoparcin' is completed as follows:

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorization
					mg/kg of complete feedings	mg/kg of complete feedings			
			'Lambs from the begin- ning of rumination with the exception of pasture- grazed lambs	16 weeks	10	20		—	30.11.1989'