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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1245/88

of 6 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) 1097/88⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 4047/87⁽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 5 May 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 7 May 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 6 May 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	16,55	175,90
0712 90 19	16,55	175,90
1001 10 10	73,91	253,24 ⁽¹⁾ ⁽²⁾
1001 10 90	73,91	253,24 ⁽¹⁾ ⁽²⁾
1001 90 91	11,45	193,48
1001 90 99	11,45	193,48
1002 00 00	51,75	168,86 ⁽⁶⁾
1003 00 10	45,43	176,50
1003 00 90	45,43	176,50
1004 00 10	101,89	150,53
1004 00 90	101,89	150,53
1005 10 90	16,55	175,90 ⁽²⁾ ⁽³⁾
1005 90 00	16,55	175,90 ⁽²⁾ ⁽³⁾
1007 00 90	40,05	186,05 ⁽⁴⁾
1008 10 00	45,43	102,10
1008 20 00	45,43	147,98 ⁽⁴⁾
1008 30 00	45,43	64,77 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	45,43	64,77
1101 00 00	31,23	285,22
1102 10 00	87,65	251,61
1103 11 10	128,41	406,37
1103 11 90	31,32	305,63

⁽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 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 1246/88

of 6 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1097/88⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 4048/87⁽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 5 May 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 7 May 1988.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 102.

ANNEX

to the Commission Regulation of 6 May 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	4,88	4,88	4,88
1001 10 90	0	4,88	4,88	4,88
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
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1247/88

of 5 May 1988

opening an invitation to tender for the sale for export of baled tobacco held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1114/88 ⁽²⁾, and in particular Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 3389/73 ⁽³⁾, as last amended by Regulation (EEC) No 3263/85 ⁽⁴⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

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

HAS ADOPTED THIS REGULATION:

Article 1

Four lots of baled raw tobacco from the 1985 harvest, held by the Italian intervention agency, with a total weight of 5 111 133 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

Article 3

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be 3 p.m., local time, on 13 July 1988.

Article 4

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

- (a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;
- (b) at the end of the sixth month following the said date for the remaining tobacco.

Article 5

1. The security specified in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and by the Azienda di Stato per gli interventi nel mercato agricolo, sezione specializzata per il tabacco (AIMA), via Duccio Galimberti 47, I-00136 Roma.

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

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

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 35.

⁽³⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁴⁾ OJ No L 311, 22. 11. 1985, p. 22.

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

Done at Brussels, 5 May 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

Lot No	Variety	Harvest	Weight (kilograms)
1	Burley I Kentucky	1985	1 249 101
		1985	275 468
			<u>1 524 569</u>
2	Burley I Kentucky	1985	1 197 223
		1985	275 468
			<u>1 472 691</u>
3	Burley I Kentucky	1985	1 035 569
		1985	275 834
			<u>1 311 403</u>
4	Bright Perustitza Benevento Forchheimer Havanna IIc	1985	449 068
		1985	80 737
		1985	4 321
		1985	268 344
			<u>802 470</u>
Total			5 111 133

COMMISSION REGULATION (EEC) No 1248/88

of 6 May 1988

on the issuing of a standing invitation to tender for the resale on the internal market of 50 000 tonnes of barley held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1097/88⁽²⁾, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 50 000 tonnes of barley held by the Spanish intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 50 000 tonnes of barley held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 12 May 1988.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 16 June 1988.
3. Tenders must be lodged with the Spanish intervention agency:

Servicio Nacional de Productos Agrarios,
SENPA,
Beneficencia, 8,
E-28004 Madrid,
(telex : 23427 SENPA E ; tel. : 232 34 88).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1249/88

of 6 May 1988

on the issue of a standing invitation to tender for the resale on the internal market of 9 000 tonnes of common wheat held by the German intervention agency for processing into malt

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1097/88⁽²⁾, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ lays down that invitations to tender are to be organized for the sale of cereals held by intervention agencies;

Whereas Article 4 of Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, provides for the possibility of restricting the use of cereals sold for specific uses and/or destinations;

Whereas, in the present situation of the market, a feature of which is a shortage of common wheat which may be used for malting, a standing invitation to tender should be issued for the resale on the internal market of 9 000 tonnes of common wheat held by the German intervention agency for processing into malt;

Whereas, moreover, as regards verification, the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down detailed rules for verifying the use and/or destination of products from intervention⁽⁶⁾, as last amended by Regulation (EEC) No 727/88⁽⁷⁾, are applicable;

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

1. The German intervention agency shall issue a standing invitation to tender for the disposal on the internal market of 9 000 tonnes of common wheat for processing into malt.

(¹) OJ No L 281, 1. 11. 1975, p. 1.
(²) OJ No L 110, 29. 4. 1988, p. 7.
(³) OJ No L 139, 24. 5. 1986, p. 36.
(⁴) OJ No L 202, 9. 7. 1982, p. 23.
(⁵) OJ No L 223, 11. 8. 1987, p. 5.
(⁶) OJ No L 190, 14. 7. 1976, p. 1.
(⁷) OJ No L 74, 19. 3. 1988, p. 64.

2. Without prejudice to Regulation (EEC) No 1836/82 and in particular the second subparagraph of Article 13 (4) thereof, the following special rules shall apply to this invitation to tender:

— tenderers shall undertake:

— to process or have processed into malt the quantities of common wheat before 30 June 1988. Processing shall be deemed to have taken place when the wheat in question has undergone soaking, and

— to keep stock accounts showing quantities purchased and the uses to which they have been put and, in the case of resale, the names and addresses of purchasers and the quantities sold,

— a security of 15 ECU per tonne shall be lodged by the successful tenderer with the German intervention agency to ensure that the conditions laid down in the first indent are complied with. The security shall be lodged at the latest two working days following the day on which the notification of award of the contract is received.

Article 2

1. The obligations laid down in the first indent of Article 1 (2) shall be considered primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽⁸⁾. They shall be deemed to have been fulfilled only if the successful tenderer provides proof to that effect.

2. Proof of processing into malt of the cereals referred to in this Regulation shall be furnished in accordance with Regulation (EEC) No 1687/76.

Article 3

Regulation (EEC) No 1687/76 is hereby amended as follows:

In Part II of the Annex, 'Products subject to a use and/or destination other than that mentioned under I', the following point and footnote are added:

'48. Commission Regulation (EEC) No 1249/88 of 5 May 1988 on the issue of a standing invitation to tender for the resale on the internal market of 9 000 tonnes of common wheat held by the German intervention agency for processing into malt⁽⁴⁸⁾.

(⁸) OJ No L 205, 3. 8. 1985, p. 5.

On the dispatch of the common wheat in question,
section 104:

- Destinado a ser transformado en malta (apartado 1 del artículo 1 del Reglamento (CEE) n° 1249/88)
- Bestemt til forarbejdning til malt (artikel 1, stk. 1, i forordning (EØF) nr. 1249/88)
- Zur Verarbeitung zu Malz bestimmt (Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1249/88)
- Προορίζεται να μεταποιηθεί σε βύνη (άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1249/88)
- For processing into malt (Article 1 (1) of Regulation (EEC) No 1249/88)
- Destiné à être transformé en malt (article 1^{er} paragraphe 1 du règlement (CEE) n° 1249/88)
- Destinato ad essere trasformato in malto (articolo 1, paragrafo 1 del regolamento (CEE) n. 1249/88)
- Bestemd om tot mout te worden verwerkt (artikel 1, lid 1, van Verordening (EEG) nr. 1249/88)
- Destinado a ser transformado em malte (n° 1 do artigo 1° do Regulamento (CEE) n° 1249/88)

(⁴⁸) OJ No L 119, 7. 5. 1988, p. 8'.

Article 4

1. The closing date for the submission of tenders for the first partial invitation to tender is hereby fixed at 10 May 1988.
2. The closing date for the last partial invitation to tender shall be 17 May 1988.
3. Tenders must be submitted to the German intervention agency:

Bundesanstalt für landwirtschaftliche Marktordnung
BALM,
Adickesallee 40,
D-6000 Frankfurt-am-Main,
(Telex: 4-11475, 4-16044).

Article 5

The German intervention agency shall notify the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, of the quantity and average prices of the various lots sold.

Article 6

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1250/88

of 4 May 1988

postponing the date for the take-over of beef and veal offered for sale by the intervention agencies under Regulation (EEC) No 2374/79

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾,

Whereas Commission Regulation (EEC) No 2374/79 ⁽³⁾, as last amended by Regulation (EEC) No 180/88 ⁽⁴⁾, fixes certain selling prices for beef and veal taken over by the intervention agencies before 1 April 1987; whereas the

situation regarding these stocks is such that this date should be replaced by 1 October 1987;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Regulation (EEC) No 2374/79, '1 April 1987' is hereby replaced by '1 October 1987'.

Article 2

This Regulation shall enter into force on 9 May 1988.

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

Done at Brussels, 4 May 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 272, 30. 10. 1979, p. 16.

⁽⁴⁾ OJ No L 19, 23. 1. 1988, p. 9.

COMMISSION REGULATION (EEC) No 1251/88

of 4 May 1988

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing and repealing Regulation (EEC) No 726/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies are holding stocks of bone-in beef; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84 and (EEC) No 1687/76 ⁽⁵⁾, as last amended by Regulation (EEC) No 727/88 ⁽⁶⁾, and Commission Regulation (EEC) No 2182/77 ⁽⁷⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁸⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EEC) No 726/88 should be repealed ⁽⁹⁾;

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

1. The following approximate quantities of beef shall be put up for sale for processing within the Community :

- 1 500 tonnes of bone-in beef held by the Belgian intervention agency and bought in before 1 October 1986,
- 2 000 tonnes of bone-in beef held by the German intervention agency and bought in before 1 May 1986,
- 2 000 tonnes of bone-in beef held by the Netherlands intervention agency and bought in before 1 May 1986,
- 2 000 tonnes of bone-in beef held by the United Kingdom intervention agency and bought in before 1 December 1986,
- 2 000 tonnes of bone-in beef held by the Irish intervention agency and bought in before 1 November 1986.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The sales shall be conducted in accordance with Regulation (EEC) No 2539/84 together with Regulations (EEC) No 1687/76, (EEC) No 2182/77 and this Regulation.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 16 May 1988.

6. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the offer or, the case being, applications to purchase :

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 74, 19. 3. 1988, p. 64.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁹⁾ OJ No L 74, 19. 3. 1988, p. 60.

(a) shall be valid only if presented by a natural or legal person who for at least 12 months has been engaged in the processing of products containing beef and who is entered in a public register of a Member State;

(b) must be accompanied by:

- a written undertaking by the applicant to process the meat purchased into products specified in Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,
- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the applications to purchase of the offers or, the case being, the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

The time limit for taking over meat of two months set in Article 6 of Regulation (EEC) No 2539/84 is replaced by one month.

Article 4

1. The security provided for in Article 5 (1) (a) of Regulation (EEC) No 2539/84 shall be 5 ECU per 100 kilograms.
2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be 100 ECU per 100 kilograms for unboned hindquarters intended for the manufacture of the products specified in Article 1 (1) of Regulation (EEC) No 2182/77.

Article 5

For the purpose of this Regulation 100 kilograms of bone-in hindquarters equals 64 kilograms of boneless meat after removal of the fillet and the striploin.

Article 6

Regulation (EEC) No 726/88 is hereby replaced.

Article 7

This Regulation shall enter into force on 12 May 1988.

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

Done at Brussels, 4 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ECU por tonelada ⁽¹⁾ ⁽²⁾ Mindstepriser i ECU/ton ⁽¹⁾ ⁽²⁾ Mindestpreise, ausgedrückt in ECU/Tonne ⁽¹⁾ ⁽²⁾ Ελάχιστες τιμές πώλησεως εκφραζόμενες σε ECU ανά τόνο ⁽¹⁾ ⁽²⁾ Minimum prices expressed in ECU per tonne ⁽¹⁾ ⁽²⁾ Prix minimaux exprimés en Écus par tonne ⁽¹⁾ ⁽²⁾ Prezzi minimi espressi in ECU per tonnellata ⁽¹⁾ ⁽²⁾ Minimumprijzen uitgedrukt in Ecu per ton ⁽¹⁾ ⁽²⁾ Preço mínimo expresso em ECUs por tonelada ⁽¹⁾ ⁽²⁾
Belgique/België	— <i>Quartiers arrière provenant des:</i> — <i>Achtervoeten afkomstig van:</i> Catégorie A / categorie A	1 500	1 800
Nederland	— <i>Achtervoeten afkomstig van:</i> Categorie A	2 000	1 800
United Kingdom	— <i>Hindquarters from:</i> Steers / Category C	2 000	1 800
Bundesrepublik Deutschland	— <i>Hinterviertel:</i> Kategorie A	2 000	1 800
Ireland	— <i>Hindquarters from:</i> Steers / Category C	2 000	1 800

⁽¹⁾ En caso de que los productos estén almacenados fuera del Estado miembro al que pertenezca el organismo de intervención poseedor, estos precios se ajustarán con arreglo a lo dispuesto en el Reglamento (CEE) n° 1805/77.

⁽¹⁾ I tilfælde, hvor varer er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

⁽¹⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽¹⁾ Στην περίπτωση που τα προϊόντα είναι αποθεματοποιημένα εκτός του κράτους μέλους στο οποίο υπάγεται ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

⁽¹⁾ In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

⁽¹⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽¹⁾ Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽¹⁾ Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽¹⁾ No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) n° 1805/77.

⁽²⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽²⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽²⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽²⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽²⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽²⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽²⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽²⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽²⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

BELGIQUE/BELGIË: Office belge de l'économie et de l'agriculture
rue de Trèves 82
1040-Bruxelles
Tél. 02/230 17 40, télex 24076 OBEA BRU B

Belgische Dienst voor Bedrijfsleven en Landbouw
Trierstraat 82
1040-Brussel

**BUNDESREPUBLIK
DEUTSCHLAND:** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107, Adickesallee 40
6000 Frankfurt am Main 18
Tel. (069) 1 56 40 App. 772/773 Telex: 041156

IRELAND: Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

NEDERLAND: Voedselvoorzienings In- en Verkoopbureau
Ministerie van Landbouw en Visserij
Postbus 960
6430 AZ Hoensbroek
Tel. (045) 22 20 20
Telex: 56396

UNITED KINGDOM: Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848302

COMMISSION REGULATION (EEC) No 1252/88
of 4 May 1988

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 1687/76 and repealing Regulation (EEC) No 727/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3905/87⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold substantial stocks of boned intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question and it is appropriate therefore to offer this meat for sale in accordance with Commission Regulations (EEC) No 2539/84 and (EEC) No 2824/85⁽⁵⁾ with certain derogating provisions applying in order to cover cases where the beef is stored in another Member State;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁶⁾, as last amended by Regulation (EEC) No 3988/87⁽⁷⁾;

Whereas in order to ensure that beef sold is exported the lodging of security, as specified at (a) of Article 5 (2) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector; whereas, for the same reason, the additional code No 7034 referred to in Part 3 of the Appendix to Annex I to Commission Regulation (EEC) No 3938/87 of 23 December 1987 fixing the monetary compensatory amounts applicable in the agricultural sector and certain coefficients and rates required for their application⁽⁸⁾, as last amended by Regulation (EEC) No 652/88⁽⁹⁾, should be made applicable;

Whereas Article 2 (1) of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts⁽¹⁰⁾, as amended by Regulation (EEC) No 1002/86⁽¹¹⁾, stipulates that monetary compensatory amounts may be fixed in advance only if the export refund is fixed in advance; whereas the absence of refunds for the meat in question means that this requirement cannot be met; whereas for the sake of impartiality it should in this instance be suspended so that advance fixing of the monetary compensatory amounts can be permitted;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 1687/76⁽¹²⁾, as last amended by Regulation (EEC) No 1249/88⁽¹³⁾; whereas, however, Annex I to the said Regulation setting out the entries to be made in control copies should be expanded;

Whereas Commission Regulation (EEC) No 727/88⁽¹⁴⁾ should be repealed;

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

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 370, 30. 12. 1987, p. 7.
(3) OJ No L 238, 6. 9. 1984, p. 13.
(4) OJ No L 170, 30. 6. 1987, p. 23.
(5) OJ No L 268, 10. 10. 1985, p. 14.
(6) OJ No L 241, 13. 9. 1980, p. 5.
(7) OJ No L 376, 31. 12. 1987, p. 31.

(8) OJ No L 372, 31. 12. 1987, p. 1.
(9) OJ No L 68, 14. 3. 1988, p. 1.
(10) OJ No L 310, 21. 11. 1985, p. 22.
(11) OJ No L 93, 8. 4. 1986, p. 8.
(12) OJ No L 190, 14. 7. 1976, p. 1.
(13) See page 8 of this Official Journal.
(14) OJ No L 74, 19. 3. 1988, p. 64.

HAS ADOPTED THIS REGULATION :

Article 1

1. Part of the stocks of boned intervention beef held by the intervention agencies of Denmark, Italy, France, Ireland and the United Kingdom shall be sold.

This meat shall be for export.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85. However in derogation from Article 3 (2) of Regulation (EEC) No 2824/85 authorization to repack may also be given for meat stored outside the Member State of the intervention agency holding it.

The provisions of Commission Regulation (EEC) No 985/81 (1) shall not apply to this sale.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 16 May 1988.

4. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

1. The time limit of two months for taking over meat set in Article 6 of Regulation (EEC) No 2539/84 is extended to three months.

2. The products specified in Article 1 must be exported within six months of the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be 10 ECU per 100 kilograms.

2. The security provided for at Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be :

- 450 ECU per 100 kilograms of the meat referred to under 1 (a), 2 (a), 3 (a), 4 (a) and 5 (a) in Annex I,
- 350 ECU per 100 kilograms of the meat referred to under 1 (b), 2 (b), 3 (b), 4 (b) and 5 (b) in Annex I.

Article 4

In the case of the meat referred to under 1 (b), 2 (b), 3 (b), 4 (b) and 5 (b) in Annex I :

- (a) no export refund shall be granted ;
- (b) additional code No 7034 referred to in Part 3 of Annex I to Regulation (EEC) No 3938/87 shall apply ; and
- (c) by way of derogation from Article 2 (1) of Regulation (EEC) No 3155/85 the monetary compensatory amount may be fixed in advance.

In cases where use is made of the option specified at (c) :

- the application for advance fixing must be lodged at the same time as the application for the export licence,
- the application for advance fixing must be accompanied by the contract of sale,
- the export licence may be used for intervention meat only,
- Section 18 (a) of the export licence shall carry the following entry in one of the Community languages :
 - Válido únicamente para carnes de intervención vendidas con arreglo al Reglamento (CEE) nº 1252/88
 - Kun gyldig for interventionskød solgt i henhold til forordning (EØF) nr. 1252/88
 - Nur gültig für Interventionsfleisch — Verkauf gemäß der Verordnung (EWG) Nr. 1252/88
 - Ισχύει μόνο για τα κρέατα παρέμβασης που πωλούνται βάσει του κανονισμού (ΕΟΚ) αριθ. 1252/88
 - Valid only for intervention meat sold under Regulation (EEC) No 1252/88
 - Seulement valable pour les viandes d'intervention vendues sous règlement (CEE) nº 1252/88
 - Valido esclusivamente per carni di intervento vendute a norma del regolamento (CEE) n. 1252/88
 - Uitsluitend geldig voor vlees uit de interventievoorraden dat wordt verkocht in het kader van Verordening (EEG) nr. 1252/88
 - Apenas válido para carne de intervenção vendida nos termos do Regulamento (CEE) nº 1252/88.

Article 5

Regulation (EEC) No 1687/76 is hereby amended as follows :

In Part I of the Annex, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 43 and footnote are added :

(1) OJ No L 99, 10. 4. 1981, p. 38.

'43. Commission Regulation (EEC) No 1252/88 of 4 May 1988 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export⁽⁴³⁾.

⁽⁴³⁾ OJ No L 119, 7. 5. 1988, p. 15.'

Article 6

Regulation (EEC) No 727/88 is hereby repealed.

Article 7

This Regulation shall enter into force on 12 May 1988.

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

Done at Brussels, 4 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

Precio mínimo expresado en ECU por tonelada ⁽¹⁾⁽²⁾ — Mindestpreise in ECU/ton ⁽¹⁾⁽²⁾ — Mindestpreise, ausgedrückt in ECU/Tonne ⁽¹⁾⁽²⁾ — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε ECU ανά τόνο ⁽¹⁾⁽²⁾ — Minimum prices expressed in ECU per tonne ⁽¹⁾⁽²⁾ — Prix minimaux exprimés en Écus par tonne ⁽¹⁾⁽²⁾ — Prezzi minimi espressi in ECU per tonnellata ⁽¹⁾⁽²⁾ — Minimumprijzen uitgedrukt in Ecu per ton ⁽¹⁾⁽²⁾ — Preço mínimo expresso em ECUs por tonelada ⁽¹⁾⁽²⁾

1. DANMARK

a) Mørbrad med bimørbrad	6 000
Filet med entrecôte og tyndsteg	2 500
Inderlår med kappe	2 275
Tykstegsfilet med kappe	2 275
Klump med kappe	2 275
Yderlår med lårtunge	2 275
b) Bryst og slag	850
Øvrigt kød af forfjerdinger	1 000
Skank og muskel sammenhængende	1 000

2. FRANCE

a) Filet	5 500
Faux filet	2 500
Tende de tranche	2 400
Tranche grasse	2 400
Rumpsteak	2 275
Entrecôte	2 275
Gîte à la noix	2 400
b) Caisse B	850
Jarret	1 000
Caisse C	850
Boule de macreuse	1 000
Caisse A	1 000
Bavette	1 000
Boule de gîte	1 000

3. IRELAND

a) Fillets	6 650
Striploins	2 900
Insides	2 400
Outsides	2 400
Knuckles	2 400
Rumps	2 400
Cube rolls	2 500
b) Shins and shanks	1 000
Shanks	1 000
Shins	1 000
Plates and flanks	850
Forequarters	1 000
Flanks	850
Plates	850
Briskets	1 000
Shanks and/or shins	1 000
Flanks and/or plates	850

4. ITALIA

a) Filetto	6 000
Roastbeef	2 800
Scamone	2 275
Fesa esterna	2 275
Fesa interna	2 275
b) Geretto pesce	1 000
Collo sottospalla	1 000
Spalle geretto	1 000
Pancira	850
Petto	1 000

5. UNITED KINGDOM

a) Fillets	5 500
Striploins	2 800
Topsides	2 400
Silversides	2 400
Thick flanks	2 400
Rumps	2 400
b) Hindquarter skirts	1 000
Shins and shanks	1 000
Clod and sticking	1 000
Ponies	1 000
Pony parts	1 000
Striploin flank-edge	1 000
Thin flanks	850
Forequarter flanks	850
Briskets	1 000
Foreribs	1 000

⁽¹⁾ En caso de que los productos estén almacenados fuera del Estado miembro al que pertenezca el organismo de intervención poseedor, estos precios se ajustarán con arreglo a lo dispuesto en el Reglamento (CEE) n° 1805/77.

⁽²⁾ I tilfælde, hvor varerne er oplagrede uden for den medlemsstat, hvor interventionsorganet er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

⁽³⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽⁴⁾ Στην περίπτωση που τα προϊόντα είναι αποθεματοποιημένα εκτός του κράτους μέλους στο οποίο υπάγεται ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

⁽⁵⁾ In the case of products stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with the provisions of Regulation (EEC) No 1805/77.

⁽⁶⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽⁷⁾ Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

- (1) Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.
- (1) No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) nº 1805/77.
- (2) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.
- (2) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.
- (2) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.
- (2) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.
- (2) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.
- (2) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.
- (2) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1, del regolamento (CEE) n. 2173/79.
- (2) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.
- (2) Estes preços aplicam-se a peso líquido, conforme o disposto no Regulamento (CEE) nº 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

- DANMARK:** Direktoratet for markedsordningerne
EF-Direktoratet
Frederiksborggade 18
1360 København K
Tlf. (01) 92 70 00, telex 15137 DK
- ITALIA:** Azienda di Stato per gli interventi nel
mercato agricolo (AIMA)
via Palestro 81, Roma
Tel. 495 72 83 — 495 92 61
Telex 613003
- FRANCE:** OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 45 38 84 00, télex 260643
- IRELAND:** Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- UNITED KINGDOM:** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848302
-

COMMISSION REGULATION (EEC) No 1253/88
of 6 May 1988

re-establishing the levying of customs duties on men's or boys' knitted or crocheted suits and ensembles, products of category No 75 (order No 40.0750), originating in the Philippines to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply

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

Having regard to Council Regulation (EEC) No 3783/87 of 3 December 1987 concerning the administration of the generalized tariff preferences applicable for 1988 to textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3783/87 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II to Council Regulation (EEC) No 3782/87⁽²⁾ to individual ceilings, within the limits of the quantities specified in column 7 of Annex I or II thereto, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of Regulation (EEC) No 3783/87 provided that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of men's and boys' knitted or crocheted suits and ensembles, products of category No

75 (order No 40.0750), the relevant ceiling amounts to 13 000 pieces;

Whereas on 1 May 1988 imports of the products in question into the Community, originating in the Philippines, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to the Philippines,

HAS ADOPTED THIS REGULATION:

Article 1

As from 10 May 1988 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3782/87, shall be re-established in respect of the following products, imported into the Community and originating in the Philippines:

Order number	Category	CN code	Description
40.0750	75 (1 000 pieces)	6103 11 00 6103 12 00 6103 19 00 6103 21 00 6103 22 00 6103 23 00 6103 29 00	Men's or boys' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 367, 28. 12. 1987, p. 58.

⁽²⁾ OJ No L 367, 28. 12. 1987, p. 1.

**COMMISSION REGULATION (EEC) No 1254/88
of 6 May 1988**

re-establishing the levying of customs duties on shirts, T-shirts and the like, knitted or crocheted, products of category No 4 (order No 40.0040), originating in Indonesia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3783/87 apply

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

Having regard to Council Regulation (EEC) No 3783/87 of 3 December 1987 concerning the administration of the generalized tariff preferences applicable for 1988 to textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3783/87 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II to Council Regulation (EEC) No 3782/87⁽²⁾ to individual ceilings, within the limits of the quantities specified in column 7 of Annex I or II thereto, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of Regulation (EEC) No 3783/87 provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of shirts, T-shirts and the like, products of category No 4 (order No 40.0040), the relevant ceiling amounts to 960 000 pieces;

Whereas on 1 May 1988 imports of the products in question into the Community, originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 10 May 1988 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3782/87, shall be re-established in respect of the following products, imported into the Community and originating in Indonesia:

Order number	Category	CN code	Description
40.0040	4 (1000 pieces)	6105 10 00	Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers (other than of wool or fine animal hair), undervests and the like, knitted or crocheted
		6105 20 10	
		6105 20 90	
		6105 90 10	
		6109 10 00	
		6109 90 10	
		6109 90 30	
		6110 20 10	
		6110 30 10	

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 367, 28. 12. 1987, p. 58.

⁽²⁾ OJ No L 367, 28. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1255/88

of 6 May 1988

on arrangements for imports into France and the Benelux countries of certain textile products (category No 39) originating in Pakistan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries ⁽¹⁾, as amended by Regulation (EEC) No 768/88 ⁽²⁾, and in particular Article 11 thereof,

Whereas Article 11 of Regulation (EEC) No 4136/86 lays down the conditions under which quantitative limits may be established; whereas imports into France and the Benelux countries of textile products of category No 39 specified in the Annex hereto and originating in Pakistan exceeded the level referred to in paragraph 3 of the said Article 11;

Whereas, in accordance with paragraph 5 of the said Article 11 of Regulation (EEC) No 4136/86, Pakistan was notified on 17 November 1987 of a request for consultations; whereas, as a result of these consultations, it was agreed to make the textile products in question subject to quantitative limits for the years 1988 to 1991;

Whereas paragraph 13 of the said Article 11 provides for compliance with the quantitative limits to be ensured by means of a double-checking system in accordance with Annex VI to Regulation (EEC) No 4136/86;

Whereas the products in question exported from Pakistan between 1 January 1988 and the date of entry into force of this Regulation must be set off against the quantitative limit for the year 1988;

Whereas this quantitative limit should not prevent the importation of products covered by it but shipped from Pakistan to France and the Benelux countries before the date of entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into France and the Benelux countries of the category of products originating in Pakistan and specified in the Annex hereto shall be subject to the quantitative limits set out in that Annex.

Article 2

1. Products as referred to in Article 1, shipped from Pakistan to France and the Benelux countries before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place before that date.

2. Imports of such products shipped from Pakistan to France and the Benelux countries after the entry into force of this Regulation shall be subject to the double-checking system described in Annex VI to Regulation (EEC) No 4136/86.

3. All quantities of products shipped from Pakistan to France and the Benelux countries on or after 1 January 1988 and released for free circulation, shall be deducted from the quantitative limit laid down. This limit shall not, however, prevent the importation of products covered by it but shipped from Pakistan before the date of entry into force of this Regulation.

Article 3

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

It shall apply until 31 December 1991.

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

Done at Brussels, 6 May 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 42.

⁽²⁾ OJ No L 84, 29. 3. 1988, p. 1.

ANNEX

Category	CN code	Description	Third country	Unit	Member State	Quantitative limits from 1 January to 31 December			
						1988	1989	1990	1991
39	6302 51 10	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton	Pakistan	tonnes	F	742	787	834	884
	BNL					700	742	786	883
					ex 6302 59 00				
					6302 91 10				
					6302 91 90				
					6302 93 90				
	ex 6302 99 00								

COMMISSION REGULATION (EEC) No 1256/88

of 6 May 1988

amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾, and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾, as last amended by Regulation (EEC) No 1071/88 ⁽⁴⁾, introduced the buying in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No

2226/78 ⁽⁵⁾, as last amended by Regulation (EEC) No 797/88 ⁽⁶⁾, the table of Member States or regions of Member States and of quality groups eligible for intervention, as well as the buying-in prices, should be replaced, on the basis of the data and prices available to the Commission, by the table and the prices annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EEC) No 1787/87 are hereby replaced by the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 May 1988.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 104, 23. 4. 1988, p. 30.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 81, 26. 3. 1988, p. 43.

ANNEX I

Member States or regions within a Member State and groups of qualities

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	AR, AO, CR, CO
Germany	AU, AR,
Spain	AU, AR, AO
France	AU, AR, AO, CU, CR, CO
Ireland	CU, CR
Italy	AR, AO
Luxembourg	AR, AO, CO
Netherlands	AR
Great Britain	CU,
Northern Ireland	CU, CR, CO

ANNEX II

Buying-in price in ECU per 100 kilograms carcass weight

Quality (category and class)	Equivalent carcass price	Forequarter price	
		straight cut ⁽¹⁾	pistola cut ⁽²⁾
AU2	307,803	246,242	230,852
AU3	303,575	242,860	227,681
AR2	304,362	243,490	228,272
AR3	300,002	240,002	225,002
AO2	282,141	225,713	211,606
AO3	277,854	222,283	208,391
CU2	316,328	253,062	237,246
CU3	311,983	249,586	233,987
CU4	303,293	242,634	227,470
CR3	299,551	239,641	224,663
CR4	290,843	232,674	218,132
CO3	283,723	226,178	212,042

⁽¹⁾ Conversion coefficient 0,80.

⁽²⁾ Conversion coefficient 0,75.

COMMISSION REGULATION (EEC) No 1257/88

of 6 May 1988

amending Regulations (EEC) No 864/88 and (EEC) No 913/88 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 1098/88⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the target price and the monthly increments in the target price for rape and sunflower seed for the 1987/88 marketing year were fixed by Council Regulations (EEC) No 1917/87⁽³⁾ and (EEC) No 1918/87⁽⁴⁾;

Whereas the amount of the subsidy for sunflower seed provided for in Article 27 of Regulation No 136/66/EEC, the amount of the compensatory aid provided for in Article 14 of Council Regulation (EEC) No 475/86⁽⁵⁾ and the amount of the special aid provided for in Council Regulation (EEC) No 1920/87⁽⁶⁾ were fixed by Commission Regulation (EEC) No 864/88⁽⁷⁾ from 1 April 1988 and by Commission Regulation (EEC) No 913/88⁽⁸⁾ from 7 April 1988;

Whereas, in the absence for the 1988/89 marketing year of the target price for sunflower seed and of the reduction in the amount of the subsidy resulting from the maximum guaranteed quantities system, the amount of the subsidy in case of advance fixing for that marketing

year could only be calculated provisionally on the basis of the prices and the reduction in the amount of the subsidy valid for the 1987/88 marketing year; whereas that amount must therefore be applied provisionally only and will have to be confirmed or replaced once the prices and related measures for the 1988/89 marketing year are known;

Whereas Regulations (EEC) No 864/88 and (EEC) No 913/88 omit to state, as indicated for rape, that the amounts of the aid for sunflower seed in the case of advance fixing for the 1988/89 marketing year apply provisionally only; whereas, for the sake of clarity, the provisional nature of those amounts of the subsidy should be indicated explicitly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (4) of Regulations (EEC) No 864/88 and (EEC) No 913/88, 'for colza and rape' is replaced by 'for colza, rape and sunflower seed'.

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 1 April 1988 as regards Regulation (EEC) No 864/88 and with effect from 7 April 1988 as regards Regulation (EEC) No 913/88.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
 (2) OJ No L 110, 29. 4. 1988, p. 10.
 (3) OJ No L 183, 3. 7. 1987, p. 14.
 (4) OJ No L 183, 3. 7. 1987, p. 16.
 (5) OJ No L 53, 1. 3. 1986, p. 47.
 (6) OJ No L 183, 3. 7. 1987, p. 18.
 (7) OJ No L 87, 31. 3. 1988, p. 53.
 (8) OJ No L 90, 7. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 1258/88

of 6 May 1988

introducing a countervailing charge on fresh lemons originating in Spain
(except the Canary Islands)

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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 1426/87 of 25 May 1987 fixing for the 1987/88 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 47,53 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾, as 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, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁸⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 6 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the third year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,17 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 10 May 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1259/88

of 6 May 1988

introducing a countervailing charge on courgettes originating in Spain (except the Canary Islands)

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 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 825/88 of 29 March 1988 fixing for the 1988 marketing year the reference prices for courgettes⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 62,49 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for courgettes originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these courgettes;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as 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, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁸⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 5,58 ECU per 100 kilograms net is applied to courgettes (CN code 0709 90 70) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 10 May 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.⁽³⁾ OJ No L 85, 30. 3. 1988, p. 6.⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1260/88**of 6 May 1988****amending Regulation (EEC) No 1626/85 on protective measures applicable to imports of certain sour cherries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 3909/87 ⁽²⁾, and in particular Article 18 (2) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1626/85 ⁽³⁾, as last amended by Regulation (EEC) No 1290/87 ⁽⁴⁾, provides that the Regulation shall apply until 9 May 1988;

Whereas foreseeable trends in prices applied by non-member countries for certain sour cherries are such that the import prices are likely to remain significantly below the prices at which Community products can be marketed;

Whereas stocks in the Community of such products in syrup are still considerable; whereas that situation could

expose the Community market to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty; whereas the protective measures should continue during the 1988/89 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 of Regulation (EEC) No 1626/85, '9 May 1988' is replaced by '9 May 1989'.

Article 2

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

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

Done at Brussels, 6 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 20.

⁽³⁾ OJ No L 156, 15. 6. 1985, p. 13.

⁽⁴⁾ OJ No L 121, 9. 5. 1987, p. 22.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 November 1987

on aid for shipbuilding and ship repair in Italy — Article 10 of Law No 111 of 22 March 1985

(Only the Italian text is authentic)

(88/281/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 the parties concerned notice to submit their comments as provided for in the said Article 93, and having regard to those comments,

Whereas

I

On 20 August 1984, the Italian Government notified a scheme of aid for shipbuilding and ship repair covering the period from 1 July 1984 to 31 December 1985.

The Commission decided on 10 October 1984 to open the procedure laid down in Article 93 (2) of the EEC Treaty.

On 22 March 1985, the President of the Italian Republic promulgated Law No 111 introducing the notified aid.

Article 12 of the Law provided that the President of the Italian Council of Ministers could amend by decree any elements not approved by the Commission so as to make them compatible with the common market.

The promulgated law did, in fact, contain new elements, notably in its Article 10, which provided for additional aid

for building up stocks. This aid forms the subject-matter of the present Decision.

By telex from the Ministry for Shipping dated 7 May 1985, the Italian Government officially informed the Commission of these new elements in Law No 111.

On 8 July 1985 the Commission decided to close the Article 93 (2) procedure. The decision authorized *inter alia* production aid for shipbuilding at the same level as that which prevailed when the previous scheme was first implemented (period from 1 January 1982 to 31 December 1983, extended until 30 June 1984) and production aid for ship repair, the minimum value of eligible contracts being fixed, however at Lit 200 million instead of Lit 100 million and the maximum rate being reduced by two points, i.e. 8 % instead of the 10 % (13 % instead of 15 % in the Mezzogornio) provided for in the Law.

The total budget for all aid to the shipbuilding and ship repair sector, including investment aid, aid for research and development and demolition aid, was set at Lit 900 000 million for the duration of the scheme.

As for the aid for building up stocks, on the other hand, to which a further Lit 60 000 million was devoted on top of the overall budget of Lit 900 000 million, the Commission considered Article 10 of Law No 111 to be too imprecise, especially as the Italian Government had yet to decide how it would be implemented. The Commission therefore decided to defer assessment of this provision.

By letter dated 28 January 1986, the Italian Government notified the Commission of a draft decree laying down rules for the award of the aid provided for in Article 10 of Law No 111.

The Commission requested additional information by letter dated 20 March 1986, to which the Italian authorities replied by telex dated 7 May 1986.

The draft notified by the Italian Government provides for a grant of 12,5 % per year of the value of raw materials, semi-finished products and finished products stored in the shipbuilding or ship repair yard but not yet allocated to a specific order. Only large yards qualify.

Yards applying for aid must provide on 31 March of each year a detailed inventory for each category of raw material, semi-finished product and finished product stored in warehouses or on slipways. The list is examined by the 'Registro italiano navale', the only body empowered by law to carry out checks in connection with aid to Italian shipyards. These checks are based on the yards' bookkeeping records. As soon as the inventoried goods are assigned to a firm order, the aid is discontinued.

The Italian authorities acknowledge that the stock requirements of Italian yards do not differ markedly from those of yards in the other Member States, but claim that the measures in question are justified by the fact that the cost of money has made the tying-up of capital in warehouses and stores more expensive in Italy and that the expense has steadily increased as the crisis has deepened.

They point out, moreover, that the aid must be considered exceptional and temporary, covering only the three years from 1984 to 1986.

After a preliminary scrutiny, the Commission came to the conclusion that, in view of the conditions under which the aid was awarded, its intensity in relation to the cost of building a ship could not be calculated once and for all as the stocks covered by the aid were not intended for a single ship and the period of storage could vary.

In the course of bilateral talks, however, the Italian authorities admitted that, since the type of product concerned ranged from raw materials to finished products, the stocks in question could account for up to 40 % of the cost of a single vessel.

In that case, the grant amounting to 12,5 % of the stocks' value would represent an intensity of five points which

would have to be added to the basic rate of direct production aid, namely 25 % (30 % for the Mezzogiorno).

In the case of stocks held by ship repair yards, where their turnover should as a rule be faster, it was felt that the maximum intensity could be reduced by half, giving 2,5 points to be added to the basic rate of 8 % (15 % for Mezzogiorno).

The Commission considered that, by its very nature, such aid, which should go first and foremost to those yards which have no orders so as to enable them to anticipate new work, was tantamount to an aid for continued operation pending new orders and would have the effect of delaying the capacity cuts and implementation of the restructuring measures on which the Commission has based its approval of aid under the existing scheme.

The Commission therefore concluded that the aid did not fulfil the conditions for exemption under Article 92 (3) of the EEC Treaty.

By letter dated 8 July 1986, it requested the Italian Government to submit its comments. The other Member States were informed on 10 December 1986 and interested third parties on 24 December 1986.

II

The Italian Government, submitting its comments under the procedure by letter dated 4 September 1986, stated that the measure in question was exceptional and of limited duration. It challenged the Commission's interpretation both as to the purpose and as to the intensity of the aid provided for in Article 10 of Law 111.

In the Italian Government's opinion, the purpose of the aid was to limit the cost of servicing the sums large shipyards had to borrow in order to build up their stocks, this cost being particularly high in Italy owing to the level of interest rates.

As regards the aid's intensity, the Italian Government argued that, according to the estimates made by the competent department, the amount eligible for assistance in the first year of the scheme's operation, namely 1984, would only be some Lit 100 000 million, the grants paid would amount to approximately Lit 13 000 million and, in view of the time limits for payment, the grant equivalent would represent only 1,3 % of the value of

annual production. In view of the fact that the budget devoted to these grants for the period 1984 to 1986 came to only Lit 60 000 million, the average intensity over the three years should therefore not be any higher.

Four Member States submitted their comments in accordance with the procedure.

III

Article 6 (1) of Council Directive 81/363/EEC of 28 April 1981 on aid to shipbuilding⁽¹⁾, as last amended by Directive 85/2/EEC⁽²⁾, sets out the conditions under which aid to this sector may be considered compatible with the common market; it must be progressively reduced and it may be granted only if linked to the attainment of industrial restructuring objectives. Article 6 (2) states that, when assessing the compatibility of such measures with the common market, the Commission must take account of all the aid which the Member State concerned provides for the construction, sale and acquisition of ships insofar as this aid affects the shipbuilding sector and of the budgetary funds allocated to this aid as a whole and in particular crisis aid.

In agreeing to most of the measures provided for in Law 111/85 in favour of shipbuilding, the Commission authorized production aid at a level of 25 % of the contract price for large shipyards (30 % for shipyards in the Mezzogiorno). The budget devoted to this aid amounted to Lit 620 000 million for the period from 1 July 1984 to 31 December 1986. In taking its decision the Commission took account of market conditions and the gravity of the crisis in the shipbuilding sector in Italy and agreed to there being no progressive reduction of the aid and to retention of the original rate for the period 1981 to 1983.

The aid provided for in Article 10 of Law 111 would have the effect of reducing the cost of producing ships and must therefore be added to the contract-related aid already agreed to by the Commission.

Whatever the method used to calculate the aid's intensity, whether it be based on a single ship as is the Commission's practice or on the value of annual production as it the Italian authorities' practice, the maximum rate of aid per contract already authorized by the Commission is systematically increased by at least 1,5 points. Calculated in purely budgetary terms, if one takes account of the production aid budget of Lit 620 000 million, or 25 % of a turnover of Lit 2,48 billion, the budget of 60 000 million assigned to aid for building up stocks represents in relation to this turnover figure an

additional subsidy of 2,5 points. Article 6 (3) of Directive 81/363/EEC provides that the maximum level authorized by the Commission may be exceeded, but authorization to exceed this level may be given only as an exceptional measure for specific contracts, each case being examined on its merits, and Article 6 of Law 111 already covers the possibility of resorting to these provisions.

When they submitted the shipbuilding aid scheme to the Commission, the Italian authorities undertook to implement a restructuring plan aiming at a reduction in production capacity which, measured in terms of employment, would amount to a cut of 20 % spread over the period 1984 to 1986. An aid mechanism for financing stocks is, where it is not limited to raw materials but extends to semi-finished and finished products, first and foremost a system of operating aid enabling yards to begin building ships without having received an order for them. Shipyards are thus kept in existence artificially and are under no immediate pressure to carry out a structural adjustment of shipbuilding capacity as other Member States of the Community have already done. It is clear that this state of affairs contravenes the spirit of Article 6 of Directive 81/363/EEC, paragraph 2 of which states that the Commission must pay attention to 'the need for adaptation of the shipbuilding industry to the conditions and constraints prevailing on the market' and that it must 'verify that the programme of adaptation of the industry is comparable with those carried out in the other Member States'.

This paragraph states further that the Commission must take account of all the aid which the Member State concerned provides for the construction, sale and acquisition of ships, insofar as it affects the shipbuilding sector, and that it must also examine all the budgetary funds allocated thereto. Apart from the budget of Lit 620 000 million assigned to production aid for large shipyards, those same shipyards qualify for grants of up to 30 % of the amount of investments aimed at rationalization and restructuring, and the funds earmarked for this purpose amount to Lit 50 000 million for the same period. A further Lit 60 000 million is set aside for research, some of it going to the same shipyards.

Moreover, the Italian shipbuilding industry, which is heavily dependent on domestic shipowners, indirectly benefits from the substantial assistance granted to the latter under Law 361/82, as amended by Law 848/84, in respect of the new ships they cause to be built. It is indisputable that the aid granted on stocks would have the effect of reducing the cost of building ships and hence of enabling yards to quote a lower price, whereas other yards in the Community do not enjoy such advantages. The spectrum of aid measures available to large shipyards is therefore sufficiently broad and hence (quite apart from the untoward effects it would have) the addition of aid for building up stocks is unjustified.

⁽¹⁾ OJ No L 137, 23. 5. 1981, p. 39.

⁽²⁾ OJ No L 2, 3. 1. 1985, p. 13.

IV

The aid for ship repair granted in the form of production aid is aid within the meaning of Article 92 (1) of the EEC Treaty. In agreeing by way of exception to the provisions of Article 4 of Law 111 providing for contract-related grants, the Commission took account of the state of the Italian ship repair industry. It nevertheless inserted restrictions in its decision, increasing the minimum value of contracts qualifying for assistance from Lit 100 million as provided for in the Law to Lit 200 million, and reducing the rate of award from 10 % to 8 %. In the case of yards in the Mezzogiorno, this rate remained fixed at 15 %. The Italian authorities undertook to send the Commission a restructuring plan for both the public sector and the private sector in order to reduce the industry's size in the light of the substantial overcapacity existing in the Community. In 1985 this overcapacity could be put at 332 dry docks, of which 48 were in Italy. In the case of ship repair, aid for building up stocks is difficult to quantify precisely in terms of intensity in view of the many different types of repair and the faster turnover of stocks. However low this intensity may be, it would still have the effect of eliminating all or some of the restrictive element which the Commission has introduced into the system of direct production aid.

It is, at all events, operating aid which enables yards to reduce their production costs and hence quote more competitive prices than yards in other Member States, against a background, moreover, of cutthroat competition due to overcapacity and the level of prices charged by certain third countries. It is therefore likely to distort competition between Community yards and is hence incompatible with the common market.

When it authorized aid for ship repair under certain conditions, the Commission expressed the view that such aid, which was to remain exceptional, would enable the Italian Government to bring the size of the sector more into line with the market's requirements. In view of the situation of the ship repair sector in Italy, the aid could assist the restructuring of the sector without such restructuring having too great an impact on employment in the regions concerned. The higher rate of award applicable in the south of the country answered the need to take account of the special situation obtaining in that region. While additional aid in the form of grants for building up stocks would run counter to the objectives set for the aids already authorized, the aids as a whole would run counter to the EEC Treaty in that they would enable Italian ship repair yards to charge abnormally low prices compared

with other Community yards without contributing to the attainment of the objectives laid down in Article 92 (3) of the EEC Treaty.

V

The Italian Government has not been able to give, nor has the Commission found, any grounds to establish that the aid for building up stocks in the shipbuilding industry meets the conditions required to make it compatible with the rules laid down in Directive 81/363/EEC; in the case of the similar aid to ship repair, no grounds have been found to establish that it is compatible with the common market under Article 92 (3) of the EEC Treaty.

The compatibility of the aid with the common market must be assessed from a Community point of view rather than from that of a single Member State.

As regards more particularly the argument advanced by the Italian Government of the need to compensate for the disadvantage suffered by Italian shipbuilding and ship repair yards as a result of the high rates of interest they have to pay on amounts borrowed to build up their stocks, the Commission considers that this is a phenomenon inherent in the economy of a Member State and that, in parallel with these special circumstances, the relative weakness of the Italian lira compared with other foreign currencies is a phenomenon which makes Italian yards more attractive, especially as this sector in Italy does not depend on foreign countries for its supplies. Consequently, the additional aid, the minimum intensity of which would be 1,5 %, would be both an incentive to anticipate orders and a saving on production costs not made by other Community yards despite the fact that they, too, have to bear the cost of carrying stocks inherent in the proper functioning of a shipbuilding or ship repair yard.

The aid would therefore have the effect of delaying the restructuring of the large Italian shipyards, which must do as yards in the other Member States have done and bring their production capacity more into line with demand, and of distorting competition between Community yards.

In conclusion, the aid provided for in Article 10 of Law 111 for building up stocks in the shipbuilding industry does not fulfil the conditions necessary to benefit from the provisions of Directive 81/363/EEC and the aid for building up stocks in the ship repair industry does not fulfil the conditions necessary to qualify for exemption under Article 92 (3) of the EEC Treaty. The aid is therefore incompatible with the common market,

HAS ADOPTED THIS DECISION :

Article 1

The aid for shipbuilding and ship repair in the form of a grant equal to 12,5 % per year of the value of stocks of raw materials, semi-finished products and finished products provided for in Article 10 of Italian Law 111 of 22 March 1985 is incompatible with the common market.

Article 2

The Italian Government may not implement the provisions of Article 10 of Law 111 of 22 March 1985 and

it shall inform the Commission within two months of the date of notification of this Decision of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 17 November 1987.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 9 December 1987

on aid from the French Government to the wood-processing sector (Isoroy and Pinault)

(Only the French text is authentic)

(88/282/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 the interested parties notice to submit their observations in accordance with the said Article, and having regard to those observations,

Whereas :

I

The Isoroy group was created on 25 February 1983, with effect from 1 January 1982, through the merger of three firms in the wood-processing sector (Leroy, Isorel and Baradel). In 1983, the French Government assisted the merger by providing FF 12 million in subsidies and FF 112 million in equity loans without giving prior notification to the Commission under Article 93 (3) of the EEC Treaty.

Isoroy never became profitable, its losses reaching FF 175 million in 1982, FF 124 million in 1983, FF 237 million in 1984 and FF 201 million in 1985, which corresponds to 9 %, 6 %, 12 % and 11 % respectively of annual turnover.

The group's continuous losses prompted further aid from the French Government in 1985, this time in the form of a subsidy of FF 68 million, equity loans totalling FF 40 million and a fiscal moratorium on the sums owed by Isoroy to the public authorities amounting to FF 98,5 million; this again was done without informing the Commission beforehand.

In spite of the repeated injections of aid, Isoroy was soon compelled to suspend payments and was allowed by the 'Tribunal de Commerce' of Caen to continue operations from 2 April to 30 September 1986, under the supervision of the Court.

On 21 July 1986, the 'Tribunal de Commerce' ruled on two alternative plans for a takeover, both of which were limited to Isoroy's assets as its debts by now totalled FF 2 200 million.

The plan put forward by the Pinault group involved a complete takeover, whilst Seribo, representing several European firms, planned to split up Isoroy among those firms.

The Pinault plan had the backing of the French Government, which had agreed in principle to contribute FF 250 million towards the financing. The French Government's preference was also made clear in the statement by the 'Substitut du Procureur de la République' (deputy public prosecutor) in favour of the Pinault plan which he gave in open court at the Tribunal in question.

The Tribunal ruled in favour of the Pinault proposal, on the basis that the plan provided for a total takeover, and would maintain Isoroy as a coherent body in the French economy, saving a considerable number of jobs.

The Tribunal then authorized the transfer of all stocks, shares, assets and debts to the 'Société Commerciale et Industrielle du Meuble' (SCIM), part of the Pinault group, for a largely symbolic sum provided, however, that public and private financing was available by 1 October 1986, in accordance with the plan. That condition having been fulfilled, the takeover was finalized on that date.

II

The Commission, learning that Isoroy has received several large amounts of aid, invited the French Government by letter dated 23 January 1986 to provide it with detailed information on assistance granted to Isoroy since its creation in 1982, together with the precise conditions attached to the equity loans granted.

The French Government replied by letter of 15 May 1986 containing information on the establishing of Isoroy, the subsidies granted in 1982 and 1985, the cuts in capacity and their effects on employment, and on the cessation of payments, but not on the arrangements in respect of the equity loans or the existence of a moratorium *vis-à-vis* the public authorities, nor on the intention of the French Government to provide further assistance in the event of a takeover by Pinault. On the contrary, it expressed the opinion that it was not for the French authorities to comment on the outcome of the ongoing collective procedures as this was a matter for the national legal authorities.

The Commission, having meanwhile learnt of the French Government's intention to grant new aid to enable Pinault to proceed with the takeover, warned the French Government by letter of 12 June 1986 that, apart from the action to be taken in respect of the infringements of Article 93 committed in 1982 and 1985, all new aid had to be notified in the form of a proposal, whilst any aid granted contrary to the provisions of Article 93 could be subject to a recovery order.

The Commission, having received no reply to its letter of 12 June 1986 and being informed of the decision of the 'Tribunal de Commerce' on 21 July 1986, involving a grant of FF 250 million, wrote again to the French Government on 5 August 1986 requesting that it notify the aid within 30 days.

On 19 November 1986, the decision of the 'Tribunal de Commerce' having become final and the notification requested still not having arrived, the Commission decided to initiate the Article 93 (2) procedure in respect of all the aid granted on the grounds that it came under the prohibition laid down in Article 92 (1) of the EEC Treaty and did not appear to qualify for exemption under paragraphs 2 and 3 of that Article.

By letter of 1 December 1986, the Commission invited the French Government to submit its observations.

III

By letter of 27 November 1986, the French Government confirmed its decision to grant the Pinault group FF 176 million in interest-free repayable advances, FF 24 million in regional planning grants and FF 50 million in equity loans at reduced interest rates, stating that in its opinion, these amounts formed only a small part of the resources the undertaking required in order to restructure. The French Government stressed the additional reductions in production capacity and announced that it would be sending further comments as soon as it had more details.

By letters dated 9 January, 30 April, 4 June and 5 June 1987, and at a bilateral meeting on 26 May 1987, the French Government submitted its observations under the procedure.

It criticized the fact that the letter giving notice dated 1 December 1986 did not take account of the content of the notification of 27 November and that the Article 93 (2) procedure had been opened in respect of both aid to Isoroy and the aid to its purchaser Pinault.

It specified the amounts of aid granted to Isoroy in 1983 and 1985 although it did not describe the exact arrangements relating to the soft equity loans.

It submitted that the intensity of the aid to the Pinault group was small, that it could not have affected intra-Community trade, especially in view of the number of

imports from non-member countries, that it corresponded to the Commission's own guidelines for the wood industry and that it was justified in the light of the knock-on effects at the regional, social and environmental levels.

In the course of consulting other interested parties, observations were submitted by the governments of four other Member States, together with four industrial federations and two enterprises in the same sector.

IV

State assistance in the form of subsidies, interest-free advances repayable solely in the event of excess profits, soft equity loans and the fiscal moratorium on sums owed to public authorities constitute State aid within the meaning of Article 92 (1) of the EEC Treaty as they discharge the recipient enterprises and the production of goods from part of the costs which they would otherwise have to bear themselves.

In the case in question, the aid granted to Isoroy in 1983 and 1985 was composed of FF 80 million in subsidies, FF 152 million in equity loans, at a concessionary rate of interest not communicated to the Commission by the French Government, and the sum of FF 98,5 million owed by Isoroy to the public authorities.

The Government having authorized the payment of this sum to be staggered over 1986 and 1987, the effect was the same as a subsidy from the time Isoroy stopped payments in 1986.

The aid granted to Pinault in 1986 amounted to FF 176 million in interest-free advances, repayable only in the event of excess profits; a 12-year equity loan of FF 50 million incorporating a three-year non-call period, at 5,5 % interest during the non-call period and a variable rate depending on profits in the remaining nine years; lastly, aid of FF 24 million in the form of regional planning grants. The enterprise benefits financially from the absence of a fixed repayment period for the advances, from a total interest subsidy (this advantage can be evaluated at 9,25 % per annum, i.e. the rate applied by the Crédit National in November 1986) and from the aid element of a partial interest subsidy on the equity loans in the first three years, which may be evaluated at 3,75 % a year (i.e. the difference between 9,25 % and the 5,5 % on the equity loan in question).

Article 93 (3) of the EEC Treaty provides that 'the Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid ... The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.' Apart from the question of

prior notification, by granting aid to Isoroy in 1983 and 1985 and to Pinault in 1986 as part of the Isoroy takeover without respecting the suspensory effect, the French Government did not fulfil its obligations under Article 93 (3). The aid in question is thus improper in any event for breach of procedure and is moreover incompatible with the common market within the meaning of Article 92.

When Isoroy was allowed to continue operations under the supervision of the Court, it owned some 30 plants and workshops on 16 sites in France, with a work-force of approximately 4 000 persons involved in the production of wood-based panels, packaging for cheese, tannin, doors and articles for the construction industry. Wood-based panels represented 80 % of Isoroy's sales in 1985.

As regards the market situation, consumption of the panels in question (plywood, blockboard, etc. — NIMEXE code 44.15, fibre building board — NIMEXE code 44.11, particle board — NIMEXE code 44.18) is partly determined by the economic situation in the building and furniture sectors, which are the main customers for such panels.

Not only have the two sectors experienced a levelling-off, they also face competition from wood-panel substitutes in every area. This is why the structural trends in the wood-panels sector show a levelling-off for panels in general, while the market for special, higher added value panels, such as structured 'OSB' board and medium-density fibreboard (MDF), is growing.

There is trade between Member States in these products and strong competition between manufacturers in the Community, who also have to cope with a high level of imports from non-member countries. In 1985, the Community of 10 imported 503 556 tonnes of fibreboard from other countries and exported 45 058 tonnes; it imported 1 241 401 tonnes of plywood and exported 71 744 tonnes; it imported 1 363 770 tonnes of particle board and exported 141 799 tonnes.

In 1985, Isoroy accounted for 26 % of particle board production in France and held 17 % of the French market. France exported 170 000 tonnes to other Member States and imported 300 000 tonnes. French exports represented 11 % of total intra-Community trade.

Isoroy accounted for 20 % of French production of plywood and held 10 % of the French market; it

exported 29 % of its production. France exported 74 000 tonnes of plywood to other Member States and imported 48 000 tonnes. French exports represented 30 % of total intra-Community trade.

In 1985, Isoroy accounted for 80 % of French production of fibreboard and had 65 % of the French market. It exported 27 % of its production. France exported 68 000 tonnes of fibreboard to other Member States and imported 24 000 tonnes. French exports amounted to 26 % of total intra-Community trade.

Production of tannin accounted for only 3 % of Isoroy's turnover, although it should be noted that Isoroy was the only producer of tannin in France and exported most of its production. In 1985, France exported 6 061 tonnes of tanning extracts (NIMEXE code 32.01-40) to other Member States and imported 1 820 tonnes from Italy.

As a result, the various aid granted by the French Government distorted or threatened to distort competition and affected trade between Member States within the meaning of Article 92 (1) by clearly favouring first the Isoroy group and subsequently the Pinault group and their products.

Where State aid strengthens the position of certain firms in relation to others competing with them in the Community, it must be regarded as affecting such competitors.

Article 92 (1) of the EEC Treaty provides that aid having such features is in principle incompatible with the common market. The exceptions provided for in Article 92 (2) are not applicable in the case in point because of the nature of the aid proposed.

Article 92 (3) lists the aid compatible with the common market. Compatibility with the Treaty must be determined in a Community context and not in relation to a single Member State. To ensure the smooth operation of the common market in accordance with the principles of Article 3 (f) of the EEC Treaty, the exceptions set out in Article 92 (3) should be construed narrowly when an aid scheme or an individual aid is examined.

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

As regards the exceptions provided for in Article 92 (3) (a) of the Treaty in respect of aid to promote the economic development of certain areas, it should be noted that 11 of Isoroy's 16 plants are eligible under the French regional aid schemes because of their relatively unfavourable social and economic situations, but that none of the industrial sites has the characteristics of a region with an abnormally low standard of living or serious under-employment within the meaning of the exception referred to in paragraph (a).

As regards the exceptions under Article 92 (3) (b) of the Treaty the aid in question is clearly not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the French economy. Within the framework of the procedure, the French Government submitted that the Pinault take-over of Isoroy would lead to a synergy of activities, which would help to reduce imports from non-member countries. It also pointed out that the Pinault investment programme would allocate FF 45,6 million to pollution control. It should be noted here that the argument that the aid has a knock-on effect on the trade balance of the Community does not justify exemption under Article 92. As regards the investments of FF 45,6 million, this represents 9 % of the total planned investment. No proof has been furnished as to any link between the FF 250 million granted to Pinault as part of the Isoroy takeover and the specific investments referred to above. It should also be stressed that there are several specific environmental aid schemes in France; the government has not indicated whether they will be applied to the said investments or whether the investments are even eligible under the special schemes.

As regards exceptions under Article (3) (c) of the EEC Treaty concerning aid to facilitate the development of certain economic activities or areas, the aid decided in 1986 as part of the Pinault plan comprises FF 24 million in regional planning grants (PAT). The French Government pointed out in this respect that it had complied with Commission Decision 85/18/EEC of 10 October 1984 on the French regional planning grant scheme⁽¹⁾. In as much as the French Government also complied with the principles of coordination of regional aid schemes⁽²⁾, the present application of the PAT scheme may be regarded as compatible with the common market under the terms of the exception provided for in Article 92 (3) (c) in respect of aid to facilitate the development of certain economic areas. Under these conditions, the regional and social compensating benefits

referred to by the French Government as part of the procedure may be regarded as being fulfilled by the aid granted under the PAT scheme.

The other aid granted to Isoroy in 1983 and 1985 and to Pinault in 1986 as part of the Isoroy takeover is not covered by regional aid schemes approved by the Commission. The primary effect of the aid was that Isoroy's activities were kept together as a coherent part of the French economy. The aid to Pinault in particular must also be regarded as having given that firm a distinct advantage by enabling it to submit a more favourable plan for the Isoroy takeover than any other.

In 1986, the French Government stated that the aid granted to Isoroy in 1982 had enabled the latter to invest FF 294,5 million over the period 1982 to 1984. It also submitted that the purpose of the aid granted to Isoroy in 1985 was to allow the latter to invest FF 219,1 million over the period 1985 to 1987.

The French Government, as part of the procedure, stressed in particular that the aid granted to Pinault would allow the latter to carry out an investment programme of FF 533 million over three years aimed at modernizing the production process, increasing productivity, converting to new products and relocating several production lines.

The Government also pointed to the cuts in production capacity and employment that had already been or were to be carried out at the Isoroy plants.

According to available data, Pinault plans under the programme to reduce Isoroy's production of plywood by some 9 %, to cut production of ordinary particle board by approximately 7 %, to continue with the building of a new plant manufacturing 'OSB' board, i.e. structured chipboard, to decrease production of hardboard by 12 %, increase production of medium-density fibreboard, and modernize and rationalize other production lines.

It should be borne in mind that between 1978 and 1984, the number of mills in the wood-based panels sector in the Community fell by 27 % (from 588 to 432) and that production capacity diminished by 5 % (from about 19 million m³ to 18 million m³). The study carried out by the United Nations in 1984 on the wood-based panels industries assesses the situation as follows: 'During the

⁽¹⁾ OJ No L 11, 12. 1. 1985, p. 28.

⁽²⁾ OJ No C 31, 3. 2. 1979, p. 9.

period from 1978 to 1984, the position of the wood-based panels' sector, Nordic, EEC and central European countries, where the number of operating plants production and production capacity has decreased while average plant capacity has increased indicate that changes occurred in the structure of the wood-based industries, many small plants with obsolete equipment were shut down and modern plants with special machinery began producing special panels in an effort to achieve a better balance between supply and demand for panels on the domestic and external markets'.

The developments at Isoroy and those projected under the management of Pinault are not radically different from the trend in the sector in question. Plant closures, job losses, investment in modernization, rationalization and diversification towards more specialized products with a higher added value are also regularly carried out by Pinault's competitors without any special assistance. It must also be noted that the Commission proposal for a Community action programme for forest-based industries of 30 May 1983 (COM(83) 222 final) does not express a favourable view of such aid and could not therefore affect the scope of Article 92 of the Treaty.

Therefore, in view of the situation of the market for the products in question, the investments initiated by the Isoroy and Pinault groups should be regarded as forming part of the tasks which undertakings should normally finance from their own resources, without the help of State aid.

As regards the aid to Pinault, it should be noted that it already received considerable benefits in terms of added value when it acquired the entire assets of Isoroy (fixed capital, claims and stocks) for the symbolic sum of FF 168 million, of which FF 100 million were intended to cover the social costs of Isoroy's operations when it was placed under the supervision of the Court. Pinault for its part undertook to provide FF 220 million in own resources. It thus acquired partly modernized factories for a price well below the real value. The French Government believes that the gross rate of internally generated finance of the companies taken over will exceed 8 % of turnover by 1990.

The French Government also stated as part of the procedure that one of the aims of the aid was to enable Pinault to cope with the fierce competition from imports from non-Community countries. It referred in particular to the number of Indonesian exports of plywood and cases of dumping of fibreboard by Eastern countries. However, any problems involving trade with non-member countries should be settled in compliance with Community rules and not by having recourse to unilateral national measures, such as State aid.

Furthermore, the statistics furnished by NIMEXE show that while imports from non-member countries have indeed increased, there are far more imports into France of wood-based panels from other Member States, amounting (by weight — all panels) to 71 % in 1983, 70 % in 1984, 71 % in 1985 and 72 % in 1986 and that consequently the aid in question primarily affects the conditions of intra-Community trade.

Account should also be taken of the cumulative effect of the aid from which the Isoroy plants, taken over by Pinault, benefited unduly for several years.

In view of the above, the aid granted to Isoroy and Pinault cannot be considered to facilitate the development of the wood-processing industry without altering trading conditions to an extent contrary to the common interest, and consequently may not benefit from exemption under Article 92 (3) (c).

V

Conclusion

As regards the aid granted to Isoroy in 1983 and 1985, a recovery order would have no real effect in view of Isoroy's debts of FF 2 200 million and the fact that its assets were purchased by Pinault for a largely symbolic amount. Although the recipient undertaking has meanwhile entered into liquidation, the Commission believes it is necessary to adopt a negative final decision in respect of the two aid measures in question. The decision responds essentially to the need to protect the rights of the competing undertakings in as much as they have been harmed by the failure to comply with the provisions of the Treaty as regards State aid.

The aid granted to the Pinault group in 1986 totals FF 250 million. Of this amount, the grant of FF 24 million under the PAT scheme may be regarded as compatible with the common market within the meaning of Article 92 (3) (c) and the Commission has no objections in this respect. On the other hand, the remaining aid of FF 226 million (i.e. interest-free repayable advances of FF 176 million and equity loans at 5,5 % in the first three years totalling FF 50 million) is incompatible with the common market as it does not qualify for any of the exemptions provided for in Article 92.

A part of the overall amount in question, i.e. FF 50 million in advances, has not been paid to Pinault and it is therefore necessary to ensure that the French Government does not implement this aid measure.

However, the balance of the amount in question, namely FF 126 million in advances and FF 50 million in equity loans was paid to Pinault in November 1986, i.e. during the aid examination procedure. Since the suspensory effect rule provided for in the last sentence of Article 93 (3) was not complied with, the aid is also improper by reason of breach of procedure; it should be abolished from the date on which the French Government is notified of this decision. The abolition concerns in particular the aid elements contained in the assistance granted: the lack of a repayment schedule and the interest subsidy on the advances of FF 126 million, and the partial interest subsidy assessed at 3,75 % a year on the equity loan of FF 50 million; a recovery order should also be placed on the interest due on the two principal sums referred to above which Pinault has unduly benefited from since November 1986 (the date on which they were paid).

To date, the interest amounts to FF 12 million on the sum of FF 126 million, and FF 2 million on the sum of FF 50 million,

HAS ADOPTED THIS DECISION:

Article 1

The aid in the form of subsidies of FF 12 million and equity loans of FF 112 million granted to Isoroy in 1983, of subsidies of FF 68 million and equity loans of FF 40 million granted to Isoroy in 1985, together with the aid resulting from the authorization granted by Isoroy in 1985 to stagger its debt payments to the public authorities amounting to FF 98,5 million, is illegal and incompatible with the common market within the meaning of Articles 92 and 93 (3) of the EEC Treaty.

Article 2

1. The aid elements contained in the assistance granted to Pinault in 1986 in the form of repayable interest-free

advances amounting to FF 176 million and equity loans at the rate of 5,5 % during the first three years (totalling FF 50 million) are incompatible with the common market within the meaning of Article 92 of the EEC Treaty and must therefore be abolished from the date of notification of this Decision to the French Government.

2. Of the assistance referred to in paragraph 1, FF 126 million in advances and FF 50 million in equity loans were granted to Pinault in violation of the rules of procedure provided for in Article 93 (3) and are therefore illegal.

3. The French Government shall recover the interest on the sums of FF 126 million and FF 50 million referred to in paragraph 2 which Pinault has enjoyed since November 1986 and which amounts to FF 12 million and FF 2 million respectively on the date of adoption of this Decision.

Article 3

The French Government shall inform the Commission of the arrangements made to comply with this Decision within two months of the date of notification of this Decision.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 9 December 1987.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3743/87 of 14 December 1987 amending Council Regulation (EEC) No 3033/80 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products

(Official Journal of the European Communities No L 352 of 15 December 1987)

In the Annex on page 31 :

for: '2001 90 30 Sweet corn ...' and
'2004 90 10 Sweet corn ...',

read: '2001 90 30 Sweet corn (*Zea mays* var. *saccharata*) ...' and
'2004 90 10 Sweet corn (*Zea mays* var. *saccharata*) ...'.

In the Annex on page 32 :

for: '2008 99 85 Sweet corn, ...',

read: '2008 99 85 Maize other than sweet corn (*Zea mays* var. *saccharata*) ...'.

The entry under CN code ex 2005 90 90 is deleted.

Corrigendum to the corrigendum to Commission Regulation (EEC) No 3743/87 of 14 December 1987 amending Council Regulation (EEC) No 3033/80 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products

(Official Journal of the European Communities No L 88 of 1 April 1988)

On page 31, in the descriptions for both products :

for: '... whether or not concentrated or ...',

read: '... concentrated, whether or not ...'.

Corrigendum to Commission Regulation (EEC) No 4055/87 of 22 December 1987 amending Council Regulation (EEC) No 3035/80 laying down general rules for export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds

(Official Journal of the European Communities No L 379 of 31 December 1987)

In Annex B on page 6 and Annex C on page 19 :

for: 'ex 0710 40 00' and
'ex 0711 90 30',

read: '0710 40 00' and
'0711 90 30'.

In Annex B on page 8 and Annex C on page 21 :

for: 'ex 2001 90 30 Sweet corn';

read: '2001 90 30 Sweet corn (*Zea mays* var. *saccharata*)';.

In Annex B on page 9 and Annex C on pages 21 and 22 :

for: '2004 90 10 Sweet corn';,
'ex 2005 80 00' and
'ex 2008 99 85 Sweet corn';,

read: '2004 90 10 Sweet corn (*Zea mays* var. *saccharata*)';,
'2005 80 00' and
'2008 99 85 Maize other than sweet corn (*Zea mays* var. *saccharata*)';.

The entries under CN code ex 2005 90 90 are deleted.
