

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 1423/88**

of 24 May 1988

**on the granting of aid for certain varieties of rice of the Indica type or profile in Portugal**

THE COUNCIL 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, and in particular Article 234 (3) thereof,

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

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

Whereas Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Regulation (EEC) No 3990/87 <sup>(4)</sup>, provides in Article 8a (2) thereof that for the production of certain varieties of rice of the Indica type or profile, the aid is to be granted in respect of rice sown during the 1987/88 marketing year and until the end of the 1991/92 marketing year; whereas, pursuant to Article 261 of the Act of Accession, Regulation (EEC) No 1418/76 does not apply to Portugal until 1 January 1991;

Whereas the application of the varietal conversion arrangements in that country would therefore be restricted

to two marketing years; whereas such a period is not liable to ensure the achievement of the objectives of varietal conversion; whereas provision should consequently be made for the immediate application in Portugal of the arrangements provided for in Article 8a of Regulation (EEC) No 1418/76,

HAS ADOPTED THIS REGULATION:

*Article 1*

The system of production aid for certain varieties of the Indica type or profile provided for in Article 8a of Regulation (EEC) No 1418/76 shall apply to Portugal from 1 April 1988.

*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, 24 May 1988.

*For the Council*

*The President*

H.-D. GENSCHER

<sup>(1)</sup> OJ No C 88, 5. 4. 1988, p. 4.

<sup>(2)</sup> Opinion delivered on 19 May 1988 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 377, 31. 12. 1987, p. 15.

## COUNCIL REGULATION (EEC) No 1424/88

of 24 May 1988

amending the Annexes to Regulation (EEC) No 3878/87 on the production aid  
for certain varieties of rice

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,Having regard to Council Regulation (EEC) No 1418/76  
of 21 June 1976 on the common organization of the  
market in rice <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 3990/87 <sup>(2)</sup>, and in particular Article 8a (4) thereof,Having regard to the proposal from the Commission <sup>(3)</sup>,Whereas Article 1 of Council Regulation (EEC) No  
0000/88 of 24 May 1988 on the granting of aid for certain  
varieties of rice of the Indica type or profile in Portugal <sup>(4)</sup>  
provides that the system of production aid for certain  
varieties of the Indica type or profile provided for in  
Article 8a of Regulation (EEC) No 1418/76 is to apply to  
Portugal from 1 April 1988;Whereas Portugal should consequently be included in the  
areas listed in Annex A to Regulation (EEC) No3878/87 <sup>(5)</sup> and the Estrela 'A' variety should be included  
in Annex B to that Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*The Annexes to Regulation (EEC) No 3878/87 are hereby  
amended as follows:

- Portugal is added to the areas in Annex A,
- the Estrela 'A' variety is added to Annex B.

*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, 24 May 1988.

*For the Council**The President*

H.-D. GENSCHER

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 15.<sup>(3)</sup> OJ No C 88, 5. 4. 1988, p. 5.<sup>(4)</sup> See page 1 of this Official Journal.<sup>(5)</sup> OJ No L 365, 24. 12. 1987, p. 3.

## COMMISSION REGULATION (EEC) No 1425/88

of 26 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<sup>(1)</sup>, as last amended by Regulation (EEC) 1097/88<sup>(2)</sup>, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 4047/87<sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 25 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 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 7.

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

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

<sup>(5)</sup> OJ No L 378, 31. 12. 1987, p. 99.

## ANNEX

## to the Commission Regulation of 26 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	177,41
0712 90 19	16,55	177,41
1001 10 10	73,91	251,43 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	73,91	251,43 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	11,45	190,09
1001 90 99	11,45	190,09
1002 00 00	51,75	165,03 <sup>(6)</sup>
1003 00 10	45,43	169,63
1003 00 90	45,43	169,63
1004 00 10	101,89	145,72
1004 00 90	101,89	145,72
1005 10 90	16,55	177,41 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	16,55	177,41 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	40,05	184,34 <sup>(4)</sup>
1008 10 00	45,43	100,51
1008 20 00	45,43	150,88 <sup>(4)</sup>
1008 30 00	45,43	63,58 <sup>(5)</sup>
1008 90 10	(7)	(7)
1008 90 90	45,43	63,58
1101 00 00	31,23	281,33
1102 10 00	87,65	246,25
1103 11 10	128,41	403,56
1103 11 90	31,32	301,42

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

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

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

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

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

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

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

## COMMISSION REGULATION (EEC) No 1426/88

of 26 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1097/88 <sup>(2)</sup>, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 4048/87 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 25 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 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 7.

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

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

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

## ANNEX

to the Commission Regulation of 26 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	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
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 1427/88**  
**of 26 May 1988**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 1109/88 <sup>(2)</sup>, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

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

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

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

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

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products <sup>(5)</sup>, as last amended by Regulation (EEC) No 3812/85 <sup>(6)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 110, 29. 4. 1988.

<sup>(3)</sup> OJ No L 155, 3. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 119, 8. 5. 1986, p. 36.

<sup>(5)</sup> OJ No L 184, 29. 7. 1968, p. 10.

<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 3.

Whereas, for products falling within subheadings ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93 of the combined nomenclature, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within headings 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 3993/87<sup>(2)</sup>;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than 140 ECU/100 kg;

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.  
<sup>(2)</sup> OJ No L 377, 31. 12. 1987.  
<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

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

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

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

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within heading Nos 0401, 0402, 0403, 0404, 0405 and 2309 of the combined nomenclature.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

#### *Article 2*

This Regulation shall enter into force on 27 May 1988.

<sup>(5)</sup> OJ No L 91, 1. 4. 1984, p. 71.  
<sup>(6)</sup> OJ No L 272, 13. 10. 1984, p. 16.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

## to the Commission Regulation of 26 May 1988 fixing the export refunds on milk and milk products

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0401 10 10 000		8,95
0401 10 90 000		8,95
0401 20 11 100		8,95
0401 20 11 500		12,62
0401 20 19 100		8,95
0401 20 19 500		12,62
0401 20 91 100		16,07
0401 20 91 500		18,37
0401 20 99 100		16,07
0401 20 99 500		18,37
0401 30 11 100		22,94
0401 30 11 400		34,18
0401 30 11 700		50,23
0401 30 19 100		22,94
0401 30 19 400		34,18
0401 30 19 700		50,23
0401 30 31 100		59,40
0401 30 31 400		91,50
0401 30 31 700		100,67
0401 30 39 100		59,40
0401 30 39 400		91,50
0401 30 39 700		100,67
0401 30 91 100		114,44
0401 30 91 400		167,17
0401 30 91 700		194,68
0401 30 99 100		114,44
0401 30 99 400		167,17
0401 30 99 700		194,68
0402 10 11 000		80,00
0402 10 19 000		80,00
0402 10 91 000		0,8000
0402 10 99 000		0,8000
0402 21 11 200		80,00
0402 21 11 300		111,73
0402 21 11 500		119,30
0402 21 11 900		130,00
0402 21 17 000		80,00
0402 21 19 300		111,73
0402 21 19 500		119,30
0402 21 19 900		130,00
0402 21 91 100		131,15
0402 21 91 200		132,24
0402 21 91 300		134,24
0402 21 91 400		145,96
0402 21 91 500		149,95
0402 21 91 600		165,09
0402 21 91 700		174,30
0402 21 91 900		184,46
0402 21 99 100		131,15

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0402 21 99 200		132,24
0402 21 99 300		134,24
0402 21 99 400		145,96
0402 21 99 500		149,95
0402 21 99 600		165,09
0402 21 99 700		174,30
0402 21 99 900		184,46
0402 29 15 200		0,8000
0402 29 15 300		1,1173
0402 29 15 500		1,1930
0402 29 15 900		1,3000
0402 29 19 200		0,8000
0402 29 19 300		1,1173
0402 29 19 500		1,1930
0402 29 19 900		1,3000
0402 29 91 100		1,3115
0402 29 91 500		1,4596
0402 29 99 100		1,3115
0402 29 99 500		1,4596
0402 91 11 110		8,95
0402 91 11 120		16,07
0402 91 11 310		21,66
0402 91 11 350		27,37
0402 91 11 370		34,27
0402 91 19 110		8,95
0402 91 19 120		16,07
0402 91 19 310		21,66
0402 91 19 350		27,37
0402 91 19 370		34,27
0402 91 31 100		29,59
0402 91 31 300		35,58
0402 91 39 100		29,59
0402 91 39 300		35,58
0402 91 51 000		34,18
0402 91 59 000		34,18
0402 91 91 000		114,44
0402 91 99 000		114,44
0402 99 11 110		0,0895
0402 99 11 130		0,1607
0402 99 11 150		0,2501
0402 99 11 310		24,99
0402 99 11 330		30,81
0402 99 11 350		42,21
0402 99 19 110		0,0895
0402 99 19 130		0,1607
0402 99 19 150		0,2501
0402 99 19 310		24,99
0402 99 19 330		30,81
0402 99 19 350		42,21
0402 99 31 110		0,3189
0402 99 31 150		52,27
0402 99 31 300		0,5940
0402 99 31 500		1,0067
0402 99 39 110		0,3189
0402 99 39 150		52,27
0402 99 39 300		0,5940

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0402 99 39 500		1,0067
0402 99 91 000		1,1444
0402 99 99 000		1,1444
0403 10 11 100		8,95
0403 10 11 300		12,62
0403 10 13 000		16,07
0403 10 19 000		22,94
0403 10 31 100		0,0895
0403 10 31 300		0,1262
0403 10 33 000		0,1607
0403 10 39 000		0,2294
0403 90 11 000		80,00
0403 90 13 000		80,00
0403 90 19 000		131,15
0403 90 31 000		0,8000
0403 90 33 000		0,8000
0403 90 39 000		1,3115
0403 90 51 100		8,95
0403 90 51 300		12,62
0403 90 53 000		16,07
0403 90 59 110		22,94
0403 90 59 140		34,18
0403 90 59 170		50,23
0403 90 59 310		59,40
0403 90 59 340		91,50
0403 90 59 370		100,67
0403 90 59 510		114,44
0403 90 59 540		167,17
0403 90 59 570		194,68
0403 90 61 100		0,0895
0403 90 61 300		0,1262
0403 90 63 000		0,1607
0403 90 69 000		0,2294
0404 90 11 100		80,00
0404 90 11 910		8,95
0404 90 11 950		21,66
0404 90 13 120		80,00
0404 90 13 130		111,73
0404 90 13 140		119,30
0404 90 13 150		130,00
0404 90 13 911		8,95
0404 90 13 913		16,07
0404 90 13 915		22,94
0404 90 13 917		34,18
0404 90 13 919		50,23
0404 90 13 931		21,66
0404 90 13 933		27,37
0404 90 13 935		34,27
0404 90 13 937		35,58
0404 90 13 939		44,09
0404 90 19 110		131,15
0404 90 19 115		132,24
0404 90 19 120		134,24
0404 90 19 130		145,96
0404 90 19 135		149,95

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0404 90 19 150		165,09
0404 90 19 160		174,30
0404 90 19 180		184,46
0404 90 19 900		—
0404 90 31 100		80,00
0404 90 31 910		8,95
0404 90 31 950		21,66
0404 90 33 120		80,00
0404 90 33 130		111,73
0404 90 33 140		119,30
0404 90 33 150		130,00
0404 90 33 911		8,95
0404 90 33 913		16,07
0404 90 33 915		22,94
0404 90 33 917		34,18
0404 90 33 919		50,23
0404 90 33 931		21,66
0404 90 33 933		27,37
0404 90 33 935		34,27
0404 90 33 937		35,58
0404 90 33 939		37,24
0404 90 39 110		131,15
0404 90 39 115		132,24
0404 90 39 120		134,24
0404 90 39 130		145,96
0404 90 39 150		149,95
0404 90 39 900		—
0404 90 51 100		0,8000
0404 90 51 910		0,0895
0404 90 51 950		24,99
0404 90 53 110		0,8000
0404 90 53 130		1,1173
0404 90 53 150		1,1930
0404 90 53 170		1,3000
0404 90 53 911		0,0895
0404 90 53 913		0,1607
0404 90 53 915		0,2294
0404 90 53 917		0,3418
0404 90 53 919		0,5023
0404 90 53 931		24,99
0404 90 53 933		30,81
0404 90 53 935		42,21
0404 90 53 937		44,09
0404 90 53 939		—
0404 90 59 130		1,3115
0404 90 59 150		1,4596
0404 90 59 930		0,7086
0404 90 59 950		1,0067
0404 90 59 990		1,1444
0404 90 91 100		0,8000
0404 90 91 910		0,0895
0404 90 91 950		24,99
0404 90 93 110		0,8000
0404 90 93 130		1,1173
0404 90 93 150		1,1930

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,3000
0404 90 93 911		0,0895
0404 90 93 913		0,1607
0404 90 93 915		0,2294
0404 90 93 917		0,3418
0404 90 93 919		0,5023
0404 90 93 931		24,99
0404 90 93 933		30,81
0404 90 93 935		42,21
0404 90 93 937		44,09
0404 90 93 939		—
0404 90 99 130		1,3115
0404 90 99 150		1,4596
0404 90 99 930		0,7086
0404 90 99 950		1,0067
0404 90 99 990		1,1444
0405 00 10 100		—
0405 00 10 200		157,27
0405 00 10 300		197,85
0405 00 10 500		202,93
0405 00 10 700		208,00
0405 00 90 100		208,00
0405 00 90 900		258,50
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	66,34
	404	—
	***	91,14
0406 20 90 915	028	—
	032	—
	400	88,45
	404	—
	***	121,52
0406 20 90 917	028	—
	032	—
	400	93,98
	404	—
	***	129,12
0406 20 90 919	028	—
	032	—
	400	105,04
	404	—
	***	144,31
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	9,69
	404	—
	***	25,36

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	21,07
	404	—
	***	55,06
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	21,07
	404	—
	***	55,06
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	30,97
	404	—
	***	80,13
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	21,07
	404	—
	***	55,06
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	30,97
	404	—
	***	80,13
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	—
	***	117,74
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	21,07
	404	20,00
	***	55,06

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	30,97
	404	28,00
	...	80,13
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	—
	...	117,74
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	—
	...	117,74
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	53,45
	404	—
	...	139,67
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	53,45
	404	—
	...	139,67
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	55,00
	404	—
	...	131,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	170,00
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	170,00

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund *
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	170,00
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	...	177,25
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	30,00
	404	—
	...	153,00
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	30,00
	404	—
	...	153,00
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	28,00
	404	—
	...	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	43,22
	404	16,00
	...	102,26

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	40,41
	404	14,96
	...	95,58
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	43,22
	404	16,00
	...	102,26
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	40,41
	404	14,96
	...	95,58
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	43,22
	404	16,00
	...	102,26
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	40,41
	404	14,96
	...	95,58
0406 90 33 959		—
0406 90 35 110		—

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	163,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	732	150,00
	***	139,37
0406 90 61 000	028	—
	032	—
	036	90,00
	400	170,00
	404	140,00
	***	200,06
	0406 90 63 100	
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	***	227,18
	0406 90 63 900	
0406 90 63 900	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	***	180,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	***	180,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	42,21
	404	—
	***	99,96

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	46,55
	404	—
	***	110,21
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	52,91
	404	—
	***	125,21
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	732	150,00
***	139,37	
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	30,00
	404	—
	***	153,00
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	***	163,54
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	30,00
	404	—
	***	138,50
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	52,91
	404	—
***	125,21	

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	30,00
	404	—
	...	153,00
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	45,00
	404	—
	...	153,00
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	28,00
	404	—
	...	119,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	...	139,37
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	23,65
	404	—
	...	55,88
0406 90 83 990	028	—
	032	—
	400	23,65
	404	—
	...	55,88
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	163,54

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	732	150,00
	***	139,37
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	30,00
	404	—
	***	153,00
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	42,21
	404	—
	***	99,96
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	46,55
	404	—
	***	110,21
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	52,91
	404	—
	***	125,21
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	163,54
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	732	150,00
	***	139,37

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	30,00
	404	—
	***	153,00
0406 90 89 972	028	—
	032	—
	400	23,65
	404	—
	***	55,88
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	30,00
	404	—
***	153,00	
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	16,26
	404	—
	***	26,95
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	29,08
	404	—
	***	40,37
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	34,76
	404	—
***	49,31	
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		24,00
2309 10 70 200		32,00
2309 10 70 300		40,00
2309 10 70 500		48,00
2309 10 70 600		56,00
2309 10 70 700		64,00
2309 10 70 800		70,40
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		24,00
2309 90 70 200		32,00
2309 90 70 300		40,00
2309 90 70 500		48,00
2309 90 70 600		56,00
2309 90 70 700		64,00
2309 90 70 800		70,40
2309 90 70 900		—

(\*) The code numbers for the destinations are those set out in the Annex to Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by \*\*\*.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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*NB*: The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

## COMMISSION REGULATION (EEC) No 1428/88

of 26 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 3994/87<sup>(2)</sup>, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(13)</sup> specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 23 and 24 May 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 0709 90 39 and 0711 20 90 and on products falling within subheadings 1522 00 31, 1522 00 39 and 2306 90 19 of the combined nomenclature must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

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

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 30.

<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.

<sup>(4)</sup> OJ No L 79, 21. 3. 1987, p. 11.

<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.

<sup>(6)</sup> OJ No L 79, 21. 3. 1987, p. 12.

<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.

<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.

<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(10)</sup> OJ No L 79, 21. 3. 1987, p. 13.

<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

This Regulation shall enter into force on 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX I

## Minimum import levies on olive oil

*(ECU/100 kg)*

CN code	Non-member countries
1509 10 10	62,00 <sup>(1)</sup>
1509 10 90	62,00 <sup>(1)</sup>
1509 90 00	73,00 <sup>(2)</sup>
1510 00 10	62,00 <sup>(1)</sup>
1510 00 90	100,00 <sup>(3)</sup>

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

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

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

<sup>(2)</sup> For imports of oil falling within this subheading :

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

<sup>(3)</sup> For imports of oil falling within this subheading :

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

## ANNEX II

## Import levies on other olive oil sector products

*(ECU/100 kg)*

CN code	Non-member countries
0709 90 39	13,64
0711 20 90	13,64
1522 00 31	31,00
1522 00 39	49,60
2306 90 19	4,96

## COMMISSION REGULATION (EEC) No 1429/88

of 26 May 1988

## fixing the import levies on frozen beef and veal

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EEC) No 3905/87<sup>(2)</sup>, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(3)</sup>, as last amended by Regulation (EEC) No 3988/87<sup>(4)</sup>, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at 6,65 ECU;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 6 July 1987 have been fixed by Council Regulation (EEC) No 1891/87<sup>(5)</sup>; whereas Council Regulation (EEC) No 1412/88 of 17 May 1988<sup>(6)</sup> has extended the 1987/88 marketing year for beef and veal;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard coef-

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 370, 30. 12. 1987, p. 7.

<sup>(3)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(4)</sup> OJ No L 376, 31. 12. 1987, p. 31.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987.

<sup>(6)</sup> OJ No L 130, 26. 5. 1988, p. 1.

ficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the relevant coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage ; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86 <sup>(1)</sup>, as last amended by Regulation (EEC) No 467/87 <sup>(2)</sup> ; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community <sup>(3)</sup>, as last amended by Regulation (EEC) No 3003/87 <sup>(4)</sup> ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several

times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 486/85 <sup>(5)</sup>, as last amended by Regulation (EEC) No 1821/87 <sup>(6)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

<sup>(1)</sup> OJ No L 119, 8. 5. 1986, p. 40.

<sup>(2)</sup> OJ No L 48, 17. 2. 1987, p. 1.

<sup>(3)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(4)</sup> OJ No L 285, 8. 10. 1987, p. 11.

<sup>(5)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(6)</sup> OJ No L 172, 30. 6. 1987, p. 102.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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 Council Regulation (EEC) No 1676/85 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(2)</sup>,
- 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 rela-

tion to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies on frozen beef and veal shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 6 June 1988.

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

Done at Brussels, 26 May 1988.

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

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

<sup>(2)</sup> OJ No L 153, 13. 6. 1987, p. 1.

## ANNEX

to the Commission Regulation of 26 May 1988 fixing the import levies on frozen beef and veal <sup>(1)</sup>

*(ECU/100 kg)*

CN code	Levy
	— Net weight —
0202 10 00	247,875
0202 20 10	247,875
0202 20 30	198,300
0202 20 50	309,844
0202 20 90	371,812
0202 30 10	309,844
0202 30 50	309,844
0202 30 90	426,344
0206 29 91	426,344

<sup>(1)</sup> In accordance with Regulation (EEC) No 486/85, 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.

## COMMISSION REGULATION (EEC) No 1430/88

of 26 May 1988

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat  
other than frozen meat

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

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

Having regard to Council Regulation (EEC) No 1837/80  
of 27 June 1980 on the common organization of the  
market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 3939/87 <sup>(2)</sup>, and in particular the  
first paragraph of Article 11 thereof,

Whereas the import levies on live sheep and goats and on  
sheepmeat and goatmeat other than frozen meat were  
fixed by Commission Regulation (EEC) No 3917/87 <sup>(3)</sup>, as  
last amended by Regulation (EEC) No 1085/88 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules  
contained in Regulation (EEC) No 3917/87 to the quota-

tions and other information 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 on live sheep and goats and on sheep-  
meat and goatmeat other than frozen meat shall be as set  
out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 June 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

<sup>(3)</sup> OJ No L 369, 29. 12. 1987, p. 8.

<sup>(4)</sup> OJ No L 106, 27. 4. 1988, p. 14.

## ANNEX

## to the Commission Regulation of 26 May 1988 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 23 from 6 to 12 June 1988	Week No 24 from 13 to 19 June 1988	Week No 25 from 20 to 26 June 1988	Week No 26 from 27 June to 3 July 1988
0104 10 90 <sup>(1)</sup>	122,012	116,645	111,226	105,806
0104 20 90 <sup>(1)</sup>	122,012	116,645	111,226	105,806
0204 10 00 <sup>(2)</sup>	259,600	248,180	236,650	225,120
0204 21 00 <sup>(2)</sup>	259,600	248,180	236,650	225,120
0204 22 10 <sup>(2)</sup>	181,720	173,726	165,655	157,584
0204 22 30 <sup>(2)</sup>	285,560	272,998	260,315	247,632
0204 22 50 <sup>(2)</sup>	337,480	322,634	307,645	292,656
0204 22 90 <sup>(2)</sup>	337,480	322,634	307,645	292,656
0204 23 00 <sup>(2)</sup>	472,472	451,688	430,703	409,718
0204 50 11 <sup>(2)</sup>	259,600	248,180	236,650	225,120
0204 50 13 <sup>(2)</sup>	181,720	173,726	165,655	157,584
0204 50 15 <sup>(2)</sup>	285,560	272,998	260,315	247,632
0204 50 19 <sup>(2)</sup>	337,480	322,634	307,645	292,656
0204 50 31 <sup>(2)</sup>	337,480	322,634	307,645	292,656
0204 50 39 <sup>(2)</sup>	472,472	451,688	430,703	409,718
0210 90 11 <sup>(3)</sup>	337,480	322,634	307,645	292,656
0210 90 19 <sup>(3)</sup>	472,472	451,688	430,703	409,718

<sup>(1)</sup> The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

<sup>(2)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

<sup>(3)</sup> The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

**COMMISSION REGULATION (EEC) No 1431/88**  
**of 26 May 1988**  
**fixing the import levies on frozen sheepmeat and goatmeat**

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

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EEC) No 3939/87 <sup>(2)</sup>, and in particular the first paragraph of Article 11 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3918/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1086/88 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3918/87 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 June 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

<sup>(3)</sup> OJ No L 369, 29. 12. 1987, p. 11.

<sup>(4)</sup> OJ No L 106, 27. 4. 1988, p. 16.

## ANNEX

to the Commission Regulation of 26 May 1988 fixing the import levies on frozen  
sheepmeat and goatmeat<sup>(1)</sup>

(ECU/100 kg)

CN code	Week No 23 from 6 to 12 June 1988	Week No 24 from 13 to 19 June 1988	Week No 25 from 20 to 26 June 1988	Week No 26 from 27 June to 3 July 1988
0204 30 00	192,950	184,385	175,738	167,090
0204 41 00	192,950	184,385	175,738	167,090
0204 42 10	135,065	129,070	123,017	116,963
0204 42 30	212,245	202,824	193,312	183,799
0204 42 50	250,835	239,701	228,459	217,217
0204 42 90	250,835	239,701	228,459	217,217
0204 43 00	351,169	335,581	319,843	304,104
0204 50 51	192,950	184,385	175,738	167,090
0204 50 53	135,065	129,070	123,017	116,963
0204 50 55	212,245	202,824	193,312	183,799
0204 50 59	250,835	239,701	228,459	217,217
0204 50 71	250,835	239,701	228,459	217,217
0204 50 79	351,169	335,581	319,843	304,104

<sup>(1)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

## COMMISSION REGULATION (EEC) No 1432/88

of 26 May 1988

## laying down detailed rules for applying the co-responsibility levy in the cereals sector

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1097/88<sup>(2)</sup>, and in particular Articles 4 (5) and 4b (5) thereof,

Whereas Article 4 of Regulation (EEC) No 2727/75 provides for the introduction of a co-responsibility system applicable to cereals produced in the Community and placed on the market; whereas Article 4b thereof provides for the introduction of an additional co-responsibility levy where cereal production exceeds the maximum guaranteed quantity; whereas the detailed rules for the application of that system should be adopted;

Whereas the abovementioned detailed rules must entail firstly the definition of the concept of placing on the market; whereas, while that definition is basically to take over that in force for the 1987/88 marketing year, it must include deliveries in the framework of a forward transaction in order to ensure equal treatment for all dealings in cereals; whereas those detailed rules must also include provisions to ensure the operation of the exceptions laid down for seed grain;

Whereas the time limits for the payment of the abovementioned levies should be defined taking account of the constraints connected with the management of the cereals market at the beginning of the 1988/89 marketing year and of the special situation of undertakings dealing with small quantities of cereals; whereas provisions relating to verification of the application of the co-responsibility arrangements and those relating to the reimbursement of the additional levy, where the amount by which the maximum guaranteed quantity is exceeded is less than the 3% provided for in Article 4b of Regulation (EEC) No 2727/75, should also be laid down;

Whereas the arrangements provided for in Article 4 of Regulation (EEC) No 2727/75 replace the previous arrangements for the collection of the co-responsibility levy laid down for most Member States at the stage of first processing, export and intervention; whereas provision should consequently be made for the transitional measures necessary in particular for stocks of cereals held

by operators other than producers in the Member States concerned; whereas in addition Commission Regulation (EEC) No 2040/86 of 30 June 1986 laying down detailed rules for the application of the co-responsibility levy in the cereals sector<sup>(3)</sup>, as last amended by Regulation (EEC) No 2546/87<sup>(4)</sup>, should be repealed;

Whereas, moreover, Article 4 (7) of Regulation (EEC) No 2727/75 lays down special provisions for Italy, Greece, Spain and Portugal as regards the application of the new arrangements; whereas those provisions call for the introduction of special transitional measures;

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*

1. Producers shall be subject to the co-responsibility levy provided for in Article 4 and to the additional co-responsibility levy provided for in Article 4b (2) of Regulation (EEC) No 2727/75 in respect of the quantities of the cereals specified in Article 1 (a) and (b) of that Regulation placed on the market, with the exception of the quantities of seed grain which are to be certified in accordance with Council Directive 66/402/EEC<sup>(5)</sup> and sold as seed without prejudice to the second subparagraph of Article 9 (1).

2. For the purposes of this Regulation 'placing on the market' means sales (including barter operations) by producers to collection, trading and processing undertakings, to other producers and to the intervention agency.

The following shall be treated as placing on the market:

— the processing of cereals delivered or made available to an undertaking by a producer (work under contract) with a view either to subsequent use on his holding or to sale. 'Processing', for the purposes of this subparagraph, means any treatment of grain such that the product obtained may no longer be classified under the headings of the combined nomenclature referred to in Article 1 (a) and (b) of Regulation (EEC)

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 7.

<sup>(3)</sup> OJ No L 173, 1. 7. 1986, p. 65.

<sup>(4)</sup> OJ No L 242, 26. 8. 1987, p. 18.

<sup>(5)</sup> OJ No 125, 11. 7. 1966, p. 2309/66.

- No 2727/75, with the exception of the crushing of maize cobs harvested for immediate ensilage on an agricultural holding;
- the acceptance by a producer of a warrant of entitlement for the delivery of his cereals to a recognized storage depot in the framework of a forward transaction (London Grain Futures Market).

#### Article 2

1. For the purposes of this Regulation and Article 5 of Council Regulation (EEC) No 1676/85<sup>(1)</sup>, the operative event for the co-responsibility levy referred to in Article 1 shall be considered as taking place at the time:

- of delivery, in the case of placing on the market as referred to in the first subparagraph of Article 1 (2) within the same Member State,
- of processing, in the case of work under contract as referred to in the first indent of the second subparagraph of Article 1 (2) within the same Member State,
- of acceptance of the declaration for export outside the customs territory of the Community or consignment to another Member State in the case of export or consignment by a producer,
- of acceptance of the warrant of entitlement in the case referred to in the second indent of the second subparagraph of Article 1 (2).

As regards the declaration of consignment to another Member State referred to in the third indent, the Benelux is deemed to be a single Member State.

2. With regard to Greece, Italy, Portugal and Spain, in the case of cereals other than maize and grain sorghum, the agricultural conversion rate to be applied for the conversion of the co-responsibility levy in June shall be that in force on the following first of July.

#### Article 3

1. After making the finding referred to in Article 4b (4) of Regulation (EEC) No 2727/75, in accordance with the procedure laid down in Article 26 of that Regulation, the difference between the additional co-responsibility levy paid and that resulting from the finding referred to above shall be fixed. Member States shall, at the latest by 31 December of the following marketing year, reimburse the difference in question to producers subject to proof that the additional co-responsibility levy has been paid. However, a difference amounting to less than 0,5 ECU per tonne shall not be reimbursed.

2. Member States may fix a minimum amount per producer below which reimbursement shall not be made.

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

Such a minimum amount may not exceed 25 ECU per producer.

#### Article 4

1. The levies referred to in Article 1 (1) shall be collected by the purchasers and by the processing undertakings referred to in Article 1 (2). However, in the case of consignment of cereals by a producer to another Member State, of export of cereals by a producer to a third country or of delivery by a producer to recognized storage depots in the framework of a forward transaction, the levies shall be paid by the producer.

The levies shall be paid to the authorities designated for that purpose by each Member State for the transactions referred to in Article 2 (1) taking place within a three-month period. Those payments must be made by the end of the month following that period at the latest. However, for the 1988/89 marketing year, levies collected for transactions taking place from the date of application of this Regulation until 31 August 1988 shall be paid on 30 September 1988 at the latest and entered in the accounts as EAGGF intervention on 15 October 1988 at the latest.

On the occasion of each payment a written declaration in accordance with the model shown in the Annex shall be sent to the competent authority.

2. Purchasers and processing undertakings as referred to above dealing in the course of a marketing year with a quantity of cereals subject to the co-responsibility levy of less than 250 tonnes may be authorized to pay the levy collected on the said quantity at the latest by the end of July of the following marketing year.

3. Where a producer sells into intervention, the co-responsibility levy shall be collected when the intervention agency pays the buying-in price.

#### Article 5

The co-responsibility levies may be collected only once in respect of the same quantity of cereals.

#### Article 6

The operators referred to in Article 1 (2) shall keep available to the competent national authority accounts, showing in particular:

- (a) the names and addresses of producers or operators who have delivered grain to them,
- (b) the quantities involved in the abovementioned deliveries, together with the delivery dates,
- (c) the amount of the co-responsibility levy deducted,
- (d) the quantities of cereals exempt from the levy put on the market,
- (e) the quantities for which the co-responsibility levy has already been paid at a previous stage.

### Article 7

1. The stocks of cereals held by operators other than producers, with the exception of those held by operators in France and Italy, and belonging to them on the date from which this Regulation applies, shall be considered as having been placed on the market within the meaning of Article 1 (2). Holders of such stocks must, by the end of July 1988 at the latest, pay the co-responsibility levy in force on the day before the date on which this Regulation enters into force.

The exemption certificates issued under Commission Regulations (EEC) No 1871/86<sup>(1)</sup>, (EEC) No 2040/86, (EEC) No 2096/86<sup>(2)</sup> and (EEC) No 2529/87<sup>(3)</sup> and the second indent of Article 8 (1) of this Regulation shall apply to the stocks referred to in paragraph 1.

2. For the purpose of ensuring that this Article is applied, Member States shall organize an inventory of the stocks held by the holders concerned.

### Article 8

1. For June 1988 Greece, Italy and Spain shall apply the following transitional measures:

- the co-responsibility levy in force on 31 May 1988 shall be collected when cereals other than maize and grain sorghum introduced into those three Member States from the other Member States, with the exception of Portugal, are released for consumption;
- when cereals other than maize and grain sorghum are consigned from one of those three Member States to another Member State, and when they are subsequently re-consigned, the document attesting the Community nature of the cereals shall bear one of the following entries, authenticated by the stamp of the customs office which issued the document:
  - Cereales sometidos a la tasa de corresponsabilidad en virtud del Reglamento (CEE) n° 1432/88
  - Korn, der er omfattet af medansvarsafgiften i henhold til forordning (EØF) nr. 1432/88
  - Gemäß der Verordnung (EWG) Nr. 1432/88 der Mitverantwortungsabgabe unterliegendes Getreide
  - Σιτηρά που υπόκεινται στην εισφορά συνυπευθυνότητας σύμφωνα με τον κανονισμό (ΕΟΚ) αριθ. 1432/88
  - Cereals subject to the co-responsibility levy and covered by Regulation (EEC) No 1432/88
  - Céréales assujetties au prélèvement de coresponsabilité conformément au règlement (CEE) n° 1432/88
  - Cereali soggetti all'obbligo del prelievo di corresponsabilità conformemente al regolamento (CEE) n. 1432/88
  - Granen waarvoor de medeverantwoordelijkheid-sheffing geldt overeenkomstig Verordening (EEG) nr. 1432/88

— Cereais sujeitos à taxa de co-responsabilidade em conformidade com o Regulamento (CEE) n° 1432/88.

2. From 1 July 1988, each Member State shall apply the following transitional measures:

- on the consignment of cereals not subject to the co-responsibility levy for which the declarations of consignment are accepted before 1 July 1988, and on any subsequent re-consignment, the document attesting the Community nature of the cereals shall bear one of the following entries:
  - Declaración de expedición aceptada antes del 1 de julio de 1988 — Reglamento (CEE) n° 1432/88
  - Forsendelsesangivelse, der er antaget inden den 1. juli 1988 — forordning (EØF) nr. 1432/88
  - Vor dem 1. Juli 1988 angenommene Versanderkklärung — Verordnung (EWG) Nr. 1432/88
  - Δήλωση αποστολής που έγινε αποδεκτή πριν από την 1η Ιουλίου 1988 — Κανονισμός (ΕΟΚ) αριθ. 1432/88
  - Declaration of consignment accepted before 1 July 1988 — Regulation (EEC) No 1432/88
  - Déclaration d'expédition acceptée avant le 1<sup>er</sup> juillet 1988 — règlement (CEE) n° 1432/88
  - Dichiarazione di spedizione accettata anteriormente al 1° luglio 1988 — regolamento (CEE) n. 1432/88
  - Aangifte tot verzending aanvaard vóór 1 juli 1988 — Verordening (EEG) nr. 1432/88
  - Declaração de expedição admitida antes de 1 de Julho de 1988 — Regulamento (CEE) n° 1432/88;
- the co-responsibility levy applicable on 30 June 1988 shall apply on the release for consumption of the cereals which are consigned from the other Member States with the exception of Portugal before 1 July 1988 or for which the document attesting their Community nature bearing the entry given in the first indent is presented.

### Article 9

1. Member States shall adopt the additional measures necessary:

- to ensure that the co-responsibility levy is collected in accordance with this Regulation, and in particular control measures. Such controls may be conducted by spot checks;
- to ensure the application of the exception for seed grain provided for in Article 1 (1); to that end Member States may make provision for the application nationally, per cereal, of a coefficient expressing the ratio between the quantity of seed certified and sold and the quantity of seed purchased under a multiplication contract. They may also fix a minimum level of certification below which a seed merchant may no longer apply the standard coefficient referred to above. Where such a coefficient

<sup>(1)</sup> OJ No L 162, 18. 6. 1986, p. 18.

<sup>(2)</sup> OJ No L 180, 4. 7. 1986, p. 19.

<sup>(3)</sup> OJ No L 240, 22. 8. 1987, p. 13.

is applied, the Member State in question shall, at the end of the marketing year, update the coefficient to be applied in the following marketing year.

They may also require operators to provide any information in addition to that mentioned in the Annex.

2. Member States shall notify the Commission of the measures referred to in paragraph 1 before 1 August 1988. The Commission undertakes to confer beforehand with Member States which so request.

#### *Article 10*

Regulation (EEC) No 2040/86 shall be repealed on the date of application of this Regulation for the various Member States and the various products.

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

Done at Brussels, 26 May 1988.

#### *Article 11*

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

It shall apply:

- from 1 June 1988 in Greece, Italy and Spain in respect of all cereals other than maize and grain sorghum,
- from the second stage in Portugal,
- from 1 July 1988 in the other Member States and in the Member States listed in the first indent in respect of maize and grain sorghum.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

Name : .....

Address : .....

hereby certifies having carried out one of the transactions as set out in Article 2 (1) of Commission Regulation (EEC) No 1432/88 <sup>(1)</sup> on the following quantities of cereals in : .....

Quantity	Arrangements	Levy paid
	Subject to the co-responsibility levy Exempt from the co-responsibility levy in accordance with Regulation (EEC) No 1432/88 (certificate attached)	0

<sup>(1)</sup> OJ No L 131, 27. 5. 1988, p. 37.

## COMMISSION REGULATION (EEC) No 1433/88

of 26 May 1988

fixing the regulatory amounts for 1987/88 for imports of certain wine-sector products from Spain into the Community as constituted at 31 December 1985

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, and in particular Article 123 (2) thereof,

Having regard to Council Regulation (EEC) No 480/86 of 25 February 1986 laying down general rules of application of the regulatory amounts applicable to trade in certain wine sector products between the Community as constituted on 31 December 1985 and Spain<sup>(1)</sup>, and in particular Article 11 thereof,

Whereas, in the light of the rules laid down in Regulation (EEC) No 480/86, the regulatory amounts should be fixed by reference to the prices recorded on the Spanish market and on the market of the Community as constituted at 31 December 1985;

Whereas Article 123 (2) (a) of the Act of Accession stipulates that a regulatory amount is to be levied on table wine; whereas, for the purposes of applying that common measure, the table wine considered to be in a close economic relationship with each type of table wine should be determined;

Whereas the conditions laid down in Article 123 (2) (b) of the Act of Accession are not met; whereas the fixing of regulatory amounts applicable to wine-sector products other than table wine is therefore not warranted;

Whereas, by judgment of 20 October 1987 in Case 128/86, the Court of Justice annulled Commission Regulations (EEC) No 648/86<sup>(2)</sup> and (EEC) No 969/86<sup>(3)</sup> fixing the regulatory amounts for 1985/86 in so far as they fix amounts for wine-sector products other than table wine;

Whereas it appears fair to provide for the reimbursement, on application, of regulatory amounts already collected on products other than table wine pursuant to the abovementioned Regulations and to Commission Regulations (EEC) No 2715/86<sup>(4)</sup>, (EEC) No 3424/86<sup>(5)</sup> and (EEC) No 2387/87<sup>(6)</sup>;

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and

on the Common Customs Tariff<sup>(7)</sup>, as last amended by Commission Regulation (EEC) No 1315/88<sup>(8)</sup>, introduces, from 1 January 1988, a new combined nomenclature which meets the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and which replaces the existing nomenclature; whereas the combined nomenclature codes should accordingly be introduced for the regulatory amounts;

Whereas it should be made clear that the codes used are those of the combined nomenclature as defined in Regulation (EEC) No 2658/87; whereas the additional codes are defined in the tables in the Appendix to the Annex hereto and whereas the table numbers relate to the chapter indicated in the first two figures of the combined nomenclature codes;

Whereas, following the amendment to Regulation (EEC) No 2387/87 by Regulation (EEC) No 3612/87<sup>(9)</sup> and the introduction of the combined nomenclature codes for the regulatory amounts, Regulation (EEC) No 2387/87 should be replaced for the sake of clarity with effect from 1 January 1988;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1987/88 wine year, the regulatory amounts provided for in Article 2 of Regulation (EEC) No 480/86 shall be for the products mentioned in the Annex hereto.

*Article 2*

For the purposes of this Regulation, the following shall be considered to be in a close economic relationship with table wines of type:

— A I: white table wines which are not of type A I, A II or A III,

<sup>(1)</sup> OJ No L 54, 1. 3. 1986, p. 2.

<sup>(2)</sup> OJ No L 60, 1. 3. 1986, p. 54.

<sup>(3)</sup> OJ No L 89, 4. 4. 1986, p. 22.

<sup>(4)</sup> OJ No L 249, 1. 9. 1986, p. 27.

<sup>(5)</sup> OJ No L 316, 11. 11. 1986, p. 5.

<sup>(6)</sup> OJ No L 218, 7. 8. 1987, p. 16.

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

<sup>(8)</sup> OJ No L 123, 17. 5. 1988, p. 2.

<sup>(9)</sup> OJ No L 340, 2. 12. 1987, p. 18.

- R I : red table wines with an actual alcoholic strength of less than 12,5 % vol which are not of type R I or R III,
- R II : red table wines with an actual alcoholic strength of not less than 12,5 % vol which are not of type R II or R III.

The regulatory amounts applicable thereto shall be those laid down for the particular type of table wine with which they are in a close economic relationship.

#### *Article 3*

On application by the parties concerned, regulatory amounts applicable to wine-sector products other than

table wine collected pursuant to Regulation (EEC) No 648/86, as amended by Regulation (EEC) No 969/86, and Regulation (EEC) No 2715/86, (EEC) No 3424/86 and (EEC) No 2387/87 shall be reimbursed within a period of six months from submission of the applications.

Applications, with supporting documents, must be submitted to the competent authority of the Member State in question by 2 March 1988 at the latest.

#### *Article 4*

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

CN code	Table	Additional code	Notes	Regulatory amount
2204 21 25	5	7431	( <sup>1</sup> )	0,37
		7432	( <sup>1</sup> )	0,37
		7433	( <sup>1</sup> )	0,37
		7434	( <sup>1</sup> )	0,37
2204 21 29	6	7438	( <sup>1</sup> )	0,25
		7439	( <sup>1</sup> )	0,25
		7440	( <sup>1</sup> )	0,25
		7441	( <sup>1</sup> )	0,25
2204 21 35	8	7449	( <sup>1</sup> )	0,37
		7450	( <sup>1</sup> )	0,37
		7451	( <sup>1</sup> )	0,37
2204 21 39	9	7455	( <sup>1</sup> )	0,25
		7456	( <sup>1</sup> )	0,25
		7457	( <sup>1</sup> )	0,25
2204 29 25	11	7478	( <sup>2</sup> )	22,28
		7479	( <sup>2</sup> )	22,28
		7480	( <sup>2</sup> )	25,44
		7481	( <sup>2</sup> )	25,44
		7482	( <sup>1</sup> )	1,00
		7483	( <sup>1</sup> )	1,00
2204 29 29	12	7487	( <sup>2</sup> )	16,68
		7488	( <sup>2</sup> )	16,68
		7489	( <sup>1</sup> )	0,50
		7490	( <sup>1</sup> )	0,50
2204 29 35	14	7498	( <sup>2</sup> )	22,28
		7499	( <sup>2</sup> )	25,44
		7514	( <sup>1</sup> )	1,00
		7518	( <sup>1</sup> )	1,00
2204 29 39	15	7524	( <sup>2</sup> )	16,68
		7525	( <sup>1</sup> )	0,50
		7526	( <sup>1</sup> )	0,50

(<sup>1</sup>) ECU per % vol per hectolitre.

(<sup>2</sup>) ECU per hectolitre of product.

## Appendix

## ADDITIONAL CODES

TABLE 7

CN code	Description			
2009 60 11 2009 60 19 2009 60 51 2009 60 71		— Concentrated grape must and concentrated grape juice, as specified in points 6 and 9 respectively of Annex I to Regulation (EEC) No 822/87 :	— Rectified concentrated grape must, as specified in point 7 under b) of Annex I to Regulation (EEC) No 822/87 :	— Other :
	— White :	7391	7393	7395
	— Other :	7393	7394	7396

TABLE 8

CN code	Description		
2009 60 59 2009 60 79 2009 60 90		— Grape juice (including grape must) :	— Other :
	— White :	7397	7399
	— Other :	7398	7414

TABLE 4

CN code	Description		
2204 21 21 2204 21 23	— Of an actual alcoholic strength :	— Qualifying as 'Denominación de origen' or 'Denominación de origen calificada' wine in accordance with Regulation (EEC) No 823/87 :	— Other :
	— — Of 9 % vol or more but not exceeding 13 % vol :	7428	7430
	— — Other :	7429	

TABLE 5

CN code	Description									
2204 21 25	--Of an actual alcoholic strength :	--Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :			--Wine from third countries :		--Other :			
		--Of the type A II and A III as defined in Annex III to Regulation (EEC) No 822/87 :	--Retsina :	--Other :	--Presented in the document V.I. or V.A under the name Riesling or Sylvaner :	--Other :	--New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	--Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	--Other :	
	--Of 9 % vol or more but not exceeding 13 % vol :	7431	7433	7434	7587	7588	7435	7436	7437	
	--Other :	7432								

TABLE 6

CN code	Description									
2204 21 29	--Of an actual alcoholic strength :	--Table wine as defined under No 13 Annex I to Regulation (EEC) No 822/87 :			--Wine from third countries :		--Other :			
		--Of the type R III as defined in Annex III to Regulation (EEC) No 822/87 :	--Retsina :	--Other :	--Presented in the document V.I. or V.A under the name Portugieser :	--Other :	--New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	--Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	--Other :	
	--Of 9 % vol or more but not exceeding 13 % vol :	7438	7440	7441	7589	7590	7442	7443	7444	
	--Other :	7439								

TABLE 7

CN code	Description		
2204 21 31 2204 21 33	--Qualifying as 'Denominación de origen' or 'Denominación de origen calificada' wine in accordance with Regulation (EEC) No 823/87 :	--Quality liqueur wine produced in specified regions as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	--Other :
	7445	7446	7448

TABLE 8

CN code	Description								
2204 21 35	- Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :			- Wine from third countries :		- Other :			
	-- Of the type A II and A III as defined in Annex III to Regulation (EEC) No 822/87 :	-- Retsina :	-- Other :	-- Presented in the document V.I. or V.A under the name Riesling or Sylvaner :	-- Other :	-- New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	-- Liqueur wine as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	-- Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	-- Other :
	7449	7450	7451	7591	7592	7452	7447	7453	7454

TABLE 9

CN code	Description								
2204 21 39	- Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :			- Wine from third countries :		- Other :			
	-- Of the type R III as defined in Annex III to Regulation (EEC) No 822/87 :	-- Retsina :	-- Other :	-- Presented in the document V.I. or V.A under the name Portugieser :	-- Other :	-- New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	-- Liqueur wine as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	-- Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	-- Other :
	7455	7456	7457	7593	7594	7458	7496	7459	7469

TABLE 10

CN code	Description		
2204 29 21 2204 29 23	- Of an actual alcoholic strength :		- Qualifying as 'Denominación de origen' or 'Denominación de origen calificada' wine in accordance with Regulation (EEC) No 823/87 :
	-- Of 9 % vol or more but not exceeding 13 % vol :		7473
	-- Other :		7474
			7477

TABLE 11

CN code	Description									
	--Of an actual alcoholic strength :	--Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :				--Wine from third countries :		--Other :		
		--Of the type A II as defined in Annex III to Regulation (EEC) No 822/87 :	--Of the type A III as defined in Annex III to Regulation (EEC) No 822/87 :	--Retsina :	--Other :	--Presented in the document V.I. or V.A under the name Riesling or Sylvaner :	--Other :	--New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	--Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	--Other :
2204 29 25	--Of 9 % vol or more but not exceeding 13 % vol :	7478	7480	7482	7483	7595	7596	7484	7485	7486
	--Other :	7479	7481							

TABLE 12

CN code	Description								
	--Of an actual alcoholic strength :	--Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :			--Wine from third countries :		--Other :		
		--Of the type R III as defined in Annex III to Regulation (EEC) No 822/87 :	--Retsina :	--Other :	--Presented in the document V.I. or V.A under the name Portugieser :	--Other :	--New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	--Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	--Other :
2204 29 29	--Of 9 % vol or more but not exceeding 13 % vol :	7487	7489	7490	7597	7598	7491	7492	7493
	--Other :	7488							

TABLE 13

CN code	Description		
2204 29 31 2204 29 33	-Qualifying as 'Denominación de origen' or 'Denominación de origen calificada' wine in accordance with Regulation (EEC) No 823/87 :	-Quality liqueur wine produced in specified regions as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	-Other :
	7494	7495	7497

TABLE 14

CN code	Description									
2204 29 35	-Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :				-Wine from third countries :		-Other :			
	--Of the type A II as defined in Annex III to Regulation (EEC) No 822/87 :	--Of the type A III as defined in Annex III to Regulation (EEC) No 822/87 :	--Retsina :	--Other :	--Presented in the document V.I. or V.A under the name Riesling or Sylvaner :	--Other :	--New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	--Liqueur wine as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	--Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	--Other :
	7498	7499	7514	7518	7599	7614	7519	7643	7522	7523

TABLE 15

CN code	Description								
2204 29 39	-Table wine as defined under No 13 of Annex I to Regulation (EEC) No 822/87 :			-Wine from third countries :		-Other :			
	--Of the type R III as defined in Annex III to Regulation (EEC) No 822/87 :	--Retsina :	--Other :	--Presented in the document V.I. or V.A under the name Portugieser :	--Other :	--New wine still in fermentation, as specified in point 11 of Annex I to Regulation (EEC) No 822/87 :	--Liqueur wine as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	--Fresh grape must with fermentation arrested by the addition of alcohol, within the meaning of additional note 4 a) to Chapter 22 in the combined nomenclature :	--Other :
	7524	7525	7526	7618	7619	7527	7644	7528	7529

TABLE 16

CN code	Description		
2204 21 41 2204 21 49 2204 21 51 2204 21 59 2204 29 41 2204 29 45 2204 29 49 2204 29 51 2204 29 55 2204 29 59	- Quality liqueur wine produced in specified regions as specified in point 14 of Annex I to Regulation (EEC) No 822/87 :	- Other :	
		- - White :	- - Other :
	7530	7531	7532

TABLE 17

CN code	Description		
2204 30 10		- Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol, within the meaning of additional note 2 to Chapter 22 of the combined nomenclature :	- Other :
	- White :	7533	7535
	- Other :	7534	

TABLE 18

CN code	Description				
2204 30 91 2204 30 99		- Concentrated grape must and concentrated grape juice, as specified in points 6 and 9 respectively of Annex I to Regulation (EEC) No 822/87 :	- Rectified concentrated grape must, as specified in point 7 under b) of Annex I to Regulation (EEC) No 822/87 :	- Grape juice (including grape must) :	- Other :
	- White :	7536	7538	7638	7640
	- Other :	7537	7539	7639	7641

## COMMISSION REGULATION (EEC) No 1434/88

of 26 May 1988

## fixing the import levies on live cattle and on beef and veal other than frozen

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EEC) No 3905/87<sup>(2)</sup>, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 10, 0201 10 90, 0201 20 11 and 0201 20 19, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(3)</sup>, as last amended by Regulation (EEC) No 3988/87<sup>(4)</sup>;

Whereas the guide prices for adult bovine animals to be applied from 6 July 1987 were fixed by Council Regulation (EEC) No 1891/87<sup>(5)</sup>; whereas Council Regulation (EEC) No 1412/88 of 17 May 1988<sup>(6)</sup> has extended the 1987/88 marketing year for beef and veal;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

<sup>(3)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(4)</sup> OJ No L 376, 31. 12. 1987, p. 31.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987.

<sup>(6)</sup> OJ No L 130, 26. 5. 1988, p. 1.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 370, 30. 12. 1987, p. 7.

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77 of 18 March 1977<sup>(1)</sup>, as amended by Regulation (EEC) No 925/77<sup>(2)</sup>, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least 1,21 ECU per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on

the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the appropriate coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage; whereas, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1347/86<sup>(3)</sup>, as last amended by Regulation (EEC) No 467/87<sup>(4)</sup>; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community<sup>(5)</sup>, as last amended by Regulation (EEC) No 3003/87<sup>(6)</sup>;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 14.

<sup>(2)</sup> OJ No L 109, 30. 4. 1977, p. 1.

<sup>(3)</sup> OJ No L 119, 8. 5. 1986, p. 40.

<sup>(4)</sup> OJ No L 48, 17. 2. 1987, p. 1.

<sup>(5)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(6)</sup> OJ No L 285, 8. 10. 1987, p. 11.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas levies must be fixed having regard to the obligations arising from international agreements concluded by the Community; whereas account should also be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia<sup>(1)</sup>, and of Council Decision 87/605/EEC of 21 December 1987 on the conclusion of the additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia<sup>(2)</sup>, anticipating a reduction in the levy applicable on imports into the Community of certain products in the beef and veal sector originating in and coming from Yugoslavia;

Whereas Council Regulation (EEC) No 486/85<sup>(3)</sup>, last amended by Regulation (EEC) No 1821/87<sup>(4)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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 coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(5)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(6)</sup>,
- 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, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

#### *Article 2*

This Regulation shall enter into force on 6 June 1988.

<sup>(1)</sup> OJ No L 41, 14. 2. 1983, p. 1.

<sup>(2)</sup> OJ No L 389, 31. 12. 1987, p. 72.

<sup>(3)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(4)</sup> OJ No L 172, 30. 6. 1987, p. 102.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

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

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## ANNEX

to the Commission Regulation of 26 May 1988 fixing the import levies on live cattle and on beef and veal other than frozen <sup>(1)</sup>

(ECU/100 kg)

CN code	Yugoslavia <sup>(2)</sup>	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	30,570	131,237
0102 90 31	23,024	30,570	131,237
0102 90 33	—	30,570	131,237
0102 90 35	23,024	30,570	131,237
0102 90 37	23,024	30,570	131,237
— Net weight —			
0201 10 10	—	58,083	249,350
0201 10 90	43,746	58,083	249,350
0201 20 11	43,746	58,083	249,350
0201 20 19	43,746	58,083	249,350
0201 20 31	—	46,466	199,479
0201 20 39	34,996	46,466	199,479
0201 20 51	52,495	69,700	299,220
0201 20 59	52,495	69,700	299,220
0201 20 90	—	87,126	374,025
0201 30	—	99,659	427,832
0206 10 95	—	99,659	427,832
0210 20 10	—	87,126	374,025
0210 20 90	—	99,659	427,832
0210 90 41	—	99,659	427,832
0210 90 90	—	99,659	427,832
1602 50 10	—	99,659	427,832
1602 90 61	—	99,659	427,832

<sup>(1)</sup> In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

<sup>(2)</sup> This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

## COMMISSION REGULATION (EEC) No 1435/88

of 26 May 1988

## fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) (No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>), as last amended by Regulation (EEC) No 1097/88<sup>(2)</sup>), and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs<sup>(3)</sup>, as amended by Regulation (EEC) No 944/87<sup>(4)</sup>, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regula-

tion (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(5)</sup>), as last amended by Regulation (EEC) No 1821/87<sup>(6)</sup>);

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76<sup>(7)</sup>), as last amended by Regulation (EEC) No 3990/87<sup>(8)</sup>), which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal<sup>(9)</sup>), the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC<sup>(10)</sup>), as last amended by Regulation (EEC) No 31/76<sup>(11)</sup>), and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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 Council Regulation (EEC) No 1676/85<sup>(12)</sup>), as last amended by Regulation (EEC) No 1636/87<sup>(13)</sup>,

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 7.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 60.

<sup>(4)</sup> OJ No L 90, 2. 4. 1987, p. 2.

<sup>(5)</sup> OJ No L 61, 26. 2. 1986, p. 4.

<sup>(6)</sup> OJ No L 172, 30. 6. 1987, p. 102.

<sup>(7)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(8)</sup> OJ No L 377, 31. 12. 1987, p. 15.

<sup>(9)</sup> OJ No L 367, 31. 12. 1985, p. 7.

<sup>(10)</sup> OJ No 128, 27. 6. 1967, p. 2533/67.

<sup>(11)</sup> OJ No L 5, 10. 1. 1976, p. 18.

<sup>(12)</sup> OJ No L 164, 24. 6. 1985, p. 1.

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

— 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 June 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

to the Commission Regulation of 26 May 1988 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	Third countries (other than ACP and OCT)	ACP and OCT
2309 10 11	10,88	39,29	28,41
2309 10 13	10,88	656,84	645,96
2309 10 31	10,88	99,66	88,78
2309 10 33	10,88	717,21	706,33
2309 10 51	10,88	188,43	177,55
2309 10 53	10,88	805,98	795,10
2309 90 31	10,88	39,29	28,41
2309 90 33	10,88	656,84	645,96
2309 90 41	10,88	99,66	88,78
2309 90 43	10,88	717,21	706,33
2309 90 51	10,88	188,43	177,55
2309 90 53	10,88	805,98	795,10

**COMMISSION REGULATION (EEC) No 1436/88**  
**of 26 May 1988**  
**fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3993/87 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1394/88 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 23.

<sup>(3)</sup> OJ No L 192, 11. 7. 1987, p. 38.

<sup>(4)</sup> OJ No L 128, 21. 5. 1988, p. 34.

*ANNEX*

to the Commission Regulation of 26 May 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,92 <sup>(1)</sup>
1701 11 90	39,92 <sup>(1)</sup>
1701 12 10	39,92 <sup>(1)</sup>
1701 12 90	39,92 <sup>(1)</sup>
1701 91 00	48,38
1701 99 10	48,38
1701 99 90	48,38

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

## COMMISSION REGULATION (EEC) No 1437/88

of 26 May 1988

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3994/87<sup>(2)</sup>, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture<sup>(3)</sup>, as last amended by Regulation (EEC) No 887/88<sup>(4)</sup>,

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

Having regard to the opinion of the Monetary Committee,

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

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 4018/87<sup>(9)</sup>, as last amended by Regulation (EEC) No 1357/88<sup>(10)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4018/87 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas, in the absence of the target price for the 1988/89 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza, rape and sunflower seed has been obtainable only provisionally on the basis of the target price and the abatement of the subsidy for the marketing year 1987/88; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices of the 1988/89 marketing year are known,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83<sup>(11)</sup> shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86<sup>(12)</sup> shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87<sup>(13)</sup> for sunflower seed harvested and processed in Portugal is fixed in Annex III.
4. However, the amount of the subsidy in the case of advance fixing for the 1988/89 marketing year for colza, rape and sunflower will be confirmed or replaced as from 27 May 1988 to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

*Article 2*

This Regulation shall enter into force on 27 May 1988.

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

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 30.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 88, 1. 4. 1988, p. 6.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 176, 1. 7. 1987, p. 30.

<sup>(7)</sup> OJ No L 183, 3. 7. 1987, p. 14.

<sup>(8)</sup> OJ No L 183, 3. 7. 1987, p. 16.

<sup>(9)</sup> OJ No L 378, 31. 12. 1987, p. 27.

<sup>(10)</sup> OJ No L 125, 19. 5. 1988, p. 23.

<sup>(11)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(12)</sup> OJ No L 53, 1. 3. 1986, p. 47.

<sup>(13)</sup> OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

ANNEX I

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

(amounts per 100 kilograms)

	Current 5	1st period 6	2nd period 7 <sup>(1)</sup>	3rd period 8 <sup>(1)</sup>	4th period 9 <sup>(1)</sup>	5th period 10 <sup>(1)</sup>
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	22,955	22,835	19,656	18,665	18,665	18,306
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	55,93	55,65	46,78	44,58	44,58	44,11
— Netherlands (Fl)	62,00	61,69	52,67	50,20	50,20	49,63
— BLEU (Bfrs/Lfrs)	1 099,52	1 093,73	940,84	892,23	892,23	869,06
— France (FF)	165,10	164,16	139,95	131,58	131,58	129,60
— Denmark (Dkr)	197,94	196,87	168,97	160,12	160,12	154,75
— Ireland (£ Irl)	18,348	18,244	15,581	14,676	14,676	14,264
— United Kingdom (£)	13,633	13,544	11,425	10,693	10,693	10,273
— Italy (Lit)	34 443	34 233	28 955	27 032	27 032	26 161
— Greece (Dr)	1 936,49	1 909,06	1 444,36	1 242,83	1 242,83	1 118,33
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Pta)	3 498,13	3 479,61	2 987,88	2 819,50	2 819,50	2 728,09
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 404,06	4 374,85	3 817,60	3 609,76	3 609,76	3 484,80

<sup>(1)</sup> Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.

## ANNEX II

## Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 5	1st period 6	2nd period 7 <sup>(1)</sup>	3rd period 8 <sup>(1)</sup>	4th period 9 <sup>(1)</sup>	5th period 10 <sup>(1)</sup>
1. Gross aids (ECU):						
— Spain	2,500	2,500	2,500	2,500	2,500	2,500
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	25,455	25,335	22,156	21,165	21,165	20,806
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	61,89	61,61	52,68	50,48	50,48	50,01
— Netherlands (Fl)	68,69	68,37	59,28	56,82	56,82	56,25
— BLEU (Bfrs/Lfrs)	1 219,69	1 213,89	1 061,01	1 012,39	1 012,39	989,22
— France (FF)	183,79	182,85	158,64	150,27	150,27	148,29
— Denmark (Dkr)	219,83	218,76	190,85	182,00	182,00	176,63
— Ireland (£ Irl)	20,427	20,322	17,659	16,755	16,755	16,342
— United Kingdom (£)	15,273	15,184	13,066	12,333	12,333	11,914
— Italy (Lit)	38 435	38 226	32 947	31 025	31 025	30 154
— Greece (Dr)	2 257,34	2 229,91	1 765,21	1 563,68	1 563,68	1 439,18
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	385,53	385,53	385,53	385,53	385,53	385,53
— in another Member State (Pta)	3 883,66	3 865,14	3 373,41	3 205,03	3 205,03	3 113,62
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	429,31	429,31	429,31	429,31	429,31	429,31
— in another Member State (Esc)	4 833,37	4 804,16	4 246,91	4 039,07	4 039,07	3 914,11

<sup>(1)</sup> Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kilograms)

	Current 5	1st period 6	2nd period 7	3rd period 8 <sup>(1)</sup>	4th period 9 <sup>(1)</sup>
<b>1. Gross aids (ECU):</b>					
— Spain	3,440	3,440	3,440	3,440	3,440
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	31,831	31,613	31,540	28,083	28,083
<b>2. Final aids:</b>					
(a) Seed harvested and processed in <sup>(2)</sup> :					
— Federal Republic of Germany (DM)	77,28	76,78	76,63	66,86	66,86
— Netherlands (Fl)	85,83	85,26	85,07	75,20	75,20
— BLEU (Bfrs/Lfrs)	1 525,55	1 515,02	1 511,50	1 344,47	1 344,47
— France (FF)	230,42	228,71	227,81	201,28	201,28
— Denmark (Dkr)	275,17	273,22	272,57	242,28	242,28
— Ireland (£ Irl)	25,611	25,420	25,353	22,431	22,431
— United Kingdom (£)	19,229	19,068	19,014	16,734	16,734
— Italy (Lit)	48 265	47 886	47 589	41 825	41 825
— Greece (Dr)	2 915,00	2 868,45	2 816,83	2 348,66	2 348,66
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	530,49	530,49	530,49	530,49	530,49
— in another Member State (Pta)	3 678,01	3 644,37	3 631,41	3 081,07	3 081,07
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 290,64	6 240,32	6 221,49	5 586,15	5 586,15
— in another Member State (Esc)	6 108,56	6 059,70	6 041,41	5 424,47	5 424,47
<b>3. Compensatory aids:</b>					
— in Spain (Pta)	3 632,28	3 597,65	3 584,69	3 032,59	3 032,59
<b>4. Special aid:</b>					
— in Portugal (Esc)	6 108,56	6 059,70	6 041,41	5 424,47	5 424,47

<sup>(1)</sup> Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.<sup>(2)</sup> For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,029807.

## ANNEX IV

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

(value of 1 ECU)

	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
DM	2,081900	2,077180	2,072720	2,068350	2,068350	2,054950
Fl	2,331390	2,327530	2,323750	2,319800	2,319800	2,307400
Bfrs/Lfrs	43,431600	43,431700	43,427300	43,416600	43,416600	43,390200
FF	7,041560	7,052610	7,063320	7,073980	7,073980	7,106320
Dkr	7,944600	7,965820	7,986360	8,005230	8,005230	8,058150
£Irl	0,778447	0,778911	0,779265	0,779733	0,779733	0,781392
£	0,655881	0,656983	0,657996	0,659091	0,659091	0,662703
Lit	1 544,69	1 550,15	1 555,76	1 561,23	1 561,23	1 577,90
Dr	166,66200	167,92200	169,01100	170,36800	170,36800	175,40500
Esc	169,91900	170,84600	171,58500	172,63900	172,63900	175,06600
Pta	137,55600	137,97800	138,41100	138,82300	138,82300	140,19100

## COMMISSION REGULATION (EEC) No 1438/88

of 26 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1097/88<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16<sup>(2)</sup>,

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4

of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC<sup>(4)</sup>, as amended by Regulation (EEC) No 1607/71<sup>(5)</sup>;

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

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

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

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

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

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

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

<sup>(2)</sup> OJ No L 168, 27. 7. 1971, p. 16.

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

<sup>(4)</sup> OJ No L 128, 27. 6. 1967, p. 2574/67.

<sup>(5)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(6)</sup> OJ No L 110, 29. 4. 1988, p. 7.

<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 78.

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

The refund on export to Portugal has not been fixed.

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

to the Commission Regulation of 26 May 1988 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	80,00
1001 10 90 000	04	30,00 (2)
	05	25,00 (2)
	10	24,00 (2)
	02	20,00 (2)
1001 90 91 000	01	80,00
1001 90 99 000	03	96,00
	02	0
	08	98,00
	12	25,00
1002 00 00 000	03	88,00
	06	20,00
	07	15,00
	02	25,00
	09	95,00
	11	95,00
1003 00 10 000	01	80,00
1003 00 90 000	03	96,00
	02	25,00
1004 00 10 000	01	50,00
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	108,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	144,00
1101 00 00 120	01	144,00
1101 00 00 130	01	125,00
1101 00 00 150	01	116,00
1101 00 00 170	01	107,00
1101 00 00 180	01	96,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	144,00
1102 10 00 200	01	144,00
1102 10 00 300	01	144,00
1102 10 00 500	01	144,00
1102 10 00 900	—	—
1103 11 10 100	01	250,00
1103 11 10 200	01	235,00
1103 11 10 500	01	206,00
1103 11 10 900	01	193,00
1103 11 90 100	01	144,00
1103 11 90 900	—	—

(<sup>1</sup>) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Zones II and III,
- 05 Algeria,
- 06 Japan,
- 07 South Korea,
- 08 Ceuta and Melilla,
- 09 Zone II (b),
- 10 Tunisia,
- 11 Israel,
- 12 Morocco.

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

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*N.B.* The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988).

The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

## COMMISSION REGULATION (EEC) No 1439/88

of 26 May 1988

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75  
of 29 October 1975 on the common organization of the  
market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC)  
No 1097/88<sup>(2)</sup>, and in particular the fourth subparagraph  
of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29  
October 1975 on the import and export system for

products processed from cereals and from rice<sup>(4)</sup>, as last  
amended by Regulation (EEC) No 1906/87<sup>(5)</sup>, defines the  
specific criteria to be taken into account when the refund  
on these products is being calculated;

Whereas it follows from applying these detailed rules to  
the present situation on the market in products processed  
from cereals and rice that the export refund should be  
fixed at an amount which will cover the difference  
between Community prices and world market prices;

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

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

- in the case of currencies which are maintained in rela-  
tion 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 Regula-  
tion (EEC) No 1676/85<sup>(6)</sup>, as last amended by Regula-  
tion (EEC) No 1636/87<sup>(7)</sup>,
- 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 rela-  
tion to the Community currencies referred to in the  
previous indent and the aforesaid coefficient;

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

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

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

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

<sup>(7)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

The refund on export to Portugal has not been fixed.

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*ANNEX*

to the Commission Regulation of 26 May 1988 fixing the export refunds on malt

Product code	Refund (ECU/tonne)
1107 10 19 000	117,00
1107 10 99 000	170,00
1107 20 00 000	200,00

*NB:* The product codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

## COMMISSION REGULATION (EEC) No 1440/88

of 26 May 1988

amending for the fifth time Regulation (EEC) No 1854/87 fixing countervailing charges on 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 (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds <sup>(1)</sup>, as last amended by Regulation (EEC) No 3997/87 <sup>(2)</sup>, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 1854/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1154/88 <sup>(4)</sup>, fixed countervailing charges on seeds in respect of a certain type of hybrid maize and sorghum for sowing;

Whereas, since that time, a significant variation has been recorded in the free-at-frontier offer prices which, under the terms of Article 4 (2) of Commission Regulation

(EEC) No 1665/72 <sup>(5)</sup> as amended by Regulation (EEC) No 2811/86 <sup>(6)</sup>, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to amended Regulation (EEC) No 1854/87 is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 27 May 1988.

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

Done at Brussels, 26 May 1988.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

<sup>(1)</sup> OJ No L 246, 5. 11. 1971, p. 1.  
<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 36.  
<sup>(3)</sup> OJ No L 174, 1. 7. 1987, p. 46.  
<sup>(4)</sup> OJ No L 108, 29. 4. 1988, p. 73.

<sup>(5)</sup> OJ No L 175, 2. 8. 1972, p. 49.  
<sup>(6)</sup> OJ No L 260, 12. 9. 1986, p. 8.

## ANNEX

## Countervailing charge on hybrid maize for sowing

*(ECU/100 kg)*

CN code	Amount of countervailing charge <sup>(1)</sup>	Country of origin <sup>(2)</sup>
1005 10 11	13,8	404
	14,7	038
	15,1	064
	15,4	400
	53,1	048
	53,1	1
1005 10 13	15,6	048
	17,3	400
	26,7	062
	30,5	064
	31,0	068
	51,0	066
1005 10 15	51,0	2
	29,8	038
	45,0	400
	89,3	048
	99,2	064
	104,0	066
	118,1	404
118,1	3	

<sup>(1)</sup> The countervailing charge may not exceed 4 % of the customs value. In the case of Spain and Portugal it may not exceed the rate obtained by alignment on the CCT in accordance with the timetable specified in the Act of Accession.

<sup>(2)</sup> Origin identification :

- 1 Other countries with the exception of Romania and Chile
- 2 Other countries with the exception of Canada, Chile, Japan, Austria and Argentina ;
- 3 Other countries with the exception of Bulgaria ;
- 038 Austria ;
- 048 Yugoslavia ;
- 062 Czechoslovakia ;
- 064 Hungary ;
- 066 Romania ;
- 068 Bulgaria
- 400 USA ;
- 404 Canada.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DIRECTIVE

of 16 May 1988

on competition in the markets in telecommunications terminal equipment

(88/301/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 90 (3) thereof,

Whereas :

1. In all the Member States, telecommunications are, either wholly or partly, a State monopoly generally granted in the form of special or exclusive rights to one or more bodies responsible for providing and operating the network infrastructure and related services. Those rights, however, often go beyond the provision of network utilization services and extend to the supply of user terminal equipment for connection to the network. The last decades have seen considerable technical developments in networks, and the pace of development has been especially striking in the area of terminal equipment.
2. Several Member States have, in response to technical and economic developments, reviewed their grant of special or exclusive rights in the telecommunications sector. The proliferation of types of terminal equipment and the possibility of the multiple use of terminals means that users must be allowed a free choice between the various types of equipment available if they are to benefit fully from the technological advances made in the sector.
3. Article 30 of the Treaty prohibits quantitative restrictions on imports from other Member States and all measures having equivalent effect. The grant of special or exclusive rights to import and market goods to one organization can, and often does, lead to restrictions on imports from other Member States.
4. Article 37 of the Treaty states that 'Member States shall progressively adjust any State monopolies of a commercial character so as to ensure that when the transitional period has ended no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.  
  
The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports between Member States. These provisions shall likewise apply to monopolies delegated by the State to others.' Paragraph 2 of Article 37 prohibits Member States from introducing any new measure contrary to the principles laid down in Article 37 (1).
5. The special or exclusive rights relating to terminal equipment enjoyed by national telecommunications monopolies are exercised in such a way as, in practice, to disadvantage equipment from other Member States, notably by preventing users from freely choosing the equipment that best suits their needs in terms of price and quality, regardless of its origin. The exercise of these rights is therefore not compatible with Article 37 in all the Member States except Spain and Portugal, where the national monopolies are to be adjusted progressively before the end of the transitional period provided for by the Act of Accession.
6. The provision of installation and maintenance services is a key factor in the purchasing or rental of terminal equipment. The retention of exclusive rights in this field would be tantamount to retention of exclusive marketing rights. Such rights must therefore also be abolished if the abolition of exclusive importing and marketing rights is to have any practical effect.

7. Article 59 of the Treaty provides that 'restrictions on freedom to provide services within the Community shall be progressively abolished during the transitional period in respect of nationals of Member States who are established in a State of the Community other than that of the person for whom the services are intended.' Maintenance of terminals is a service within the meaning of Article 60 of the Treaty. As the transitional period has ended, the service in question, which cannot from a commercial point of view be dissociated from the marketing of the terminals, must be provided freely and in particular when provided by qualified operators.
8. Article 90 (1) of the Treaty provides that 'in the case of public undertakings and undertakings to which Member States grant special or exclusive rights, Member States shall neither enact nor maintain in force any measure contrary to the rules contained in this Treaty, in particular to those rules provided for in Article 7 and Articles 85 to 94.'
9. The market in terminal equipment is still as a rule governed by a system which allows competition in the common market to be distorted; this situation continues to produce infringements of the competition rules laid down by the Treaty and to affect adversely the development of trade to such an extent as would be contrary to the interests of the Community. Stronger competition in the terminal equipment market requires the introduction of transparent technical specifications and type-approval procedures which meet the essential requirements mentioned in Council Directive 86/361/EEC<sup>(1)</sup> and allow the free movement of terminal equipment. In turn, such transparency necessarily entails the publication of technical specifications and type-approval procedures. To ensure that the latter are applied transparently, objectively and without discrimination, the drawing-up and application of such rules should be entrusted to bodies independent of competitors in the market in question. It is essential that the specifications and type-approval procedures are published simultaneously and in an orderly fashion. Simultaneous publication will also ensure that behaviour contrary to the Treaty is avoided. Such simultaneous, orderly publication can be achieved only by means of a legal instrument that is binding on all the Member States. The most appropriate instrument to this end is a directive.
10. The Treaty entrusts the Commission with very clear tasks and gives it specific powers with regard to the monitoring of relations between the Member States and their public undertakings and enterprises to which they have delegated special or exclusive rights, in particular as regards the elimination of quantitative restrictions and measures having equivalent effect, discrimination between nationals of Member States, and competition. The only instrument, therefore, by which the Commission can efficiently carry out the tasks and powers assigned to it, is a Directive based on Article 90 (3).
11. Telecommunications bodies or enterprises are undertakings within the meaning of Article 90 (1) because they carry on an organized business activity involving the production of goods or services. They are either public undertakings or private enterprises to which the Member States have granted special or exclusive rights for the importation, marketing, connection, bringing into service of telecommunications terminal equipment and/or maintenance of such equipment. The grant and maintenance of special and exclusive rights for terminal equipment constitute measures within the meaning of that Article. The conditions for applying the exception of Article 90 (2) are not fulfilled. Even if the provision of a telecommunications network for the use of the general public is a service of general economic interest entrusted by the State to the telecommunications bodies, the abolition of their special or exclusive rights to import and market terminal equipment would not obstruct, in law or in fact, the performance of that service. This is all the more true given that Member States are entitled to subject terminal equipment to type-approval procedures to ensure that they conform to the essential requirements.
12. Article 86 of the Treaty prohibits as incompatible with the common market any conduct by one or more undertakings that involves an abuse of a dominant position within the common market or a substantial part of it.
13. The telecommunications bodies hold individually or jointly a monopoly on their national telecommunications network. The national networks are markets. Therefore, the bodies each individually or jointly hold a dominant position in a substantial part of the market in question within the meaning of Article 86.
- The effect of the special or exclusive rights granted to such bodies by the State to import and market terminal equipment is to :
- restrict users to renting such equipment, when it would often be cheaper for them, at least in the long term, to purchase this equipment. This effectively makes contracts for the use of networks subject to acceptance by the user of additional services which have no connection with the subject of the contracts,
10. The Treaty entrusts the Commission with very clear tasks and gives it specific powers with regard to the monitoring of relations between the Member States and their public undertakings and enterprises to

<sup>(1)</sup> OJ No L 217, 5. 8. 1986, p. 21.

— limit outlets and impede technical progress since the range of equipment offered by the telecommunications bodies is necessarily limited and will not be the best available to meet the requirements of a significant proportion of users.

Such conduct is expressly prohibited by Article 86 (d) and (b), and is likely significantly to affect trade between Member States.

At all events, such special or exclusive rights in regard to the terminal equipment market give rise to a situation which is contrary to the objective of Article 3 (f) of the Treaty, which provides for the institution of a system ensuring that competition in the common market is not distorted, and requires *a fortiori* that competition must not be eliminated. Member States have an obligation under Article 5 of the Treaty to abstain from any measure which could jeopardize the attainment of the objectives of the Treaty, including Article 3 (f).

The exclusive rights to import and market terminal equipment must therefore be regarded as incompatible with Article 86 in conjunction with Article 3, and the grant or maintenance of such rights by a Member State is prohibited under Article 90 (1).

14. To enable users to have access to the terminal equipment of their choice, it is necessary to know and make transparent the characteristics of the termination points of the network to which the terminal equipment is to be connected. Member States must therefore ensure that the characteristics are published and that users have access to termination points.
15. To be able to market their products, manufacturers of terminal equipment must know what technical specifications they must satisfy. Member States should therefore formalize and publish the specifications and type-approval rules, which they must notify to the Commission in draft form, in accordance with Council Directive 83/189/EEC<sup>(1)</sup>. The specifications may be extended to products imported from other Member States only insofar as they are necessary to ensure conformity with the essential requirements specified in Article 2 (17) of Directive 86/361/EEC that can legitimately be required under Community law. Member States must, in any event, comply with Articles 30 and 36 of the Treaty, under which an importing Member State must allow terminal equipment legally manufactured and marketed in another Member State to be imported on to its territory, and may only subject it to such type-approval and possibly refuse approval for reasons concerning conformity with the abovementioned essential requirements.

16. The immediate publication of these specifications and procedures cannot be considered in view of their

complexity. On the other hand, effective competition is not possible without such publication, since potential competitors of the bodies or enterprises with special or exclusive rights are unaware of the precise specifications with which their terminal equipment must comply and of the terms of the type-approval procedures and hence their cost and duration. A deadline should therefore be set for the publication of specifications and the type-approval procedures. A period of two-and-a-half years will also enable the telecommunications bodies with special or exclusive rights to adjust to the new market conditions and will enable economic operators, especially small and medium-sized enterprises, to adapt to the new competitive environment.

17. Monitoring of type-approval specifications and rules cannot be entrusted to a competitor in the terminal equipment market in view of the obvious conflict of interest. Member States should therefore ensure that the responsibility for drawing up type-approval specifications and rules is assigned to a body independent of the operator of the network and of any other competitor in the market for terminals.
18. The holders of special or exclusive rights in the terminal equipment in question have been able to impose on their customers long-term contracts preventing the introduction of free competition from having a practical effect within a reasonable period. Users must therefore be given the right to obtain a revision of the duration of their contracts,

HAS ADOPTED THIS DIRECTIVE :

#### Article 1

For the purposes of this Directive :

— 'terminal equipment' means equipment directly or indirectly connected to the termination of a public telecommunications network to send, process or receive information. A connection is indirect if equipment is placed between the terminal and the termination of the network. In either case (direct or indirect), the connection may be made by wire, optical fibre or electromagnetically.

Terminal equipment also means receive-only satellite stations not reconnected to the public network of a Member State,

— 'undertaking' means a public or private body, to which a Member State grants special or exclusive rights for the importation, marketing, connection, bringing into service of telecommunications terminal equipment and/or maintenance of such equipment.

<sup>(1)</sup> OJ No L 109, 28. 3. 1983, p. 8.

*Article 2*

Member States which have granted special or exclusive rights within the meaning of Article 1 to undertakings shall ensure that those rights are withdrawn.

They shall, not later than three months following the notification of this Directive, inform the Commission of the measures taken or draft legislation introduced to that end.

*Article 3*

Member States shall ensure that economic operators have the right to import, market, connect, bring into service and maintain terminal equipment. However, Member States may:

- in the absence of technical specifications, refuse to allow terminal equipment to be connected and brought into service where such equipment does not, according to a reasoned opinion of the body referred to in Article 6, satisfy the essential requirements laid down in Article 2 (17) of Directive 86/361/EEC,
- require economic operators to possess the technical qualifications needed to connect, bring into service and maintain terminal equipment on the basis of objective, non-discriminatory and publicly available criteria.

*Article 4*

Member States shall ensure that users have access to new public network termination points and that the physical characteristics of these points are published not later than 31 December 1988.

Access to public network termination points existing at 31 December 1988 shall be given within a reasonable period to any user who so requests.

*Article 5*

1. Member States shall, not later than the date mentioned in Article 2, communicate to the Commission a list of all technical specifications and type-approval procedures which are used for terminal equipment, and shall provide the publication references.

Where they have not as yet been published in a Member State, the latter shall ensure that they are published not later than the dates referred to in Article 8.

2. Member States shall ensure that all other specifications and type-approval procedures for terminal equipment are formalized and published. Member States shall communicate the technical specifications and type-approval procedures in draft form to the Commission in accordance with Directive 83/189/EEC and according to the timetable set out in Article 8.

*Article 6*

Member States shall ensure that, from 1 July 1989, responsibility for drawing up the specifications referred to

in Article 5, monitoring their application and granting type-approval is entrusted to a body independent of public or private undertakings offering goods and/or services in the telecommunications sector.

*Article 7*

Member States shall take the necessary steps to ensure that undertakings within the meaning of Article 1 make it possible for their customers to terminate, with maximum notice of one year, leasing or maintenance contracts which concern terminal equipment subject to exclusive or special rights at the time of the conclusion of the contracts.

For terminal equipment requiring type-approval, Member States shall ensure that this possibility of termination is afforded by the undertakings in question no later than the dates provided for in Article 8. For terminal equipment not requiring type-approval, Member States shall introduce this possibility no later than the date provided for in Article 2.

*Article 8*

Member States shall inform the Commission of the draft technical specifications and type-approval procedures referred to in Article 5 (2);

- not later than 31 December 1988 in respect of equipment in category A of the list in Annex I,
- not later than 30 September 1989 in respect of equipment in category B of the list in Annex I,
- not later than 30 June 1990 in respect of other terminal equipment in category C of the list in Annex I.

Member States shall bring these specifications and type-approval procedures into force after expiry of the procedure provided for by Directive 83/189/EEC.

*Article 9*

Member States shall provide the Commission at the end of each year with a report allowing it to monitor compliance with the provisions of Articles 2, 3, 4, 6 and 7.

An outline of the report is attached as Annex II.

*Article 10*

The provisions of this Directive shall be without prejudice to the provisions of the instruments of accession of Spain and Portugal, and in particular Articles 48 and 208 of the Act of Accession.

*Article 11*

This Directive is addressed to the Member States.

Done at Brussels, 16 May 1988.

*For the Commission*

Peter SUTHERLAND

*Member of the Commission*

*ANNEX I***List of terminal equipment referred to in Article 8**

	<i>Category</i>
Additional telephone set; private automatic branch exchanges (PABXs):	A
Modems:	A
Telex terminals:	B
Data-transmission terminals:	B
Mobile telephones:	B
Receive-only satellite stations not reconnected to the public network of a Member State:	B
First telephone set:	C
Other terminal equipment:	C

*ANNEX II***Outline of the report provided for in Article 9****Implementation of Article 2**

1. Terminal equipment for which legislation is being or has been modified.
  - By category of terminal equipment:
    - date of adoption of the measure or,
    - date of introduction of the bill or,
    - date of entry into force of the measure.
2. Terminal equipment still subject to special or exclusive rights:
  - type of terminal equipment and rights concerned.

**Implementation of Article 3**

- terminal equipment, the connection and/or commissioning of which has been restricted,
- technical qualifications required, giving reference of their publication.

**Implementation of Article 4**

- references of publications in which the physical characteristics are specified,
- number of existing network termination points,
- number of network termination points now accessible.

**Implementation of Article 6**

- independent body or bodies appointed.

**Implementation of Article 7**

- measures put into force, and
- number of terminated contracts.

## CORRIGENDA

**Corrigendum to Protocol No 1 setting out fishing opportunities accorded by Morocco and the compensation accorded by the Community for the period from 1 March 1988 to 29 February 1992**

*(Official Journal of the European Communities No L 99 of 16 April 1988)*

Page 62, Article 1, in the column headed 'South of latitude 30°40'N':

*for:* 'Trawling for pelagic species (\*\*)',

*read:* 'Trawling for pelagic species (\*\*\*)'.

*for:* 'Longlines and other types of gear (trammelnet, gillnet, etc.) (\*\*)',

*read:* 'Longlines and other selective types of gear (trammelnet, gillnet, etc.)'.

Page 63, Article 3 (2), first line:

*for:* '3 500 000 ECU',

*read:* '3,5 million ECU'.

Article 4, second line:

*for:* 'CN code ex 1604 13 10 or 1604 20 50',

*read:* 'CN code ex 1604 13 10 or ex 1604 20 50'.

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