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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3847/88

of 12 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) 2221/88⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2401/88⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 9 December 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 2401/88 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 13 December 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 12 December 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	1,10	134,26
0712 90 19	1,10	134,26
1001 10 10	31,98	186,20 ⁽¹⁾ ⁽²⁾
1001 10 90	31,98	186,20 ⁽¹⁾ ⁽²⁾
1001 90 91	0,00	133,57
1001 90 99	0,00	133,57
1002 00 00	35,82	115,88 ⁽³⁾
1003 00 10	29,59	124,15
1003 00 90	29,59	124,15
1004 00 10	85,40	75,38
1004 00 90	85,40	75,38
1005 10 90	1,10	134,26 ⁽²⁾ ⁽³⁾
1005 90 00	1,10	134,26 ⁽²⁾ ⁽³⁾
1007 00 90	24,28	141,81 ⁽⁴⁾
1008 10 00	29,59	45,21
1008 20 00	29,59	118,14 ⁽⁴⁾
1008 30 00	29,59	0,00 ⁽⁴⁾
1008 90 10	⁽⁵⁾	⁽⁵⁾
1008 90 90	29,59	0,00
1101 00 00	0,41	200,85
1102 10 00	63,20	176,08
1103 11 10	62,89	302,90
1103 11 90	0,72	216,01

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3848/88

of 12 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2221/88⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2402/88⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 9 December 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 13 December 1988.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 12 December 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 12	1st period 1	2nd period 2	3rd period 3
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	1,38	1,38	1,38
1001 90 99	0	1,38	1,38	1,38
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	3,73	3,73	3,73
1004 00 90	0	3,73	3,73	3,73
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	1,93	1,93	1,93

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	2,46	2,46	2,46	2,46
1107 10 19	0	1,84	1,84	1,84	1,84
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 3849/88

of 12 December 1988

amending Regulation (EEC) No 3102/88 and increasing to 365 000 tonnes the amount of common wheat held by the intervention agency of the United Kingdom for which a standing invitation to tender for resale has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2221/88 ⁽²⁾, and in particular Article 7 (6) thereof,Having regard to Commission Regulation (EEC) No 1836/82 of July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾,Whereas Commission Regulation (EEC) No 3102/88 ⁽⁵⁾, as amended by Regulation (EEC) No 3443/88 ⁽⁶⁾, opened a standing invitation to tender for the resale of 350 000 tonnes of common wheat held by the intervention agency of the United Kingdom;

Whereas in the present situation on the market the quantity of common wheat held by the intervention

agency of the United Kingdom put up for sale on the internal market of the Community should be increased to 365 000 tonnes;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3102/88, 'of 350 000 tonnes' is replaced by 'of 365 000 tonnes'.

*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, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.⁽⁵⁾ OJ No L 277, 8. 10. 1988, p. 18.⁽⁶⁾ OJ No L 302, 5. 11. 1988, p. 19.

COMMISSION REGULATION (EEC) No 3850/88
of 12 December 1988

fixing the quotas for 1989 applying to imports into Spain of milk and milk products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 491/86 of 25 February 1986 laying down rules for the application of quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 3 (1) thereof,

Whereas, pursuant to Article 77 of the Act of Accession of Spain and Portugal, Spain may, until 31 December 1995, apply quantitative restrictions on imports from third countries; whereas the said restrictions concern products which are subject to the supplementary trade mechanism in the case of milk and milk products; whereas Commission Regulation (EEC) No 609/86⁽³⁾, as amended by Regulation (EEC) No 222/88⁽⁴⁾, fixed the initial quotas by volume for each product or group of milk products; whereas the second and third subparagraphs of Article 1 (3) of Regulation (EEC) No 491/86 fixed the minimum annual rate of increase in the quota taking into account the patterns of trade and the state of bilateral or multilateral negotiations; whereas this method should be used to fix the quotas for 1989 for imports into Spain of certain milk products from third countries;

Whereas, to ensure proper management of the quota, the applications for import licences should be subject to the lodging of a security in accordance with Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁵⁾; as amended by Regulation (EEC) No 1181/87⁽⁶⁾;

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

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

Article 1

1. The quotas for 1989 for products specified in Annex I to Council Regulation (EEC) No 491/86 imported into Spain from third countries shall be as follows:

— CN codes 0401, 0403 10 11, 0403 10 13, 0403 10 19, 0403 90 11; 0403 90 13, 0403 90 19, 0403 90 31, 0403 90 33, 0403 90 39, as well as 0403 90 51, 0403 90 53, 0403 90 59, other than concentrates, 0404 10 91 and 0404 90: 363 tonnes

— CN codes ex 0402 10 11, ex 0402 10 19, ex 0402 21, intended for human consumption, and ex 0402 29 11: 250 tonnes

— CN code 0405: 150 tonnes

2. The quotas for 1989 for products specified in Annex II to Council Regulation (EEC) No 491/86 falling within CN code 0406 are fixed at 6 150 tonnes

3. The quotas for 1989 for products specified in Annex III to Council Regulation (EEC) No 491/86, falling within CN codes ex 0402 10 91, ex 0402 10 99, ex 0402 29 15, ex 0402 29 19, ex 0402 29 91 and ex 0402 29 99, intended for human consumption, are fixed at 150 tonnes.

Article 2

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

2. Applications for import authorizations shall be subject to the lodging of a security. The provisions of Regulation (EEC) No 2220/85 shall apply in respect of the said security.

The primary requirement, within the meaning of Article 20 of the said Regulation, shall consist in the effective importation of the products.

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 33.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁶⁾ OJ No L 113, 30. 4. 1987, p. 31.

Article 3

1. The Spanish authorities shall communicate to the Commission the measures which they adopt for the application of Article 2.

2. They shall, for each of the products concerned, transmit, not later than the 15th of each month, the following information on import authorizations issued in the preceding month:

- the quantities covered by the import authorizations issued,
- the quantities imported.

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 1989.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3851/88

of 12 December 1988

amending Regulation (EEC) No 606/86 laying down detailed rules for applying the supplementary trade mechanism (STM) to milk products imported into Spain from Community of Ten

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 Articles 83 (1) and 84 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary trade mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Whereas the supplementary trade mechanism in respect of milk and milk products was implemented by Commission Regulation (EEC) No 606/86⁽³⁾, as last amended by Regulation (EEC) No 4024/87⁽⁴⁾; whereas provision should be made, on the basis of the forward estimate for milk products for 1989 referred to in Article 83 (1) of the Act of Accession, for the fixing of the indicative ceilings for imports into Spain from the Community of Ten; whereas the 'guide' quantities for 1989 must be broken down or allocated;

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

Regulation (EEC) No 606/86 is hereby amended as follows:

1. In Article 1 (1), '1988' is replaced by '1989';
2. Paragraphs 1 and 2 of Article 2 are replaced by the following:

Article 2

1. For the period 1 January to 31 December 1989 the "guide" quantities referred to in Article 84 of the Act of Accession shall be broken down as follows:

- (a) as regards milk and milk cream falling within CN codes 0401, 0403 10 11, 0403 10 13, 0403 10 19,

0403 90 51, 0403 90 53, 0403 90 59, 0404 10 91, 0404 90 11, 0404 90 13, 0404 90 19, 0404 90 31, 0404 90 33 and 0404 90 39 other than in immediate packings of a net capacity of two litres or less:

— January 1989:	34 500 tonnes,
— February 1989:	34 500 tonnes,
— March 1989:	23 000 tonnes,
— April 1989:	13 800 tonnes,
— May 1989:	9 200 tonnes,
— June 1989:	5 750 tonnes,
— July 1989:	5 750 tonnes,
— August 1989:	5 750 tonnes,
— September 1989:	9 200 tonnes,
— October 1989:	17 250 tonnes,
— November 1989:	34 500 tonnes,
— December 1989:	34 500 tonnes;

(b) as regards the other products, at the rate of one-twelfth per month.

2. In addition, as regards cheese falling within CN code ex 0406, the "guide" quantity referred to in Article 84 of the Act of Accession shall be broken down by category.

For the period 1 January to 31 December 1989, the breakdown by category shall be as follows:

Category	Quantity (tonnes)
1. Emmentaler, gruyère	2 813
2. Blue-veined cheese	3 984
3. Processed cheese	1 065
4. Parmigiano Reggiano, Grana Padano	169
5. Havarti, fat content 60 %	1 369
6. Edammer in balls, Gouda	6 996
7. Soft ripened cow's milk cheese	1 293
8. Cheddar, Chester	182
9. Other	3 422'

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 378, 31. 12. 1987, p. 53.

3. The Annex is replaced by the following :

ANNEX

Indicative ceilings

		<i>(tonnes)</i>
CN code	Description	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	} 300 000
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa	
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :	} 6 000
	— in powder, granules or other solid forms, not containing added sugar or other sweetening matter :	
ex 0402 10 11 ex 0402 10 19 ex 0402 21	— for human consumption	
0402 29 11	— special milk, for infants, in hermetically sealed containers, of a net content not exceeding 500 g and of a fat content not exceeding 500 g and of a fat content by weight exceeding 10 % and not exceeding 27 %	
0405	Butter and other fats and oils derived from milk	2 000
ex 0406	Cheese, excluding curd	22 000'

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, 12 December 1988.

For the Commission
Frans ANDRIESEN
Vice-President

COMMISSION REGULATION (EEC) No 3852/88
of 12 December 1988
amending Regulation (EEC) No 1767/82 as regards imports of certain cheeses
from Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1109/88⁽²⁾, and in particular Article 14 (7) thereof,

Whereas the Commission has granted Turkey, as from 1 July 1972, the unilateral concession concerning the import arrangements for cheeses of sheep's milk or buffalo milk in sheepskin or goatskin bottles; whereas the conditions of this concession should be extended to a cheese known as 'Tulum Peyniri' as defined in CN code ex 0406 90 89;

Whereas Commission Regulation (EEC) No 1767/82 of 1 July 1982 laying down detailed rules for applying specific import levies on certain milk products⁽³⁾, as last amended by Regulation (EEC) No 611/88⁽⁴⁾, should therefore be amended accordingly;

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

Annexes I, III and IV to Regulation (EEC) No 1767/82 are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply with effect from 1 January 1989.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 60, 5. 3. 1988, p. 19.

ANNEX

1. In Annex I, the following point '(u)' is added:

'(u) ex 0406 90 89	"Tulum Peyniri", made from sheep's milk or buffalo milk, in individual plastic packagings of a capacity not exceeding 10 kg	Turkey	65,61'
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2. In Annex III, point L is replaced by the following:

'L. As regards cheeses of sheep's milk or buffalo milk in containers containing brine, or in sheepskin or goatskin bottles and "Tulum Peyniri" cheese, as listed under (p) and (u) in Annex I and falling within CN code 0406 90 31, 0406 90 50 and ex 0406 90 89:

1. Box 7 by specifying, as appropriate, "cheese of sheep's milk" or "cheese of buffalo milk" and "in containers containing brine" or "in sheepskin or goatskin in bottles";
2. Box 10 by specifying, as appropriate, "exclusively home-produced sheep's milk" or "exclusively home-produced buffalo milk";
3. Boxes 11 and 12.'

3. In Annex IV, under Turkey in the column 'Third country', the following is added in the columns 'CN code' and 'Description of goods':

'ex 0406 90 89	"Tulum Peyniri"
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COMMISSION REGULATION (EEC) No 3853/88

of 12 December 1988

concerning the quantities of sheepmeat and goatmeat products which may be imported from Poland during 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 84/633/EEC of 11 December 1984 authorizing the Commission, in the context of the voluntary restraint agreements on trade in the sheepmeat and goatmeat sector between the European Economic Community and 12 non-member States, to convert for the purposes of the smooth operation of trade, live animals into fresh or chilled meat or fresh or chilled meat into live animals within the quantities agreed⁽¹⁾, and in particular Article 1 (1) thereof,

Whereas, under an Agreement concluded with the Community, Poland has undertaken to restrict its exports of sheepmeat and goatmeat to the Community to annual quantities of 5 800 tonnes of live animals, expressed as carcase weight bone-in, and of 200 tonnes of fresh and chilled meat;

Whereas Poland has asked the Community to convert the 200 tonnes of fresh and chilled meat that may be exported to the Community in 1988 into 200 tonnes of live animals expressed as carcase weight bone-in; whereas the limited quantity covered by the request will not disturb the Community market; whereas the market situation is such that the application can be granted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantity of live sheep and goats other than pure-bred breeding animals falling within CN codes 0104 10 90 and 0104 20 90 that may be imported from Poland in 1988, under the Agreement concluded with that country, shall be 6 000 tonnes expressed as carcase weight bone-in.

The quantity of fresh and chilled sheepmeat and goatmeat falling within CN code 02 04 that may be imported from Poland in 1988, under the Agreement concluded with that country, shall be nil.

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, 12 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

(1) OJ No L 331, 19. 12. 1984, p. 32.

COMMISSION REGULATION (EEC) No 3854/88

of 12 December 1988

amending Regulation (EEC) No 3796/88 introducing a countervailing charge on fresh clementines originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3796/88⁽³⁾ introduced a countervailing charge on fresh clementines originating in Morocco;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh clementines originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3796/88, '1,78 ECU' is hereby replaced by '3,68 ECU'.

Article 2

This Regulation shall enter into force on 13 December 1988.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 334, 6. 12. 1988, p. 18.

COMMISSION REGULATION (EEC) No 3855/88
of 12 December 1988

abolishing the countervailing charge on fresh clementines originating in Spain
(except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3821/88⁽³⁾ introduced a countervailing charge on fresh clementines originating in Spain (except the Canary Islands);

Whereas the present trend of prices for products originating in Spain (except in the Canary Islands) on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions

specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3821/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 December 1988.

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

Done at Brussels, 12 December 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.
⁽³⁾ OJ No L 337, 8. 12. 1988, p. 22.
⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.
⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 3856/88
of 12 December 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 ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 3836/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 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 13 December 1988.

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

Done at Brussels, 12 December 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.
⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.
⁽⁴⁾ OJ No L 338, 9. 12. 1988, p. 39.

ANNEX

to the Commission Regulation of 12 December 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,65 ⁽¹⁾
1701 11 90	34,65 ⁽¹⁾
1701 12 10	34,65 ⁽¹⁾
1701 12 90	34,65 ⁽¹⁾
1701 91 00	43,48
1701 99 10	43,48
1701 99 90	43,48 ⁽²⁾

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

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 3857/88
of 12 December 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⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3765/88⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3806/88⁽⁷⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3806/88 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁸⁾ are 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⁽⁹⁾ are 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⁽¹⁰⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 13 December 1988.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 330, 2. 12. 1988, p. 15.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 335, 7. 12. 1988, p. 18.

⁽⁸⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹⁰⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	19,580	19,548	19,143	19,311	19,480	19,724
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	46,62	46,55	45,61	46,03	46,43	47,28
— Netherlands (Fl)	52,01	51,93	50,86	51,31	51,75	52,64
— BLEU (Bfrs/Lfrs)	936,82	943,91	924,36	932,47	940,63	952,41
— France (FF)	139,06	142,96	139,70	140,94	142,19	144,02
— Denmark (Dkr)	168,01	171,09	167,44	168,92	170,40	172,55
— Ireland (£ Irl)	15,450	15,899	15,537	15,675	15,813	16,018
— United Kingdom (£)	11,549	12,251	11,944	12,030	12,138	12,208
— Italy (Lit)	28 775	30 177	29 379	29 519	29 783	29 823
— Greece (Dr)	2 054,96	2 014,65	1 888,51	1 876,14	1 895,24	1 831,33
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	2 960,16	2 956,08	2 890,92	2 906,02	2 932,32	2 928,68
(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)	4 242,64	4 234,80	4 136,61	4 145,94	4 176,91	4 160,18

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	22,080	22,048	21,643	21,811	21,980	22,224
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	52,52	52,45	51,51	51,93	52,33	53,19
— Netherlands (Fl)	58,63	58,54	57,48	57,92	58,37	59,26
— BLEU (Bfrs/Lfrs)	1 056,99	1 064,63	1 045,07	1 053,19	1 061,35	1 073,13
— France (FF)	157,75	161,92	158,66	159,90	161,15	162,98
— Denmark (Dkr)	189,90	193,19	189,55	191,02	192,51	194,66
— Ireland (£ Irl)	17,529	18,009	17,646	17,784	17,923	18,127
— United Kingdom (£)	13,190	13,939	13,632	13,718	13,826	13,895
— Italy (Lit)	32 768	34 265	33 466	33 607	33 871	33 911
— Greece (Dr)	2 426,96	2 386,64	2 260,51	2 248,14	2 267,23	2 203,33
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	3 345,69	3 341,62	3 276,45	3 291,56	3 317,85	3 314,22
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 712,66	4 704,82	4 606,63	4 615,96	4 646,93	4 630,19

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	24,428	24,931	23,953	24,331	24,709
2. Final aids:					
(a) Seed harvested and processed in (!):					
— Federal Republic of Germany (DM)	58,07	59,25	56,97	57,89	58,78
— Netherlands (Fl)	64,84	66,17	63,60	64,60	65,60
— BLEU (Bfrs/Lfrs)	1 169,83	1 203,84	1 156,62	1 174,87	1 193,12
— France (FF)	175,27	183,89	176,11	178,99	181,86
— Denmark (Dkr)	210,44	218,72	209,95	213,30	216,64
— Ireland (£ Irl)	19,477	20,453	19,588	19,908	20,228
— United Kingdom (£)	14,724	15,903	15,180	15,415	15,671
— Italy (Lit)	36 506	39 014	37 221	37 718	38 339
— Greece (Dr)	2 772,31	2 833,15	2 592,97	2 618,95	2 676,57
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 738,83	3 815,99	3 664,07	3 711,15	3 769,39
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 880,27	6 977,99	6 763,41	6 815,10	6 888,48
— in another Member State (Esc)	6 681,13	6 776,02	6 567,65	6 617,85	6 689,10
3. Compensatory aids:					
— in Spain (Pta)	3 683,73	3 762,55	3 610,63	3 657,71	3 715,95
4. Special aid:					
— in Portugal (Esc)	6 681,13	6 776,02	6 567,65	6 617,85	6 689,10

(!) 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 1,0298070.

ANNEX IV

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

(value of 1 ECU)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
DM	2,079050	2,075000	2,071140	2,067650	2,067650	2,056070
Fl	2,344220	2,340450	2,336360	2,332860	2,332860	2,322390
Bfrs/Lfrs	43,564700	43,548000	43,545000	43,530800	43,530800	43,494900
FF	7,102660	7,106430	7,112730	7,117160	7,117160	7,134150
Dkr	8,012870	8,015530	8,020650	8,025280	8,025280	8,047280
£Irl	0,777150	0,777006	0,777651	0,778158	0,778158	0,779757
£	0,646488	0,648135	0,649501	0,650720	0,650720	0,654984
Lit	1 535,87	1 541,88	1 546,91	1 552,49	1 552,49	1 568,48
Dr	172,94700	175,05500	177,00000	178,77300	178,77300	184,23800
Esc	172,47800	173,35800	174,21600	175,18800	175,18800	177,97000
Pta	135,73400	136,11800	136,60800	137,08100	137,08100	138,82700

COMMISSION REGULATION (EEC) No 3858/88
of 12 December 1988

amending Regulation (EEC) No 1432/88 laying down detailed rules for applying the co-responsibility levy in the cereals sector and laying down certain provisions for the 1988/89 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Regulation (EEC) No 1432/88 is hereby amended as follows:

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2221/88⁽²⁾, and in particular Articles 4 (6) and 4b (5) thereof,

1. Article 3 is replaced by the following:

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 5 (3) thereof,

Article 3

1. After ascertaining production as provided for in Article 4b (4) of Regulation (EEC) No 2727/75, in accordance with the procedure laid down in Article 28 of that Regulation, the difference between the additional co-responsibility levy paid and that resulting from the figure ascertained as referred to above shall be fixed together with the additional co-responsibility levy to be paid thereafter.

Whereas, in the interest of the producers and to simplify the administrative work of the Member States, provision should be made that after cereals production in the marketing year is ascertained, the definitive additional levy is to be applied and additional levies collected in excess are to be reimbursed as soon as possible to the producers; whereas, for the same reasons, Member States should also be able to make provision for reimbursement directly by operators of additional co-responsibility levies collected in excess; whereas, where the Member States avail themselves of this possibility, the amounts in question must not be paid to them and whereas the first payment by the operators should therefore be made after the additional co-responsibility levy actually applicable to the marketing year in question is fixed;

2. The competent authorities designated by the Member States shall reimburse *to producers* under the national provisions laid down for the purpose the difference provided for in paragraph 1 subject to proof of payment of the *provisional* additional levy. Such reimbursement shall be made *at the end of June at the latest following the fixing referred to in paragraph 1*.

Whereas, as regards the time limits for payment to Member States of the co-responsibility levies, Commission Regulation (EEC) No 1432/88⁽⁵⁾, as last amended by Regulation (EEC) No 2869/88⁽⁶⁾, should be amended to make provision for the same time limits for the Community as a whole and to ensure that all payments tally with the amounts collected during the same marketing year;

However, the Member States may provide before the beginning of the marketing year that that reimbursement is to be made directly by the operators who have received the additional co-responsibility levy applicable before the fixation referred to in paragraph 1. *Such reimbursement shall take place within one month after such fixing.*

Whereas provision must also be made for measures applicable to the current marketing year;

In that case:

— operators shall make available to the authorities referred to in the first subparagraph a list of persons to whom such reimbursements have been made,

— Member States shall take the measures required to ensure that in any event the producers obtain the reimbursement referred to in the first subparagraph *within the time limit laid down therein.*

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

3. Where Member States make the reimbursement, they may fix a minimum amount per tonne and/or per producer below which reimbursement shall not be made. Such amounts may not exceed Ecu 0,5 per tonne or Ecu 25 per producer.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.
⁽⁵⁾ OJ No L 131, 27. 5. 1988, p. 37.
⁽⁶⁾ OJ No L 257, 17. 9. 1988, p. 22.

4. The reimbursements provided for in paragraph 2 shall be made on the basis of the agricultural conversion rate in force at the time the additional co-responsibility levy is collected.'

2. The second subparagraph of Article 4 (1) is replaced by the following :

'The co-responsibility levies provided for in Article 4 of Regulation (EEC) No 2727/75 shall be paid to the authorities designated for the purpose by each Member State for the transactions referred to in Article 2 (1) of this regulation according to the following timetable :

- 31 October at the latest for levies collected in respect of transactions taking place from the beginning of the marketing year to 30 September,
- 31 January at the latest for levies collected in respect of transactions taking place from 1 October to 31 December,
- 30 April at the latest for levies collected in respect of transactions taking place from 1 January to 31 March,
- 31 July at the latest for levies collected in respect of other transactions taking place during the preceding marketing year.

The additional co-responsibility levies provided for in Article 4b of Regulation (EEC) No 2727/75 shall be paid within the time limits laid down in the preceding subparagraph. However, in Member States making use of the provisions of the second subparagraph of Article 3 (2) of this Regulation the first payment shall be made at the latest on the fifteenth day following the

publication in the *Official Journal of the European Communities* of the measure provided for in paragraph 1 of that Article.'

Article 2

Without prejudice to Regulation (EEC) No 1432/88, the following provisions shall apply for the 1988/89 marketing year :

1. Member States may decide to avail themselves of the provisions of the second subparagraph of Article 3 (2) of Regulation (EEC) No 1432/88 within eight days following the publication of the measure provided for in Article 3 (1) thereof. However, they shall make a reimbursement in accordance with the first subparagraph of Article 3 (2) of that Regulation where the amounts of the additional levy have been paid to them.
2. Co-responsibility levies collected in respect of transactions taking place between 1 September and 31 December 1988 shall be paid by 31 January 1989 at the latest.

Article 3

This Regulation shall enter into force on the third day following that 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, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3859/88

of 12 December 1988

fixing the definitive additional levy and the amount of the reimbursement in the cereals sector for the 1988/89 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 2221/88⁽²⁾, and in particular Articles 4 (5) and 4b (5) thereof,

Having regard to Council Regulation (EEC) No 2227/88 of 19 July 1988 laying down general rules for the special system applicable to small producers as part of co-responsibility arrangements in the cereals sector for the 1988/89 marketing year⁽³⁾, and in particular Article 5 thereof,

Whereas the Commission has ascertained that cereal production in 1988/89 exceeds by 1,6 % the maximum guaranteed quantity; whereas, as a result of that finding, the definitive additional co-responsibility levy should be fixed at 1,6 % of the intervention price applying for common wheat;

Whereas the difference between the provisional additional co-responsibility levy and the definitive additional co-responsibility levy is to be reimbursed to the producers;

Whereas Commission Regulations (EEC) No 1521/88 of 31 May 1988 fixing the additional co-responsibility levy in certain Member States⁽⁴⁾ and No 1914/88 of 30 June 1988 laying down precautionary measures for cereals⁽⁵⁾ fix a different additional co-responsibility levy for Spain; whereas account should be taken of this as regards the amount to be reimbursed;

Whereas, in accordance with Regulation (EEC) No 2227/88, the overall amount of the aid for small producers is to be reduced on the basis of the co-responsibility levy reimbursed; whereas that result

may be achieved by applying a coefficient to the amounts allocated amongst the Member States;

Whereas, in the interest of the producers and taking account of administrative requirements, the definitive additional co-responsibility levy should apply from 1 January 1989;

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

For the 1988/89 marketing year:

- the additional co-responsibility levy provided for in Article 4b of Regulation (EEC) No 2727/75 shall be 2,87 Ecu per tonne,
- the difference referred to in Article 3 (1) of Commission Regulation (EEC) No 1432/88⁽⁶⁾ shall be Ecu 2,51 per tonne. However, as regards additional co-responsibility levies collected in Spain pursuant to Regulations (EEC) No 1521/88 and No 1914/88, the difference to be reimbursed shall be Ecu 2,45 per tonne.

Article 2

A coefficient of 0,76673 shall apply to the amounts referred to in Article 1 (2) and the second indent of Article 4 of Commission Regulation (EEC) No 2389/88⁽⁷⁾

Article 3

Commission Regulation (EEC) No 2388/88⁽⁸⁾ is hereby repealed.

Article 4

This Regulation shall enter into force on 1 January 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 197, 26. 7. 1988, p. 26.

⁽⁴⁾ OJ No L 135, 1. 6. 1988, p. 66.

⁽⁵⁾ OJ No L 168, 1. 7. 1988, p. 119.

⁽⁶⁾ OJ No L 131, 27. 5. 1988, p. 37.

⁽⁷⁾ OJ No L 205, 30. 7. 1988, p. 72.

⁽⁸⁾ OJ No L 205, 30. 7. 1988, p. 71.

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

Done at Brussels, 12 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 30 November 1988

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

(88/616/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, as last amended by Council Directive 88/483/EEC⁽²⁾, and in particular Article 7 thereof,

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

Whereas new uses of the antibiotics 'Virginiamycin' and 'Flavophospholipol' have been widely tested in several Member States; whereas, on the basis of experience gained and studies undertaken, it appears that these uses can be authorized throughout the Community;

Whereas the investigation of various additives currently listed in Annex II and therefore authorizable at national level has not yet been completed; whereas, therefore, the period of authorization of these substances should be extended for a specific period;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

Member States shall, by 30 June 1989 at the latest, bring into force the laws, regulations or administrative provisions necessary to comply with Article 1. They shall immediately inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 30 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 237, 27. 8. 1988, p. 39.

⁽³⁾ OJ No L 245, 12. 9. 1985, p. 1.

ANNEX

1. In Annex I under part A 'Antibiotics':

(a) the wording of EEC No E 711 'Virginiamycin' is completed as follows:

EEC No	Additives	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedingstuff			
			Laying hens	—	20	20	20	—

(b) the wording of EEC No E 712 'Flavophospholipol' is completed as follows:

EEC No	Additives	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedingstuff			
			Rabbits	—	2	4	4	—

2. In Annex II

(a) under part A, 'Antibiotics', the date '30. 11. 1988' in the column 'Period of authorization' is replaced by the date '30. 11. 1989' against the following items:

- No 27 'Slinomycin sodium',
- No 28 'Avilamycin';

(b) under part D, 'Coccidiostats, and other medicinal substances', the date '30. 11. 1988' in the column 'Period of authorization' is replaced by the date '30. 11. 1989' against the following items:

- No 16 'Meticloprindol/Methylbenzoquate', species or category of animal 'Rabbits',
- No 20 'Lasalocid sodium';

(c) under part E, 'Emulsifiers, stabilizers, thickeners and gelling agents', the date '30. 11. 1988' in the column 'Period of authorization' is replaced by the date '30. 11. 1989' against item No 29 'Polyoxyethylene (20) sorbitan trioleate';

(d) under part F, 'Colouring matters including pigments', the date '30. 11. 1988' in the column 'Period of authorization' is replaced by the date '30. 11. 1989' against item No 5 'Astaxanthin';

(e) under part G, 'Preservatives', the date '30. 11. 1988' in the column 'Period of authorization' is replaced by the date '30. 11. 1989' against item No 20 'Methylpropionic Acid';

(f) under part J, 'Growth promoters', the date '30. 11. 1988' in the column 'Period of authorization' against item No 1 'Nitrovin' is replaced in each case by the date '30. 6. 1989';

(g) under part M, 'Acidity regulators', the date '30. 11. 1988' in the column 'Period of authorization' against all the additives listed under this part is replaced by the date '30. 11. 1989'.

COMMISSION DECISION

of 1 December 1988

on improving the efficiency of agricultural structures in Italy (Tuscany) pursuant to Council Regulation (EEC) No 797/85

(Only the Italian text is authentic)

(88/617/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 1137/88 ⁽²⁾, and in particular Article 25 (3) thereof,

Whereas the Italian Government has forwarded Decision No 154 of the Tuscany Region of 10 May 1988 on the implementation of Regulation (EEC) No 797/85 pursuant to Article 24 (4) of Regulation (EEC) No 797/85;

Whereas, pursuant to Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community to the common measure provided for in Article 1 of that Regulation are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas the aids provided for by Article 4 of Regulation (EEC) No 797/85 are reserved for farmers practising farming as their main occupation in accordance with Article 2 (5) of that Regulation; whereas point 1.1.2 of the provisions forwarded must accordingly be applied in such a way that in each case Italy verifies compliance with this condition;

Whereas the aids to investments granted to farmers not submitting a material improvement plan are subject to the limitations and restrictions provided for in Article 8 (2), (3) and (4) of Regulation (EEC) No 797/85;

Whereas the regional aids referred to in point 8.1.1 of the provisions forwarded must be revised so that they comply with the limitations laid down in Articles 4 and 8 (2) of Regulation (EEC) No 797/85; whereas the Region will accordingly forward a list of regional laws and a summary

table grouping the rates of aid to investment where a material improvement plan is or is not submitted;

Whereas the financial contribution from the Community to the special aids for the installation of young farmers provided for in point 2 of the Tuscany Region provisions is limited to only those cases satisfying the criteria laid down in Article 7 (1) of Regulation (EEC) No 797/85; whereas only aid granted to young farmers who have attended a course as referred to in point 5.1.1 of the abovementioned provisions may accordingly be reimbursed under Article 7 of that Regulation;

Whereas, subject to the above remarks, the measures provided for in the provisions forwarded satisfy the conditions and the objectives of Regulation (EEC) No 797/85;

Whereas the European Agricultural Guidance and Guarantee Fund Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

1. The provisions contained in Decision No 154 of the Tuscany Region of 10 May 1988, forwarded by the Italian Government pursuant to Article 24 (4) of Regulation (EEC) No 797/85, satisfy the conditions for a Community financial contribution to the common measure provided for in Article 1 of that Regulation, subject to the following conditions:

- (a) Italy shall ensure, pursuant to point 1.1.2 of the Tuscany Region provisions, that the aids to investments are granted only to farmers practising farming as their main occupation within the meaning of Article 2 (5) of Regulation (EEC) No 797/85;
- (b) Italy shall ensure that the aids to investments granted to holdings not submitting a material improvement plan comply with the limitations and restrictions provided for in Article 8 (2), (3) and (4) of Regulation (EEC) No 797/85.

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

2. Italy shall forward to the Commission a list of aids to investments under the laws in force in the Tuscany Region which are subject to the conditions referred to in point G of Decision No 154 of the Tuscany Region of 10 May 1988.

3. The Community financial contribution to the aids for young farmers provided for in point 2 of the Tuscany Region provisions shall be limited to only those cases satisfying the criteria laid down in Article 7 of Regulation (EEC) No 797/85.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 1 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 1 December 1988

on improving the efficiency of agricultural structures in Spain pursuant to Council Regulation (EEC) No 797/85

(Only the Spanish text is authentic)

(88/618/EEC)

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

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 1137/88 ⁽²⁾, and in particular Article 25 (3) thereof,

Whereas on 5 October 1988 the Spanish Government forwarded the following provisions pursuant to Article 24 (4) of Regulation (EEC) No 797/85:

— the Ministerial Decree of 1 October 1988 laying down implementing provisions for Royal Decree No 808/1987 governing the system of aid to improve the efficiency of agricultural structures;

Whereas, pursuant to Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas the abovementioned provisions satisfy the conditions and the objectives of Regulation (EEC) No 797/85;

Whereas the European Agricultural Guidance and Guarantee Fund Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

Taking into account the implementing provisions forwarded by the Spanish Government and contained in the Ministerial Decree of 1 October 1988, the provisions for implementing Regulation (EEC) No 797/85 in Spain contained in Royal Decree No 808/1987 satisfy the conditions for a Community financial contribution to the common measure provided for in Article 1 of Regulation (EEC) No 797/85.

Article 2

This Decision is addressed to Spain.

Done at Brussels, 1 December 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

COMMISSION DECISION

of 1 December 1988

on improving the efficiency of agricultural structures in Ireland pursuant to
Council Regulation (EEC) No 797/85

(Only the English text is authentic)

(88/619/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 797/85 of
12 March 1985 on improving the efficiency of
agricultural structures⁽¹⁾, as last amended by Regulation
(EEC) No 1137/88⁽²⁾, and in particular Article 25 (3)
thereof,Whereas on 19 September and 20 October 1988 the Irish
Government forwarded the following provisions pursuant
to Article 24 (4) of Regulation (EEC) No 797/85:— 'Schedule and terms and conditions for the operation
of Ireland's Compensatory Allowances Schemes in
1988';Whereas, pursuant to Article 25 (3) of Regulation (EEC)
No 797/85, the Commission has to decide whether the
conditions for a financial contribution from the
Community are satisfied in the light of the compatibility
of the abovementioned provisions with the aforemen-
tioned Regulation and bearing in mind the objectives of
the latter and the need to ensure that the various
measures are properly related;Whereas the abovementioned provisions satisfy the
conditions and objectives of Regulation (EEC) No
797/85;Whereas the European Agricultural Guidance and
Guarantee Fund Committee has been consulted on the
financial aspects;Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Committee
on Agricultural Structure,

HAS ADOPTED THIS DECISION:

*Article 1*The provisions forwarded by the Irish Government
entitled 'Schedule and terms and conditions for the
operation of Ireland's Compensatory Allowances Schemes
in 1988' satisfy the conditions for a Community financial
contribution to the common measure provided for in
Article 1 of Regulation (EEC) No 797/85.*Article 2*

This Decision is addressed to Ireland.

Done at Brussels, 1 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

COMMISSION DECISION

of 1 December 1988

on improving the efficiency of agricultural structures in the Federal Republic of Germany pursuant to Council Regulation (EEC) No 797/85

(Only the German text is authentic)

(88/620/EEC)

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

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 1137/88 ⁽²⁾, and in particular Article 25 (3) thereof,

Whereas, pursuant to Article 24 (4) of Regulation (EEC) No 797/85, the Government of the Federal Republic of Germany has forwarded provisions governing the vocational training programmes in force in the various Länder;

Whereas, pursuant to Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas the abovementioned provisions satisfy the conditions and the objectives of Regulation (EEC) No 797/85;

Whereas the European Agricultural Guidance and Guarantee Fund Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The provisions forwarded by the Government of the Federal Republic of Germany governing the programmes to improve vocational training in agriculture in force in the various Länder outside the normal secondary or higher education levels in agriculture satisfy the conditions for a financial contribution from the Community to the common measure provided for in Article 1 of Regulation (EEC) No 797/85.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 1 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

COMMISSION DECISION

of 2 December 1988

making an initial allocation to Italy of part of the resources to be charged to the 1989 budget year for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community

(88/621/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to the most deprived persons in the Community⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3744/87 of 14 December 1987 laying down the detailed rules for the supply of food from intervention stocks to the most deprived persons in the Community⁽²⁾, as last amended by Regulation (EEC) No 3315/88⁽³⁾, and in particular Article 2 paragraph 3 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾, and in particular Article 2 paragraph 4 thereof,

Whereas on 25 November 1988, Italy requested Commission authorization to initiate already in 1988 the action on its territory to be financed by resources chargeable to the 1989 budget and indicated the quantities of produce that it wished to distribute; whereas it is desirable to initiate the scheme now in Italy by making an allocation to that country; whereas this allocation shall not exceed 50% of the resources allocated by Commission decision to Italy in respect of the plan for 1988;

Whereas in order to facilitate the implementation of this scheme it is necessary to specify the rate of exchange to be employed in converting ecu into the national currency and to do so at a rate which reflects economic reality;

Whereas in accordance with the provisions of Article 1 (4) of Commission Regulation (EEC) No 3744/87 the

Commission has sought the advice of major organizations familiar with the problems of the most deprived persons in the Community when drawing up this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. An allocation of the appropriations referred to in Article 2 of Commission Regulation No 3744/87 to be charged to the 1989 budget shall be made as follows:
Italy ECU 8,5

This sum shall be converted into national currency at the rate applicable on 4 January 1988 and published in the *Official Journal of the European Communities*, Series C.

2. Subject to the limit set out in paragraph 1, the following quantities of produce may be withdrawn, from intervention, for distribution in Italy:

2 000 tonnes of durum wheat
200 tonnes of butter
2 500 tonnes of beef
200 tonnes of olive oil

3. The withdrawals referred to in paragraph 2 may be made from 6 December 1988.

Article 2

This Decision is addressed to the Member States. It is applicable from 6 December 1988.

Done at Brussels, 2 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

(¹) OJ No L 352, 15. 12. 1987, p. 1.
(²) OJ No L 352, 15. 12. 1987, p. 33.
(³) OJ No L 293, 27. 10. 1988, p. 68.
(⁴) OJ No L 164, 24. 6. 1985, p. 1.
(⁵) OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION DECISION

of 12 December 1988

terminating the anti-dumping proceeding on imports of microwave ovens
originating in Japan, the Republic of Singapore and the Republic of Korea

(88/622/EEC)

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

Having regard to Council Regulation (EEC) No 2423/88
of 11 July 1988 on protection against dumped or
subsidized imports from countries not members of the
European Community⁽¹⁾, and in particular Article 9
thereof,

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

Whereas :

- (1) In July 1986 the Commission received a complaint lodged by the European Committee of Manufacturers of Electrical Domestic Equipment (CECED), on behalf of producers representing substantially all the Community production of microwave ovens. The complaint, which was subsequently completed and updated, contained evidence of dumping and material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of microwave ovens corresponding to CN code 8516 50 00 and originating in Japan, the Republic of Singapore and the Republic of Korea and commenced an investigation.
- (2) The Commission commenced the investigation by seeking from the parties involved, and verifying,

the information necessary for the assessment of
dumping and injury.

- (3) On 26 September 1988 the Commission was informed by the complainant that it was withdrawing the complaint because of profound changes in the market place.
- (4) In these circumstances, the Commission has no reason to consider that termination of the proceeding would not be in the interests of the Community.

HAS DECIDED AS FOLLOWS :

Sole Article

The anti-dumping proceeding concerning imports of microwave ovens originating in Japan, the Republic of Singapore and the Republic of Korea is hereby terminated.

Done at Brussels, 12 December 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 325, 18. 12. 1986, p. 5.

COMMISSION DECISION

of 12 December 1988

accepting undertakings given in connection with the anti-dumping review concerning imports of oxalic acid originating in China or Czechoslovakia and terminating the review

(88/623/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 15 thereof,

After consultations within the Advisory Committee as provided for by the abovementioned Regulation,

Whereas :

A. Procedure

- (1) In September 1981 the Commission initiated an anti-dumping proceeding concerning imports of oxalic acid originating in China or Czechoslovakia.
- (2) Provisional measures were adopted by the Commission; in May 1982 Council Regulation (EEC) No 1283/82⁽²⁾ imposed a 34.2 % *ad valorem* definitive anti-dumping duty on imports of oxalic acid originating in China and by Decision 82/335/EEC⁽³⁾ the Commission accepted a price undertaking concerning Chemapol's exports to the Community of oxalic acid originating in Czechoslovakia.
- (3) In accordance with Article 15 of Council Regulation (EEC) No 2176/84⁽⁴⁾, as last amended by Regulation (EEC) No 1761/87⁽⁵⁾, the Commission published a notice⁽⁶⁾ in December 1986 concerning the impending expiry of those measures.
- (4) In April 1987 Destilados Agrícolas Vimbodí SA (DAVSA), a manufacturer accounting for a large proportion of Community production of oxalic

acid, requested a review, within the meaning of Article 15 of Regulation (EEC) No 2176/84, of the anti-dumping measures imposed on imports into the Community of oxalic acid originating in China or Czechoslovakia. The request, which showed that the expiry of the measures in force would lead again to injury and followed a complaint lodged by the same company concerning imports of oxalic acid originating in Taiwan and South Korea, contained evidence which, after consultations, were judged sufficient to warrant a review of the measures concerned.

- (5) The Commission accordingly published a notice of in the *Official Journal of the European Communities*⁽⁷⁾ announcing the initiation of a review of anti-dumping measures applicable to imports of oxalic acid falling within subheading ex 29.15 A I of the Common Customs Tariff and NIMEXE code ex 29.15-11, corresponding to CN code 2917 11 00, originating in China or Czechoslovakia, and initiated an investigation.
- (6) The Commission officially informed the exporters and importers known to be concerned, Community producers and representatives of the non-member countries concerned. It gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (7) The exporters known to be concerned, a number of importers and the Community producers made known their views within the period allowed. Some of them, and also the Czechoslovak authorities, requested hearings, which were granted.
- (8) The Chinese authorities submitted written comments. Those comments were not submitted within the period referred to in the notice of review and were accordingly not taken into consideration.
- (9) No Community buyers or processors of the product concerned submitted comments within the period allowed.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.⁽²⁾ OJ No L 148, 27. 5. 1982, p. 37.⁽³⁾ OJ No L 148, 27. 5. 1982, p. 51.⁽⁴⁾ OJ No L 201, 30. 7. 1984, p. 1.⁽⁵⁾ OJ No L 167, 26. 6. 1987, p. 9.⁽⁶⁾ OJ No C 335, 30. 12. 1986, p. 11.⁽⁷⁾ OJ No C 137, 22. 5. 1987, p. 4.

- (10) Unlike the main Czechoslovak exporter, which did not contest the initiation of the review, the main Chinese exporter contested its legality. It claimed that the expression used in the second subparagraph of Article 15 (2) of Regulation (EEC) No 2178/84, and in particular the word 'again', implied that to be able to initiate a review the interested party must belong to the group of Community producers which had suffered injury which the previous investigation (which had led to the imposition of the anti-dumping measures to be reviewed) had established was caused by the dumped imports. It accordingly claimed that since DAVSA did not belong to that group the review had been undertaken in breach of the provisions of the said Regulation. This claim was rejected, however, on the ground that a grammatical analysis of Article 15 (2) shows clearly that the word 'again' does not qualify the concept of 'interested party' but specifies evidence which the party requesting the review must submit to the Commission before the Commission decides whether or not a review is warranted. As stated above, it was decided, after consultation, that the request from DAVSA contained sufficient evidence to justify a review of the measures in question.

The Commission collected and verified all information it deemed necessary and carried out checks at the premises of the following companies:

Community producers

- Destilados Agrícolas Vimbodí SA, Tarragona, Spain
- Rhône Poulenc Chimie de Base SA, Paris, France
- Société Française Hoechst SA, Paris, France

Importer

- Arnold Suhr België NV, Antwerp, Belgium

- (11) During the review main Chinese exporter asked to be allowed to meet the party requesting the review in order to discuss their respective positions. The Commission was prepared to grant this request but the party requesting the review opposed the idea. In support of its refusal the latter party claimed that the Chinese exporter had not complied fully with the obligation imposed on it by Article 8 of Regulation (EEC) No 2176/84 and that it accordingly refused to participate in such a meeting.
- (12) The investigation of dumping covered the period from November 1986 to April 1987.
- (13) The exporters known to be concerned were informed of the main facts and considerations on

the basis of which the Commission proposed to amend the anti-dumping measures in force. They had the opportunity to submit comments within a given period and their comments were taken into consideration.

B. Dumping

(a) Normal value

- (14) In order to establish the normal value of the product in question the Commission had to take account of the fact that China and Czechoslovakia do not have market economies and it accordingly based its calculations on the normal value of oxalic acid in a market economy country.
- (15) The Community industry proposed that South Korea should serve as reference country. The main Czechoslovak exporter did not contest that choice. The Chinese exporter objected. However, the South Korean producers of oxalic acid known to the Commission refused to cooperate fully with the investigation, as stated in Commission Regulation (EEC) No 699/88⁽¹⁾, and South Korea could not therefore be used as reference country given the lack of satisfactory information.
- (16) The Chinese exporter suggested that normal value could be determined on the basis of domestic prices charged in China of the normal value in a market economy country. This request could not, however, be granted, because the proposed method is not one of the possibilities provided for in Article 2 (5) of Regulation (EEC) No 2176/84.
- (17) The Community industry suggested that Taiwan could serve as reference country instead of South Korea. The Chinese exporter opposed that choice. Information at the Commission's disposal suggests that the prices charged on the Taiwan market could be considered to be artificially high. The Commission accordingly judged it inappropriate to use Taiwan as reference country for this review.
- (18) The Community industry concerned suggested that Japan could serve as an alternative reference country. However, this suggestion was rejected because, according to available information, the manufacturing process and the raw materials used in Japan are fundamentally different from those used in China and Czechoslovakia.

⁽¹⁾ OJ No L 72, 18. 3. 1988, p. 12.

(19) The Chinese exporter proposed that normal value could instead be established on the basis of the prices of exports to the United States of America of oxalic acid originating in Brazil. This proposal was also rejected. In rejecting it the Commission took account of the fact that it had in the past been established that exports to the Community of oxalic acid originating in Brazil had been dumped. It considered that it was therefore not possible to exclude the possibility that exports to the United States might also be dumped.

(20) The Commission initially considered that it would nevertheless be appropriate and not unreasonable to calculate the normal value of the product originating in China and Czechoslovakia on the basis of the domestic prices charged in Brazil, provided that it could be verified that domestic prices on the Brazilian market were in reasonable proportion to the costs of production. In order to obtain the necessary information it approached a Brazilian producer and invited it to cooperate with the investigation. The producer concerned refused to cooperate, and it was therefore necessary to reject this possibility too.

(21) The parties known to be concerned were informed of that refusal and asked again to suggest appropriate reference countries. India was suggested and the Commission approached the Indian producer referred to in order to obtain the necessary information. This producer also refused to cooperate with the Commission and India could not therefore serve as reference country.

(22) Since none of the possibilities referred to above provided an adequate basis, the normal value of the products in question was eventually determined, in accordance with Article 2 (5) (c) of Regulation (EEC) No 2176/84, by reference to the price actually paid or payable in the Community, duly adjusted to include a reasonable profit margin.

(b) *Export prices*

(23) As a general rule the export prices of oxalic acid originating in China or Czechoslovakia were established on the basis of the prices actually paid or payable for products sold for export to the Community.

(c) *Comparison*

(24) When comparing the normal value with the prices for each consignment of exports the Commission took account, where appropriate, of differences affecting price comparability, in particular differences in selling expenses such as discounts,

commissions, credit terms, transport, insurance, handling, loading and ancillary costs.

All comparisons were made at ex-works level.

(d) *Dumping margins*

(25) Examination of the above facts showed that exports of oxalic acid from both China and Czechoslovakia were still being dumped, the dumping margins being equal to the difference between the normal value and the prices of exports to the Community.

(26) Expressed as a percentage of total cif value, the dumping margins were as follows:

— Product originating in China	53.73 %
— Product originating in Czechoslovakia:	
— Exported by Chemapol	1.87 %
— Exported by other exporters	41.17 %

C. *Injury or threat of injury following the expiry of anti-dumping measures in force*

(27) In accordance with Article 15 of Regulation (EEC) No 2423/88, the Commission considered whether the expiry of anti-dumping measures in force would lead again to injury or threat of injury within the meaning of that Regulation and whether it was accordingly appropriate, in view of the finding that exports were still being dumped, that the anti-dumping measures applicable to imports originating in China or Czechoslovakia be retained and, where appropriate, amended.

China

(28) The evidence available to the Commission shows that 8 138 tonnes of oxalic acid originating in China were entered for free circulation on Community territory in 1980, and that imports fell well below that level in the years after the anti-dumping measures currently in force were imposed.

(29) Customs statistics show, however, that export sales to the Community under the inward processing relief arrangements, which are not subject on arrival at customs to payment of the anti-dumping duty on account of their destination for customs purposes, have increased substantially over the same period.

(30) The Commission believes that the substantial increase in such sales under the inward processing relief arrangements is a clear indication of the will of the Chinese exporter and its exclusive agent to maintain, and even increase, the sales on Community territory of products originating in China, and their interest in doing so.

- (31) The information collected shows that the prices of imported products entered for free circulation during the reference period, excluding customs duties and anti-dumping duties, were 42.44 % lower than those charged by Community industry, as defined in Regulation (EEC) No 699/88. It was also established that those price levels were not sufficient to enable Community producers to cover their costs plus a sufficient profit margin.
- (32) These facts, and in particular the substantial increase in the volume of imports into the Community under the inward processing relief arrangements, led the Commission to conclude that the absence of protective measures in respect of the product originating in China would, given China's annual production capacity of some 35 000 tonnes, result sooner or later in the volume of imports originating in China returning to the levels obtaining before the protective measures were introduced in 1982. In view of the evidence concerning the terms on which the products from China were imported into the Community during the reference period and the margin by which their prices undercut the minimum price necessary, this would lead again to injury to the Community industry, which would in turn lead to a fall in its output, sales, capacity utilization and price levels.

Czechoslovakia

- (33) The evidence available to the Commission shows that imports originating in Czechoslovakia increased slightly in 1983 and 1984, peaked in 1985 and fell substantially in 1986 and during the first four months of 1987.
- (34) This downward trend can be explained by a combination of the price level at which the main exporter undertook to export its products to the Community and its will to comply with the terms of the undertaking given, and the prices charged during 1986 and the first four months of 1987 for imports of oxalic acid originating in Taiwan and South Korea which, as is stated in Regulation (EEC) No 699/88, were the cause of the fall in the prices charged for Community products.
- (35) The information collected by the Commission concerning the prices of imported goods originating in Czechoslovakia shows that although as a result of the undertaking they were higher during the reference period than those of imported products originating in Taiwan or South Korea, in many cases they were nevertheless 19.78 % lower

than the prices charged by Community producers, and like the prices of imported goods from Taiwan, South Korea and China, these prices are not sufficient to enable the Community industry to cover its costs of production plus a reasonable profit margin.

- (36) The Commission believes that the fall in the volume of imports originating in Czechoslovakia shows clearly that the measure imposed in 1982 with a view to eliminating the injury caused to the Community industry had a useful effect, since without it the volume of imports from Czechoslovakia would certainly have continued to increase and, in view of their price levels, would have made a not insignificant contribution to the injury suffered by the Community industry as determined in Regulation (EEC) No 699/88.
- (37) This, together with the geographical proximity of Czechoslovakia and its not insignificant production capacity of 6 000 tonnes, is sufficient proof that the party requesting the review is correct in claiming that the expiry of the measure in force would lead again to material injury, or at least the threat of material injury.

D. Community interest

- (38) Given the serious difficulties facing the Community industry concerned, the Commission has concluded, in view of the above, that it is in the Community interest to maintain protective measures against the imports in question.

E. Undertakings and termination of review

- (39) China National Chemicals Import and Export Corporation and Chemapol were informed of the main conclusions and offered undertakings concerning exports to the Community originating in China and Czechoslovakia respectively.
- (40) Those undertakings will have the effect of bringing the prices of exports to the Community up to a level or keeping them at a level which the Commission considers sufficient to prevent the injury which would result from the expiry of the anti-dumping measures in force.
- (41) In these circumstances the above undertakings must be considered acceptable and the investigation can accordingly be terminated without anti-dumping duties being imposed on imports of the product in question originating in China or Czechoslovakia.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by China National Chemical Import and Export Corporation, Beijing, China, and Chemapol, Prague, Czechoslovakia, in connection with the review of anti-dumping measures concerning imports of oxalic acid falling within CN code 2917 11 00, originating in Czechoslovakia or China, are hereby accepted.

Article 2

The review referred to in Article 1 is hereby terminated.

Done at Brussels, 12 December 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3812/88 of 6 December 1988 establishing unit values for the determination of the customs value of certain perishable goods

(Official Journal of the European Communities No L 337 of 8 December 1988)

On page 9, replace the line at code 2.100 by the following:

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	86,55	3 768	693,46	179,88	614,46	14 973	67,19	132 957	202,88	56,05'