

# Official Journal

## of the European Communities

ISSN 0378-6978

L 351

Volume 31

21 December 1988

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 3964/88**

**of 20 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<sup>(1)</sup>, as last amended by Regulation (EEC) 2221/88<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 2401/88<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 19 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 21 December 1988.

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 16.

<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 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

**ANNEX**

**to the Commission Regulation of 20 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	128,43
0712 90 19	1,10	128,43
1001 10 10	31,98	184,94 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	31,98	184,94 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	0,00	128,09
1001 90 99	0,00	128,09
1002 00 00	35,82	114,93 <sup>(3)</sup>
1003 00 10	29,59	123,27
1003 00 90	29,59	123,27
1004 00 10	85,40	74,17
1004 00 90	85,40	74,17
1005 10 90	1,10	128,43 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	1,10	128,43 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	24,28	137,74 <sup>(4)</sup>
1008 10 00	29,59	42,96
1008 20 00	29,59	117,21 <sup>(4)</sup>
1008 30 00	29,59	0,00 <sup>(5)</sup>
1008 90 10	<sup>(7)</sup>	<sup>(7)</sup>
1008 90 90	29,59	0,00
1101 00 00	0,41	193,17
1102 10 00	63,20	174,75
1103 11 10	62,89	299,97
1103 11 90	0,72	207,72

<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 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 3965/88**  
of 20 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2221/88 <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 2402/88 <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 19 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 21 December 1988.

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

Done at Brussels, 20 December 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 197, 26. 7. 1988, p. 16.

<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 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 20 December 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current 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	5,18	5,18	5,18
1001 90 99	0	5,18	5,18	5,18
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	7,26	7,26	7,26

## B. Malt

*(ECU/tonne)*

CN code	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	9,22	9,22	9,22	9,22
1107 10 19	0	6,89	6,89	6,89	6,89
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 3966/88**  
of 20 December 1988

**fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1109/88 <sup>(2)</sup>, and in particular Article 17 (5) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EEC) No 4055/87 <sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those

which use third-country products under inward-processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates <sup>(5)</sup>, as amended by the Act of Accession <sup>(6)</sup>;

Whereas Commission Regulation (EEC) No 442/84 of 21 February 1984 on the granting of aid for butter from private storage for use in the manufacture of pastry products, ice-cream and other foodstuffs and amending Regulation (EEC) No 1245/83 <sup>(7)</sup>, as last amended by Regulation (EEC) No 698/86 <sup>(8)</sup>, and Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(9)</sup>, as last amended by Regulation (EEC) No 2951/88 <sup>(10)</sup>, lay down that butter at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(11)</sup>, as last amended by Regulation (EEC) No 1471/88 <sup>(12)</sup>, has established, as from 1 January 1988, a new combined nomenclature, which will meet the requirements both of the Common Customs Tariff and the external trade statistics of the

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

<sup>(2)</sup> OJ No L 73, 27. 3. 1972, p. 14.

<sup>(3)</sup> OJ No L 52, 23. 2. 1984, p. 12.

<sup>(4)</sup> OJ No L 64, 6. 3. 1986, p. 12.

<sup>(5)</sup> OJ No L 55, 1. 3. 1988, p. 31.

<sup>(6)</sup> OJ No L 266, 27. 9. 1988, p. 28.

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

<sup>(8)</sup> OJ No L 134, 31. 5. 1988, p. 1.

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 27.

<sup>(3)</sup> OJ No L 323, 29. 11. 1980, p. 27.

<sup>(4)</sup> OJ No L 379, 31. 12. 1987, p. 1.

Community and which will replace the Nomenclature of the Convention of 15 December 1950 ; whereas, therefore, the corresponding tariff headings according to the combined nomenclature have to be indicated ;

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

3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No

*Article 2*

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 20 December 1988.

*For the Commission*  
COCKFIELD  
*Vice-President*

ANNEX

to the Commission Regulation of 20 December 1988 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

		(ECU/100 kg)
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2) :	
	a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 62,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3)	112,06
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6) :	
	a) On exportation of goods containing reduced-price butter and manufactured under the conditions laid down in Regulations (EEC) No 442/84, (EEC) No 2709/86, (EEC) No 570/88, (EEC) No 262/79 and (EEC) No 1932/81	—
	b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	197,00 185,00

## COMMISSION REGULATION (EEC) No 3967/88

of 19 December 1988

concerning the stopping of fishing for herring by vessels flying the flag of Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities <sup>(1)</sup>, as last amended by Regulation (EEC) No 3483/88 <sup>(2)</sup>, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3806/87 <sup>(3)</sup> and Council Regulation (EEC) No 930/88 <sup>(4)</sup>, allocating, for 1988, catch quotas between Member States for vessels fishing in Swedish waters, provide for herring quotas for 1988;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of herring in the waters of ICES division III d (Swedish waters) by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1988; whereas Denmark has prohibited fishing for this stock as from 2 December

1988; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of herring in the waters of ICES division III d (Swedish waters) by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1988.

Fishing for herring in the waters of ICES division III d (Swedish waters) by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 2 December 1988.

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

Done at Brussels, 19 December 1988.

*For the Commission*

António CARDOSO E CUNHA

*Member of the Commission*<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.<sup>(3)</sup> OJ No L 357, 19. 12. 1987, p. 3.<sup>(4)</sup> OJ No L 92, 9. 4. 1988, p. 1.

**COMMISSION REGULATION (EEC) No 3968/88  
of 20 December 1988**

**amending Regulations (EEC) No 3686/88 and (EEC) No 3803/88 concerning sales  
of intervention beef at prices fixed in advance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 2248/88 <sup>(2)</sup>, and in particular Article 7 (3) thereof.

Whereas Commission Regulation (EEC) No 3686/88 <sup>(3)</sup> provides for the sale at a price fixed in advance of certain boned beef held by certain intervention agencies; whereas, in order to avoid further storage of some beef, the quantities put up for sale under the abovementioned Regulation should be amended and prices adjusted;

Whereas Commission Regulation (EEC) No 3803/88 <sup>(4)</sup> provides for the sale at prices fixed at a standard rate in advance of certain beef from intervention stocks for processing in the Community;

Whereas to avoid the further storage of some beef, the quantities put up for sale under the abovementioned Regulation should be increased;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3686/88 is hereby amended as follows:

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

Done at Brussels, 20 December 1988.

1. The second indent of Article 1 (1) is replaced by the following:

— Up to 500 tonnes of boned beef held by the French intervention agency and put into store before 1 January 1988.

2. Annex I is replaced by Annex I to this Regulation.

*Article 2*

Regulation (EEC) No 3803/88 is hereby amended as follows:

1. The fourth indent of Article 1 (1) is replaced by the following:

— Up to 400 tonnes of bone-in beef held by the United Kingdom intervention agency and bought in before 1 April 1988.

2. The following indent is added to Article 1 (1):

— Up to 200 tonnes of boned beef held by the Irish intervention agency and bought in before 1 January 1988.

3. Annex I is replaced by Annex II to this Regulation.

*Article 3*

This Regulation shall enter into force on 21 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 24.

<sup>(3)</sup> OJ No L 321, 26. 11. 1988, p. 19.

<sup>(4)</sup> OJ No L 335, 7. 12. 1988, p. 9.

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

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

Precio de venta expresado en ecus por tonelada <sup>(1)</sup>(<sup>2</sup>) — Salgspriser i ECU/ton <sup>(1)</sup>(<sup>2</sup>) — Verkaufspreise, ausgedrückt in ECU/Tonne <sup>(1)</sup>(<sup>2</sup>) — Τιμές πώλησως εκφραζόμενες σε Ecu ανά τόνο <sup>(1)</sup>(<sup>2</sup>) — Selling prices expressed in ECU per tonne <sup>(1)</sup>(<sup>2</sup>) — Prix de vente exprimés en écus par tonne <sup>(1)</sup>(<sup>2</sup>) — Prezzi di vendita espressi in ecu per tonnellata <sup>(1)</sup>(<sup>2</sup>) — Verkoopprijzen uitgedrukt in Ecu per ton <sup>(1)</sup>(<sup>2</sup>) — Preço de venda expresso em ecus por tonelada <sup>(1)</sup>(<sup>2</sup>)

1. DANMARK	<i>Kategori A</i>	<i>Kategori C</i>
Filet med entrecôte og tyndsteg	3 900	3 900
2. FRANCE	<i>Catégorie A</i>	<i>Catégorie C</i>
Filet	8 000	8 000
3. BUNDESREPUBLIK DEUTSCHLAND	<i>Kategorie A</i>	<i>Kategorie C</i>
Dünnung	1 450	1 450
4. UNITED KINGDOM		<i>Category C</i>
Fillets		9 500

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

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

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

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

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

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

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

(<sup>8</sup>) Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

(<sup>9</sup>) No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) n° 1805/77.

(<sup>10</sup>) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

(<sup>11</sup>) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(<sup>12</sup>) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(<sup>13</sup>) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους, σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(<sup>14</sup>) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(<sup>15</sup>) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

(<sup>16</sup>) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

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

(<sup>18</sup>) Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17° do Regulamento (CEE) n° 2173/79.

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

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkte Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio de venta (ECU/100 kg) <sup>(1)</sup> Salgspris (ECU/100 kg) <sup>(1)</sup> Verkaufspreise (ECU/100 kg) <sup>(1)</sup> Τιμές πώλησεως (Ecu/100 kg) <sup>(1)</sup> Selling prices (ECU/100 kg) <sup>(1)</sup> Prix de vente (écus/100 kg) <sup>(1)</sup> Prezzi di vendita (ECU/100 kg) <sup>(1)</sup> Verkoopprijzen (Ecu/100 kg) <sup>(1)</sup> Preço de venda (ECU/100 kg) <sup>(1)</sup>
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## a) Carne sin deshuesar — Ikke udbenet kød — Fleisch mit Knochen — Κρέας μη αποσπώμενο — Unboned beef — Viande avec os — Carni con osso — Vlees met been — Carne com osso

Ireland	— Forequarters, from : Category C, class U, R, O	500	120,00
Italia	— Quarti anteriori provenienti da : Categoria A, classe U, R, O	1 000	100,00
United Kingdom	— Forequarters, from : Category C, class U, R, O	400	120,00
Nederland	— Voorvoeten, afkomstig van : categorie A, klasse R	1 000	120,00
France	— Quartiers avant, provenant de : catégories A et C, classes U, R, O	500	120,00

b) Carne deshuesada<sup>(2)</sup> — Udbenet kød<sup>(2)</sup> — Fleisch ohne Knochen<sup>(2)</sup> — Αποσπώμενο κρέας<sup>(2)</sup> — Boned beef<sup>(2)</sup> — Viande désossée<sup>(2)</sup> — Carni senza osso<sup>(2)</sup> — Vlees zonder been<sup>(2)</sup> — Carne desossada<sup>(2)</sup>

France	— Catégorie A / Catégorie C : Caisse A	500	175,00
United Kingdom	— Category C, class U, R, O : Thin flanks Flanks (Plate) Striploin flank	345 1 025 65	120,00 120,00 90,00
Danmark	— Kategori A / Kategori C : Bryst og slag	600	140,00
Italia	— Categoria A : Pancia Petto	100 100	110,00 125,00
Ireland	— Category C, class U, R, O : Forequarters Briskets	100 100	160,00 140,00

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

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

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

<sup>(4)</sup> Σε περίπτωση που η αποθεματοποίηση των προϊόντων αυτών πραγματοποιείται εκτός του κράτους μέλους στο οποίο υπάρχει ο αρμόδιος οργανισμός παρεμβάσεως, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

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

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

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

<sup>(8)</sup> Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft resorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

<sup>(9)</sup> No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) n° 1805/77.

<sup>(10)</sup> Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

<sup>(11)</sup> Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

<sup>(12)</sup> Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

<sup>(13)</sup> Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους, σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

<sup>(14)</sup> These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

<sup>(15)</sup> Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

<sup>(16)</sup> Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

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

<sup>(18)</sup> Estes preços aplicam-se a peso líquido conforme o disposto no n° 1 do artigo 17° do Regulamento (CEE) n° 2173/79.

**COMMISSION REGULATION (EEC) No 3969/88**  
of 20 December 1988

**determining the conditions for converting into national currencies aids,  
expressed in ECU, to encourage the set-aside of arable land**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1137/88<sup>(2)</sup>, and in particular Article 1a (7) 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 5 (3) thereof,

Whereas Council Regulation (EEC) No 1678/85<sup>(5)</sup>, as last amended by Regulation (EEC) No 3765/88<sup>(6)</sup>, fixes the conversion rates to be applied in agriculture,

Whereas Council Regulation (EEC) No 129/78<sup>(7)</sup> fixed, in respect of the aids introduced by the acts relating to the common agricultural structures policy and indicated in ECU, a choice of conversion rates to be used on condition that such aids are financed solely by the Guidance Section of the EAGGF; whereas, pursuant to Article 26 (1) of Regulation (EEC) No 797/85, the Community's financial contribution to the aids provided for in Articles 1a and 26 (2) of the said Regulation is paid from both the Guarantee Section and the Guidance Section; whereas to ensure that all the aids recognized as eligible during a calendar year have one and the same basis for calculation, provision should be made for a single operative event for the aids in question, and the agricultural conversion rates applicable for converting such aids, indicated in ECU, into national currencies should be specified;

Whereas the rules for agricultural conversion used to this effect should be the same as those applied for converting structural aids financed by the Community into national currencies;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The amounts referred to in Articles 1a and 26 (2) of Regulation (EEC) No 797/85 shall be converted into national currencies by reference to the agricultural conversion rates:

- which are in force on 1 January for the year during which the decision to grant the aid is taken,
- and
- which are used in the framework of the common policy on agricultural structures and which are set out in the Annexes to Regulation (EEC) No 1678/85 under the heading 'Amounts not related to price fixing' or, where that heading does not appear, under the heading 'All other cases'.

Where, in accordance with Community rules, payment of the aid is spread over several years, if the agricultural conversion rate for a currency obtaining at the time of the grant is subsequently devalued, the instalments shall be determined on the basis of the corresponding agricultural conversion rate in force on 1 January of the year during which the instalment of the aid is payable.

*Article 2*

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

It shall apply with effect from 1 August 1988.

<sup>(1)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(2)</sup> OJ No L 108, 29. 4. 1988, p. 1.

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

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

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(6)</sup> OJ No L 330, 2. 12. 1988, p. 15.

<sup>(7)</sup> OJ No L 20, 25. 1. 1978, p. 16.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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**COMMISSION REGULATION (EEC) No 3970/88**  
**of 20 December 1988**

**amending the Annex to Regulation (EEC) No 2685/88 fixing, until the end of the 1988/89 marketing year, the accession compensatory amounts applicable to cereals and rice and the coefficients to be used for the calculation of the amounts applicable to certain processed 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 468/86 of 25 February 1986 laying down general rules for the system of accession compensatory amounts for rice as a result of the accession of Spain<sup>(1)</sup>, and in particular Article 8 thereof,

Whereas Article 72 (1) of the Act stipulates that the accession compensatory amounts are to be equal to the difference between the prices fixed for Spain and the intervention prices applicable for the Community as constituted at 31 December 1985; whereas in accordance with Regulation (EEC) No 468/86, that difference may be adjusted to make the products concerned comparable;

Whereas the difference between the Community intervention price and the Spanish price for paddy rice should be reduced by Ecu 3,00 tonne to ensure such comparativeness; whereas that reduction stems from the difference in this marketing year between Spanish rice and Community rice of the standard quality;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Commission Regulation (EEC) No 2685/88 fixing the accession compensatory amounts applicable to rice for the 1988/89 marketing year and the coefficients to be used to calculate the amounts applicable to certain processed products<sup>(2)</sup>, as last corrected by Regulation (EEC) No 2832/88<sup>(3)</sup>, is hereby replaced by the Annex hereto.

*Article 2*

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

It shall be applicable from 1 January 1989.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 53, 1. 3. 1986, p. 28.

<sup>(2)</sup> OJ No L 240, 31. 8. 1988, p. 18.

<sup>(3)</sup> OJ No L 255, 15. 9. 1988, p. 14.

## ANNEX

## ANNEX

*(Ecu/tonne)*

CN code	Coefficient	Accession compensatory amount
1006 10 21		37,94
1006 10 23		37,94
1006 10 25		37,94
1006 10 27		37,94
1006 10 92		37,94
1006 10 94		37,94
1006 10 96		37,94
1006 10 98		37,94
1006 20 11		47,43
1006 20 13		47,43
1006 20 15		47,43
1006 20 17		47,43
1006 20 92		47,43
1006 20 94		47,43
1006 20 96		47,43
1006 20 98		47,43
1006 30 21		57,46
1006 30 23		64,12
1006 30 25		64,12
1006 30 27		64,12
1006 30 42		57,46
1006 30 44		64,12
1006 30 46		64,12
1006 30 48		64,12
1006 30 61		61,20
1006 30 63		68,74
1006 30 65		68,74
1006 30 67		68,74
1006 30 92		61,20
1006 30 94		68,74
1006 30 96		68,74
1006 30 98		68,74
1006 40 00	—	16,83
1102 30 00	1,06	17,84
1103 14 00	1,06	17,84
1103 29 50	1,06	17,84
1104 19 91	1,80	30,29
1108 19 10	1,52	16,46'

COMMISSION REGULATION (EEC) No 3971/88  
of 20 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, pursuant to Article 77 of the Act of Accession, 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 beef and veal; whereas the initial quotas in volume were fixed in respect of each product or group of products by Commission Regulation (EEC) No 1870/86<sup>(3)</sup>; whereas the quota

for 1988 was fixed by Commission Regulation (EEC) No 3961/87<sup>(4)</sup>;

Whereas the quotas for 1989 should be fixed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quotas for 1989 applying to imports into Spain of beef and veal products from third countries, referred to in Annex III to Regulation (EEC) No 491/86, are fixed in the Annex to this Regulation.

2. Articles 1 (3), 2 and 3 of Regulation (EEC) No 1870/86 shall remain applicable.

*Article 2*

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

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 54, 1. 3. 1986, p. 25.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 162, 1. 8. 1986, p. 16.

<sup>(4)</sup> OJ No L 371, 30. 12. 1987, p. 36.

## ANNEX

Group	CN code	Description	Quotas 1989
1	0102 90	Live animals of the bovine species other than pure-bred breeding animals and animals for bullfights (head)	425
2	0201 10 0201 20	— Meat of animals of the bovine species, fresh or chilled, bone in	644
3	0201 30	— Meat of animals of the bovine species, fresh or chilled, boneless (tonnes equivalent carcase weight)	
4	0202 10 0202 20	— Meat of animals of the bovine species, frozen, bone in	
5	0202 30	— Meat of animals of the bovine species, frozen, boneless (tonnes equivalent carcase weight)	5 761
6	0206 10 91 0206 10 95 0206 10 99 0206 21 00 0206 22 90 0206 29 91 0206 29 99	— Edible offal of animals of the bovine species fresh, chilled or frozen	
7	0210 20 10	— Meat and edible offal, salted, in brine, dried or smoked, bone in	
8	0210 20 90 0210 90 41 0210 90 49 0210 90 90	— Meat and edible offal, salted or in brine, dried or smoked, edible flours and meals of meat or meat offal, boneless (tonnes equivalent carcase weight)	

## COMMISSION REGULATION (EEC) No 3972/88

of 20 December 1988

fixing the indicative ceilings and the 'guide' quantities for 1989 under the supplementary mechanism applicable to trade in 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, and in particular Article 83 and the second subparagraph of Article 84 (2) thereof,

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

Whereas the common rules for the application of the STM are laid down in Commission Regulation (EEC) No 574/86 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3296/88; whereas the indicative ceiling and the guide quantity for the period 1 January to 31 December 1987 and the special detailed rules for the application of the STM arrangements are laid down in Commission Regulation (EEC) No 3960/87 <sup>(4)</sup>;

Whereas the indicative ceiling and its rate of increase and the guide quantity for 1989 should be laid down and certain of the detailed rules laid down in Regulation (EEC) No 3960/87 should be amended in the light of experience, in particular those on the submission and the utilization of the licences; whereas, for the sake of clarity, the said Regulation should be replaced in full;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The indicative ceilings for 1989 and the 'guide' quantities which may be imported into Spain in 1989 from the Community as constituted at 31 December 1985 shall be set out in the Annex.

2. The rate of increase in the indicative ceiling is set at 25 %.

*Article 2*

For the purposes of this Regulation, 100 kg of bone-in meat shall correspond to 77 kg of boned meat.

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(4)</sup> OJ No L 371, 30. 12. 1987, p. 33.

*Article 3*

Notwithstanding Article 6 (3) and (4) of Regulation (EEC) No 574/86:

- applications for STM licences may be lodged only in the first 10 days of each two-monthly period,
- STM licences shall be issued on the 21st day of each two-monthly period.

*Article 4*

1. The applicant must be a natural or legal person who, at the time his application is submitted has, for 12 months at least, been engaged in trade in products of the beef and/or veal sector between Member states or with third countries and who is entered in the official register of a Member State.

2. Licence applications shall be considered only if the applicant declares in writing that he has not lodged and undertakes not to lodge any application under the same STM system in any Member State other than that where his present application is lodged.

*Article 5*

1. STM licences shall be requested for products falling within:

- one of the subheadings of the combined nomenclature, or
- one of the groups of subheadings of the combined nomenclature

given in the Annex.

2. Notwithstanding Article 2 (2) of Regulation (EEC) No 574/86, the rights accruing from the STM licences are not transmittable.

*Article 6*

The sum the quantities stated in the STM licences applied for by each operator in any two-monthly period shall, for each of the 'guide' quantities specified in the Annex, not exceed 20 % of that quantity.

*Article 7*

During the first six months of the year, the maximum quantity in respect of which STM licences may be issued in each two-monthly period shall be 30 % of the 'guide' quantities given in the Annex hereto.

*Article 8*

STM licences issued pursuant to Articles 1 and 3 of Council Regulation (EEC) No 569/86 shall be valid for 90 days for all products set out in the Annex from the date of issue within the meaning of Article 6 (4) of Commission Regulation (EEC) No 574/86.

*Article 9*

The security relating to STM licences shall be:

- ECU 5 per animal in the case of live bovine animals, and

— ECU 4 per 100 kg for all other products set out in the Annex.

*Article 10*

Regulation (EEC) No 3960/87 is hereby repealed.

*Article 11*

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*ANNEX*

Group	CN code	Description	Indicative ceiling	Guide quantity
1	0102 90	Live animals of the bovine species other than pure-bred breeding animals and animals for bullfights (head)	51 350	17 078
2	0201 10 0201 20	— Meat of animals of the bovine species, fresh or chilled, bone in		
3	0201 30	— Meat of animals of the bovine species, fresh or chilled, boneless (tonnes equivalent carcase weight)	8 050	2 846
4	0202 10 0202 20	— Meat of animals of the bovine species, frozen, bone in		
5	0202 30	— Meat of animals of the bovine species, frozen, boneless		
6	0206 10 91 0206 10 95 0206 10 99 0206 21 00 0206 22 90 0206 29 91 0206 29 99	— Edible offal of animals of the bovine species, fresh, chilled or frozen		
7	0210 20 10	— Meat and edible offal, salted, in brine, dried or smoked, bone in		
8	0210 20 90 0210 90 41 0210 90 49 0210 90 90	— Meat and edible offal, salted or in brine, dried or smoked, edible flours and meals of meat or meat offal, boneless (tonnes equivalent carcase weight)	23 054,5	23 054,5

## COMMISSION REGULATION (EEC) No 3973/88

of 20 December 1988

allocating the quantity of preserved cultivated mushrooms to be imported free of the additional amount in the period 1 January to 31 December 1989

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 2247/88<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of preserved cultivated mushrooms<sup>(3)</sup>, and in particular Article 6 thereof,

Whereas Article 1 of Commission Regulation (EEC) No 3433/81<sup>(4)</sup>, as last amended by Regulation (EEC) No 3179/88<sup>(5)</sup>, states that the quantity fixed in Article 3 of Regulation (EEC) No 1796/81 is to be allocated among the Member States on the basis of the calendar year; whereas the allocation may be revised on the basis of

information on the quantities in respect of which import licences have been issued in the period to 30 June of the year in question;

Whereas provision must be made for the allocation between the Member States for the period 1 January to 31 December 1989; whereas in order to avoid discontinuity in trade with a third country where the overall quantity is not already exhausted, a reserve should also be introduced for each Member State;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quantity fixed in Article 3 of Regulation (EEC) No 1796/81 is hereby allocated as follows for the period 1 January to 31 December 1989:

*(net weight in tonnes)*

Country of origin Importing country	China	South Korea	Taiwan	Hong Kong	Other	Reserve
Belgium } Luxembourg }	268	—	48	—	—	10
Denmark	855	20	—	—	—	30
Germany	25 926	2 960	1 839	433	1 431	185
Greece	15	5	137	—	17	5
France	17	—	16	—	2	5
Ireland	—	—	—	—	—	—
Italy	—	—	25	—	17	5
Netherlands	71	15	68	—	8	5
United Kingdom	130	—	168	—	—	10
Spain	3	—	5	—	—	5
Portugal	—	—	—	1	—	—

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 21.

<sup>(3)</sup> OJ No L 183, 4. 7. 1981, p. 1.

<sup>(4)</sup> OJ No L 346, 2. 12. 1981, p. 5.

<sup>(5)</sup> OJ No L 283, 18. 10. 1988, p. 8.

2. The Member States shall notify the Commission of the country of origin of the products covered by import licences issued for the quantities set off against the reserve in such licences.

*Article 2*

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 20 December 1988.

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

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COMMISSION REGULATION (EEC) No 3974/88  
of 20 December 1988

concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87<sup>(1)</sup>, on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EEC) No 3174/88<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified within the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the nomenclature committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column 1 of the annexed table are now classified within the combined nomenclature within the appropriate CN codes indicated in column 2 of the said table.

*Article 2*

This Regulation shall enter into force on the 21st day after 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, 20 December 1988.

*For the Commission*  
COCKFIELD  
*Vice-President*

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

<sup>(2)</sup> OJ No L 298, 31. 10. 1988, p. 1.

## ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Artificial zeolite of the y-type in the form of rodlets, containing by weight not more than 11 % sodium expressed as sodium oxide. This product is used in the manufacture of catalysts	3823 90 20	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 3823, 3823 90 and 3823 90 20  This product is to be considered as an ion exchanger. See also explanatory notes to code 3823 90 20)
2. Mixtures of clavulanic acid INN (50 % by weight), potassium salt and microcrystalline cellulose for incorporation into antibiotic based medical products	3823 90 91	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 3823, 3823 90 and 3823 90 91  This product does not comply with note 1 (f) to Chapter 29  It is an intermediate preparation which also does not have the characteristics of a medicinal product within the meaning of Chapter 30 and is covered by the second part of CN code 3823
3. Polycarbonate of tetrabromo-(bisphenol A) having an average molecular weight of 3 000	3907 40 00	Classification is determined by the provisions of general rules 1 and 6, note 3 (c) to Chapter 39 and the texts of CN codes 3907 and 3907 40 00

**COMMISSION REGULATION (EEC) No 3975/88  
of 20 December 1988**

**amending Regulation (EEC) No 3077/78 on the equivalence with Community  
certificates of attestations accompanying hops imported from non-member  
countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1696/71 on the common organization of the market in hops<sup>(1)</sup>, as last amended by Regulation (EEC) No 3998/87<sup>(2)</sup>, and in particular Article 5 (2) thereof,

Whereas Commission Regulation (EEC) No 3077/78<sup>(3)</sup>, as last amended by Regulation (EEC) No 1835/87<sup>(4)</sup>, recognizes the equivalence with Community certificates of attestations accompanying hops imported from certain third countries and establishes the list of organizations

authorized in those countries to issue attestations of equivalence;

Whereas since then the Union of Soviet Socialist Republics has undertaken to comply with the requirements laid down for the marketing of hops and hop products and has authorized a new organization to issue attestations of equivalence; whereas those attestations should accordingly be recognized as equivalent to Community certificates and the products which they cover should be admitted in free circulation; whereas the Annex to Regulation (EEC) No 3077/78 should be supplemented accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following entries are hereby added to the Annex to Regulation (EEC) No 3077/78 for the country of origin, the Union of Soviet Socialist Republics:

Organizations authorized to issue attestations	Description	CN code
2. Hopfenbauinstitut Leninstr., 289 Zitomir 26 2007, Union of Soviet Socialist Republics	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin  Saps and extracts of hops	1210  1302 13 00'

*Article 2*

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

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 40.

<sup>(3)</sup> OJ No L 367, 28. 12. 1978, p. 28.

<sup>(4)</sup> OJ No L 174, 1. 7. 1987, p. 14.

## COMMISSION REGULATION (EEC) No 3976/88

of 20 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EEC) No 1115/88 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3939/87 <sup>(4)</sup>, and in particular Articles 3 (1) and 4 (1) thereof,

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

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

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

Whereas in the Annex to Commission Regulation (EEC) No 1310/88 of 11 May 1988 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat <sup>(5)</sup> the weekly amounts of the guide level are set out pursuant to Article 9a (3) of Regulation (EEC) No 1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 28

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 28 November 1988, the level of the premium is fixed at 75,957 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

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

*Article 3*

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

It shall apply with effect from 28 November 1988.

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 36.

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

<sup>(4)</sup> OJ No L 373, 31. 12. 1987, p. 1.

<sup>(5)</sup> OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## ANNEX

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

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (*)
	Live weight	Live weight
0104 10 90	35,700	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	75,957	0
0204 21 00	75,957	0
0204 50 11		0
0204 22 10	53,170	
0204 22 30	83,553	
0204 22 50	98,744	
0204 22 90	98,744	
0204 23 00	138,242	
0204 30 00	56,968	
0204 41 00	56,968	
0204 42 10	39,878	
0204 42 30	62,665	
0204 42 50	74,058	
0204 42 90	74,058	
0204 43 00	103,682	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	98,744	
0210 90 19	138,242	
1602 90 71 :		
— unboned (bone-in)	98,744	
— boned or boneless	138,242	

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

## COMMISSION REGULATION (EEC) No 3977/88

of 20 December 1988

**abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 3820/88<sup>(3)</sup>, as amended by Regulation (EEC) No 3898/88<sup>(4)</sup>, introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74<sup>(5)</sup>, as last amended by Regulation (EEC) No 3811/85<sup>(6)</sup>, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

fixed at zero; 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 Turkey;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey<sup>(7)</sup>, as amended by Regulation (EEC) No 1555/84<sup>(8)</sup>, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3820/88 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 21 December 1988.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 337, 8. 12. 1988, p. 20.

<sup>(4)</sup> OJ No L 346, 15. 12. 1988, p. 43.

<sup>(5)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 1.

<sup>(7)</sup> OJ No L 367, 23. 12. 1981, p. 9.

<sup>(8)</sup> OJ No L 150, 6. 6. 1984, p. 4.

**COMMISSION REGULATION (EEC) No 3978/88**  
**of 20 December 1988**  
**correcting Regulation (EEC) No 3683/88 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 2248/88 <sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Regulation (EEC) No 2312/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3683/88 <sup>(4)</sup>;

Whereas a mistake has crept into that Regulation; whereas the Regulation in question should be corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the Annex to Regulation (EEC) No 3683/88, '230,300' opposite CN code 0201 20 19 in the column headed 'Other third countries' is hereby replaced by '239,300'.

*Article 2*

This Regulation shall enter into force on 21 December 1988.

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

Done at Brussels, 20 December 1988.

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

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

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 24.

<sup>(3)</sup> OJ No L 201, 27. 7. 1988, p. 83.

<sup>(4)</sup> OJ No L 321, 26. 11. 1988, p. 13.

**COMMISSION REGULATION (EEC) No 3979/88**  
**of 20 December 1988**

**fixing the maximum export refunds on olive oil for the third partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88**

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

Having regard to Council Regulation (EEC) 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 2210/88<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil<sup>(3)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3421/88<sup>(4)</sup>, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3421/88 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refunds for olive oil for the third partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 December 1988.

*Article 2*

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 20 December 1988.

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

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 301, 4. 11. 1988, p. 39.

## ANNEX

to the Commission Regulation of 20 December 1988 fixing the maximum export refunds on olive oil for the third partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88

*(ECU/100 kg)*

Product code	Amount of refund
1509 10 90 100	61,00
1509 10 90 900	—
1509 90 00 100	65,50
1509 90 00 900	—
1510 00 90 100	17,00
1510 00 90 900	—

*NB*: The products codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

**COMMISSION REGULATION (EEC) No 3980/88**  
of 20 December 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 2221/88<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<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;

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

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 16.

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

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

<sup>(5)</sup> OJ No L 168, 27. 7. 1971, p. 16.

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

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

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

*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 21 December 1988.

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

Done at Brussels, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

to the Commission Regulation of 20 December 1988 fixing the export refunds on cereals  
and on wheat or tye flour, groats and meal

<i>(ECU/tonne)</i>		
Product code	Destination (*)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (*)
	07	22,00
1001 90 91 000	01	0
1001 90 99 000	05	58,00
	07	22,00
	06	65,00
	02	20,00
	08	66,50
1002 00 00 000	06	65,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	65,00
	07	22,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	97,00
1101 00 00 120	01	97,00
1101 00 00 130	01	89,00
1101 00 00 150	01	79,00
1101 00 00 170	01	69,00
1101 00 00 180	01	59,00
1101 00 00 190	—	—
1101 00,00 900	—	—
1102 10 00 100	01	97,00
1102 10 00 200	01	97,00
1102 10 00 300	01	97,00
1102 10 00 500	01	97,00
1102 10 00 900	—	—
1103*11 10 100	04	235,00
	02	200,00
1103 11 10 200	04	235,00
	02	189,00
1103 11 10 500	01	169,00
1103 11 10 900	01	159,00
1103 11 90 100	01	97,00
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 Algeria,
- 05 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 06 Zone II b),
- 07 Poland,
- 08 People's Republic of China.

(<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 Commission 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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*NB* : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

## COMMISSION REGULATION (EEC) No 3981/88

of 20 December 1988

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 2221/88 <sup>(2)</sup>,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

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

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

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

Whereas it may be altered in the period between fixings;

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 December 1988.

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 16.

<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 131, 22. 5. 1975, p. 15.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</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, 20 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## ANNEX

to the Commission Regulation of 20 December 1988 fixing the corrective amount applicable to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	—	—	—
1001 10 90 000	01	0	0	0	0	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	02	0	0	0	0	0	- 30,00	- 30,00
	03	0	+ 3,00	+ 3,00	+ 3,00	0	- 30,00	- 30,00
	04	0	+ 4,50	+ 4,50	+ 4,50	0	0	0
	06	0	+ 4,50	- 30,00	- 30,00	- 30,00	0	0
1002 00 00 000	01	0	0	0	0	0	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	0	—	—	—
1003 00 90 000	02	0	0	0	0	0	- 30,00	- 30,00
	03	0	+ 3,00	+ 3,00	+ 3,00	0	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	0	0	—	—
1101 00 00 120	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	—	—
1102 10 00 200	01	0	0	0	0	0	—	—
1102 10 00 300	01	0	0	0	0	0	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 10 200	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 10 500	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 10 900	05	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 50,00
	02	0	0	0	0	0	0	- 50,00
1103 11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

- 01 all third countries,
- 02 other third countries,
- 03 Algeria, Tunisia, Egypt and the Canary Islands,
- 04 Soviet Union,
- 05 Algeria,
- 06 People's Republic of China.

NB: The zones are those defined in Commission 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).

## II

*(Acts whose publication is not obligatory)*

CONFERENCE OF THE REPRESENTATIVES OF THE  
GOVERNMENTS OF THE MEMBER STATES

DECISION  
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER  
STATES OF THE EUROPEAN COMMUNITIES

of 8 December 1988

appointing the Members of the Commission of the European Communities

(88/633/ECSC, EEC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE  
EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Articles 10 and 11 thereof,

HAVE DECIDED AS FOLLOWS:

*Sole Article*

The following are hereby appointed Members of the Commission of the European Communities for the period from 6 January 1989 to 5 January 1993 inclusive:

Mr Frans Andriessen	Mr Abel Matutes Juan
Dr Martin Bangemann	The Right Honourable Bruce Millan
The Right Honourable Leon Brittan QC	Mr Filippo Maria Pandolfi
Mr Antonio Cardoso e Cunha	Mrs Vasso Papandreou
Mr Henning Christophersen	Mr Carlo Ripa di Meana
Mr Jacques Delors	Mr Peter M. Schmidhuber
Mr Jean Dondelinger	Mrs Christiane Scrivener
Mr Ray MacSharry	Mr Karel Van Miert
Mr Manuel Marin Gonzalez	

Done at Brussels, 8 December 1988.

*The President*  
C. LYBEROPOULOS

**DECISION  
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER  
STATES OF THE EUROPEAN COMMUNITIES**

**of 8 December 1988**

**appointing the President of the Commission of the European Communities**

**(88/634/ECSC, EEC, Euratom)**

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 14 thereof,

Having regard to the Decision of the Representatives of the Governments of the Member States of the European Communities of 8 December 1988 appointing the members of the Commission,

HAVE DECIDED AS FOLLOWS:

*Sole Article*

Mr Jacques Delors is hereby appointed President of the Commission of the European Communities for the period 6 January 1989 to 5 January 1991 inclusive.

Done at Brussels, 8 December 1988.

*The President*  
C. LYBEROPOULOS

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# COMMISSION

## COMMISSION DECISION

of 2 December 1988

relating to a proceeding under Article 85 of the EEC Treaty (IV/223, Transocean Marine Paint Association)

(Only the English and Dutch versions of this text are authentic)

(88/635/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty <sup>(1)</sup>, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 4, 6 and 8 thereof,

Having regard to Decision 67/454/EEC <sup>(2)</sup> whereby the Commission gave an exemption pursuant to Article 85 (3) of the Treaty to the Transocean Marine Paint Association, valid until 31 December 1972,

Having regard to Commission Decision 74/16/EEC <sup>(3)</sup>, as amended by Decision 75/649/EEC <sup>(4)</sup>, extending the exemption until 31 December 1978,

Having regard to Commission Decision 80/184/EEC <sup>(5)</sup> extending the exemption until 31 December 1986,

Having regard to the application for further extension made on 7 January 1988,

Having regard to the summary of the application for extension <sup>(6)</sup> published in accordance with Article 19 (3) of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

### I. THE FACTS

- (1) The Transocean Marine Paint Association (Transocean) is an association of medium-sized marine paint manufacturers founded in 1959 with

the object of manufacturing marine paints of identical composition and distributing and advertising them under the same trademark in a large number of countries so as to establish a world-wide distribution and after sales service network and hence improve the prospects for competition with other, substantially larger, marine paint manufacturers.

- (2) The following firms are currently members of the Association (listed in chronological order of membership):

F.A.C. van der Linden GmbH & Co., Germany  
 Pacific Products, Inc., Philippines  
 Veneziani Zonca Vernici SpA, Italy  
 Durmus Yasar & Sons, Turkey  
 Pars-Pamchal Chemical Co., Iran  
 Copalin SA, Greece  
 Toa Paint Co. Ltd, Japan  
 Healing Industries Ltd, New Zealand  
 YCee Marine Supplies Ltd, Hong Kong  
 Colorin SA, Argentina  
 Industria de Pinturas Adolfo Stierling Ltda, Chile  
 Technoquímica SA, Peru  
 Copalin Paint Factory, Egypt  
 Healing Industries Pty Ltd, Australia  
 Asian Paints (SP) Ltd, Fiji  
 Techno-Química SA, Brazil  
 Epiglass (S) Pte Ltd, Singapore  
 Transocean Iberica SA, Spain  
 Vapocure Taiwan Ltd, Taiwan  
 Fabrica de Tintas Marilina SA, Portugal  
 Kossan Chemical Industries, Malaysia  
 National Paints Factories Co., United Arab Emirates  
 Neo-Shine Varnishes, India

<sup>(1)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

<sup>(2)</sup> OJ No 163, 20. 7. 1967, p. 10.

<sup>(3)</sup> OJ No L 19, 23. 1. 1974, p. 18.

<sup>(4)</sup> OJ No L 286, 5. 11. 1975, p. 24.

<sup>(5)</sup> OJ No L 39, 15. 2. 1980, p. 73.

<sup>(6)</sup> OJ No C 113, 29. 4. 1988, p. 4.

- (3) A number of companies have left Transocean. In particular, the Association now has no member in the United States of America or in the United Kingdom. The total sales of the members and affiliates of Transocean have decreased from 15 million litres in 1978 to 8 million litres in 1986. Total sales of the members and affiliates represent some [...] <sup>(1)</sup> of the world market.

Individual members' market shares within the Community range from a negligible percentage in some countries to [...] in others. The combined market share of the Association throughout the Community is currently less than [...]. The structure of the market has not changed radically since the last Decision renewing the exemption in 1979. The members of the Association that remain have more or less the same market share as in 1979. The competitive structure of industry has remained similar with the effects of stagnation still being felt throughout the industry.

- (4) Transocean's main competitors are International Marine Coatings, Hempel, Jotun, Sigma Coatings, Chogoka and Berger Paints. These competitors are more important than Transocean both in aggregate terms and on individual markets.
- (5) The present request for the extension of the exemption first granted by Decision 67/454/EEC pertains to the articles of association and three supplementary agreements as amended in 1987. The general scheme of the Association remains as described in the abovementioned Decision.
- (6) The modifications of the articles of association and of the three supplementary agreements seek mainly to improve the protection of the trade marks and the know-how of Transocean. Under the new articles of association trade marks shall be registered by the central administrative office of the Association and each member and affiliate will be granted a licence according to a standard form #CO1419# (Article 9 (1)). The trade marks shall be the property of the Association (Article 9 (3)). Prosecution of infringements of the trade marks is the responsibility of each member or affiliate in the country allocated to him (Article 9 (4)). The nature of the territorial exclusivity conferred upon each member or affiliate is now expressly defined to prohibit active sales canvassing outside allocated territories (Article 5 (1)). Passive sales are not prohibited.

<sup>(1)</sup> In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 21 of Regulation No 17 concerning non-disclosure of business secrets.

The old articles of association provided for the payment of a commission when a member supplied services for another member. This commission has now been eliminated.

- (7) Other changes to the articles of association have been made but are purely of a stylistic nature. The former articles of association and by-Laws have been incorporated into a single document in order to obviate repetition.

Apart from the changes outlined, the substance of the articles of association remains unchanged.

- (8) Three supplementary agreements are also notified. These are the membership agreement, the affiliation agreement and the licence agreement. These agreements are all new and define the relationship between Transocean and its members and affiliates and between the members and affiliates *inter se*.

- (9) The membership agreement defines the rights and obligations of each member in relation to Transocean. The terms of the agreement correspond to the terms of the articles of association. The member is granted the right to manufacture the products, to use the know-how and the trade marks but only in relation to the products as defined (Article 2). Active sales canvassing outside each member's territory is forbidden (Article 3) with each member being given territorial exclusivity. If a member makes improvements to the products he must inform Transocean and if such improvements cannot be used independently of the know-how or patents Transocean shall make the information available to all the members and affiliates free of charge (Article 5). If the improvement can be used independently, then the member must offer it to Transocean and its members on a licence basis at an agreed royalty for a reasonable period (Article 5). Each member undertakes to keep all know-how secret, even after the expiry of the term of the agreement (Article 6). Transocean is primarily responsible for the registration of trade marks and each member shall register as a user in his respective territory (Article 7). Each Member shall take steps to prevent infringement of know-how and trade marks and shall proceed against the infringer in his territory at his own cost. Should he fail to do so Transocean shall proceed against the infringer at the cost of the member (Article 8). The transfer, assignment or disposal of the rights of the member is forbidden except in the event of concluding the standard licence agreement with an affiliate as described below. In any event, the right to enter into the licence agreement is subject to approval by Transocean (Article 9). A new member is required to pay an admission fee to cover costs incurred by Transocean in the preparation of his

membership (Article 10). An annual contribution is to be paid by each member (Article 11). Each member shall pay to Transocean a single non-recurring royalty as reimbursement for expenses incurred in relation to the acquisition and maintenance of the know-how (Article 12). The membership agreement automatically terminates when the member ceases to be a member of Transocean (Article 13). Upon termination the member shall cease to have any rights to use the trade marks and know-how (Article 14).

- (10) The affiliation agreement sets out the rights and obligations of affiliates. The status of an affiliate is different from that of a member in that the former cannot transfer, assign or sublicense his rights under the articles of association (Article 4) and pays no membership fee but an annual contribution to Transocean (Article 7). In other respects the affiliation agreement is materially similar to the membership agreement referred to above. A further difference in the status of the affiliate is that he must conclude a licence agreement as notified.
- (11) The licence agreement is the agreement between the affiliate on the one part and Transocean and the member on the other, by which the know-how and trade marks are transferred from the latter to the former. The licence agreement is similar in all material respects to the membership agreement except that the affiliate shall pay to the member concluding the licence a royalty at the end of each quarter on the net sales value of all products sold by the affiliate (Article 7).
- (12) Third parties have made no objections subsequent to the publication made under Article 19 (3) of Regulation No 17.

## II. LEGAL ASSESSMENT

- (13) The agreements notified have to be considered as a whole and not separately. They are agreements within the meaning of Article 85 (1). They are restrictive of competition within the meaning of that Article in that they are agreements between actual or potential competitors. They oblige the members of the Association to concentrate their efforts in the field of production and distribution within the allotted territory and limit the possibility of expanding their activities actively to territories allocated to other members. The members are also precluded from joining a similar organization relating to marine paints. As there are several

members from within the Community the agreements are likely to affect trade between Member States.

- (14) The exemption given by the Community can be extended, pursuant to Article 8 (2) of Regulation No 17, as the requirements of Article 85 (3) are still satisfied. The pooling and coordination of the individual distribution networks of member firms is a suitable and indeed necessary means of enriching the range of goods on offer, improving sales structures in the marine paint industry and promoting intensive competition with the major marine paint manufacturers. The existence over the years of the sales and service network for Transocean paints has increased the availability of the products, with a resultant benefit to consumers.
- (15) The restrictions of competition resulting from the current version of the Transocean Articles of Association, membership agreement, affiliation agreement and licence agreement are indispensable for the attainment of these objectives. The territorial protection stipulated is not absolute, for passive sales outside the allotted territory are permitted; no commission is payable in the event of a sale outside the territory of a member or affiliate. The admission fee, annual contribution and non-recurring royalty payments by a member to Transocean reimburse the latter for the expenses incurred in the running of the association and in the acquisition and maintenance of know-how. The stipulations on improvements are also indispensable to the uniform application of advances made in the field of marine paint throughout Transocean.
- (16) A share of less than [...] of a market in which there are larger and more powerful suppliers of similar products does not give the power to eliminate competition in respect of a substantial part of the relevant goods.
- (17) Experience of the application of Commission Decision 80/184/EEC has shown that the obligations imposed therein are appropriate in order to enable the Commission to assess the effects of cooperation between Transocean members in a rapidly changing market for compatibility with the rules on competition in the Treaty.
- (18) The declaration of exemption should accordingly be renewed for 11 years to 31 December 1998 and the obligations of Decision 80/184/EEC should again be attached,

HAS ADOPTED THIS DECISION :

*Article 1*

The declaration of exemption in accordance with Article 85 (3) of the EEC Treaty, which the Commission issued by Decisions 67/454/EEC, 74/16/EEC and 80/184/EEC concerning the Agreement of 1 January 1959 establishing the Transocean Marine Paint Association, is hereby renewed from 1 January 1988 to 31 December 1998 in respect of the version amended most recently in 1987.

*Article 2*

This Decision is subject to the following obligations :

1. The Commission shall be informed without delay of the following matters :

- (a) any amendment or addition to the agreements ;
- (b) any decision taken by the board of directors or the result of any arbitration held, pursuant to the restrictive provisions of the agreements, and in particular Articles 5 and 9 thereof ;
- (c) any change in the composition of membership ;
- (d) any link and any changes in such links, present or future, constituted by means of a financial participation amounting to 25 % or more of the share capital or by way of common directors or managers :
  - (aa) between members of the Association ; or
  - (bb) between a member of the Association and another enterprise in the paint sector, provided that such non-member carries on business directly or indirectly within the Community in the paint sector, that is to say undertakes business in one or more member States directly or through a subsidiary undertaking or by means of a joint venture.

2. A report shall be submitted by the Association annually to the Commission on the activities of the Association and in particular on improvements in the production and marketing of marine paint products achieved.

*Article 3*

This Decision is addressed to the Transocean Marine Paint Association for the attention of the Secretary-General, Mr W.G. van Aalst, Mathenesserlaan 300, NL-3021 HV Rotterdam, and to its members as follows :

F.A.C. van der Linden GmbH & Co.,  
Fritz Reuter Straße 32,  
PO box 1208,  
D-2153 Hamburg-Neu Wulmstorf ;

Copalin SA,  
16 Salaminias Street,  
GR-11855 Athens ;

Veneziani Zonca Vernici SpA,  
Via Malaspina 8,  
PO box 550,  
I-34147 Trieste ;

Transocean Ibérica SA,  
Ctra. de Balis, Km. 1,  
(Paracuellos del Jarama),  
PO box 62058,  
ES-Madrid 28080 ;

Fábrica de Tintas Marilina SA,  
Rue Infante D. Henrique 421,  
PO box  
P-4436 Rio Tinto (Porto) ;

Pacific Products Inc.,  
6th Fl. Insular Life Building,  
Ayala Avenue, Makati,  
PO box 46,  
Metro Manila,  
Philippines ;

Healing Industries Pty Ltd,  
27 Leslie Street,  
Lakemba NSW 2195,  
Australia ;

Asian Paints (SP) Ltd.,  
7-9-11 Ruve Place,  
Tavakubu,  
PO box 694,  
Lautoka,  
Fiji ;

YCee Marine Supplies Ltd.,  
1102 Winfull Commercial Bldg,  
174 Wing Lok Street,  
Hong Kong ;

Toa Paint Co. Ltd,  
Head Office,  
1-29, 2-chome, Dojima-Hama,  
Kita-Ku,  
Osaka 530,  
Japan ;

Healing Industries Ltd,  
686 Rosebank Road, Avondale,  
Private Bag, Rosebank,  
Auckland 7,  
New Zealand ;

Epiglass (S) Pte. Ltd,  
22, Tuas Avenue 8,  
Singapore 2263,  
Singapore ;

Vapocure Taiwan Ltd,  
Room 808, 8f-6,  
No 147, Chien Kuo Road, Sec. 2,  
Taipei,  
Taiwan ;

A.P.C. Industries Co. Ltd,  
2469/8-9 Petchburi Road Ext,  
Bangkok 10310,  
Thailand ;

Copalin Paint Factory,  
1st El Madabegh Street,  
Wardian,  
PO box 348,  
Alexandria,  
Egypt ;

Pars-Pamchal Chemical Co.,  
Mirzaye Shirazi Ave,  
15th Street Nr 12,  
PO box 13145-1331,  
Tehran 13,  
Iran ;

Durmus Yasar & Sons,  
Sanayi Cadd. No 37,  
Bornova PO box 594,  
Izmir,  
Turkey ;

Colorín SA,  
Juramento 5853,  
1605-Munro-FGB,  
PO box 11,  
Buenos Aires,  
Argentina ;

Tecno-Química SA,  
Rod. Presidente Dutra 2254/km2,

Rio de Janeiro RJ,  
Brazil ;

Industria de Pinturas Adolfo Stierling Ltda,  
Av. La Divisa 0359 — Lo Espejo,  
C. de San Bernardo,  
Chile ;

Technoquímica SA,  
Pista a la Atarjea 1152,  
El Agostino,  
PO box 2678,  
Lima 100,  
Peru ;

Kossan Chemical Industries,  
Lot 16632,  
51/4 Mile, Jalan Meru,  
41050 Kelang,  
Malaysia ;

National Paints Factories Co.,  
PO box 5822  
Sharjah,  
United Arab Emirates ;

Neo-Shine Varnishes,  
Veera Land Development Corp.,  
Off. Veera Desai Road,  
Andheri West,  
Bombay,  
India.

Done at Brussels, 2 December 1988.

*For the Commission*

Peter SUTHERLAND

*Member of the Commission*

## COMMISSION DECISION

of 15 December 1988

authorizing the United Kingdom to extend intra-Community surveillance in respect of bananas originating in certain third countries and put into free circulation in the other Member States

(88/636/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty<sup>(1)</sup>, and in particular Articles 1, 2 and 5 thereof,

Whereas the Commission, by Decision 80/776/EEC<sup>(2)</sup>, as amended by Decision 80/920/EEC<sup>(3)</sup>, authorized the United Kingdom to introduce intra-Community surveillance in respect of imports of bananas falling within CN code 0803 00 10, originating in certain third countries other than ACP States<sup>(4)</sup> and put into free circulation in the other Member States;

Whereas the Commission, by Decision 88/21/EEC<sup>(5)</sup> extended the abovementioned surveillance to 31 December 1988; whereas the Government of the United Kingdom submitted a request to the Commission for authorization to maintain such surveillance until 31 December 1989;

Whereas the circumstances which led the Commission to adopt Decision 80/776/EEC persist, namely: the need to ensure the effectiveness of the commercial policy measures which the United Kingdom has to implement

in respect of imports of bananas originating in certain third countries in order to fulfil the requirements of Protocol 4 to the Lomé Convention;

Whereas in these circumstances, authorization should be given to the United Kingdom to extend the intra-Community surveillance of imports of the products in question,

HAS ADOPTED THIS DECISION:

*Article 1*

The period of validity of Decision 80/776/EEC, as amended by Decision 80/920/EEC, is hereby extended to 31 December 1989.

*Article 2*

This Decision is addressed to the United Kingdom.

Done at Brussels, 15 December 1988.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

<sup>(1)</sup> OJ No L 238, 21. 8. 1987, p. 26.

<sup>(2)</sup> OJ No L 224, 27. 8. 1980, p. 15.

<sup>(3)</sup> OJ No L 261, 4. 10. 1980, p. 19.

<sup>(4)</sup> Bolivia, Canada, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, the Philippines, Venezuela and the United States of America.

<sup>(5)</sup> OJ No L 9, 13. 1. 1988, p. 19.

## CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3825/88 of 30 November 1988 establishing the full version, applicable from 1 January 1989, of the agricultural product nomenclature for export refunds

(Official Journal of the European Communities No L 341 of 12 December 1988)

On page 7:

for:

'1006 30 63	- - - - Medium grain	1006 30 63 000',
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read:

'1006 30 63	- - - - Medium grain :	
	- In immediate packings of 5 kg net or less	1006 30 63 100
	- Other	1006 30 63 900';

On page 7:

for:

'1006 30 94	- - - - Medium grain	1006 30 94 000',
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read:

'1006 30 94	- - - - Medium grain :	
	- In immediate packings of 5 kg net or less	1006 30 94 100
	- Other	1006 30 94 900'.

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