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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (ECSC, EEC, EURATOM) No 4045/88  
of 19 December 1988**

**laying down the emoluments of the President, Members and Registrar of the  
Court of First Instance of the European Communities**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988 establishing a Court of First Instance of the European Communities<sup>(1)</sup>, and in particular Article 2 (5) thereof,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 6 thereof,

Whereas, by the abovementioned Decision, the Council attached to the Court of Justice a Court of First Instance charged with exercising important judicial functions;

Whereas it is necessary to determine the salaries, pensions and any payment to be made instead of remuneration of the President, members and the Registrar of the Court of First Instance;

Whereas it is accordingly necessary to amend Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967 determining the emoluments of the President and members of the Commission, and of the President, Judges, Advocates-General and Registrar of the Court of Justice<sup>(2)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 3875/87<sup>(3)</sup>,

HAS ADOPTED THIS REGULATION:

*Sole Article*

Regulation No 422/67/EEC, No 5/67/Euratom is hereby amended as follows:

1. The following words shall be added to the title:  
'and of the President, Members and Registrar of the Court of First Instance'.

2. The following Article shall be inserted:  
'Article 21a

1. Subject to paragraph 2 and 3, the provisions of this Regulation concerning the President, Members and the Registrar of the Court of Justice shall apply to the President, Members and Registrar of the Court of First Instance.

2. The basic monthly salary of the President, Members and Registrar of the Court of First Instance shall be equal to the amount resulting from application of the following percentages to the basic salary of an official of the European Communities on the last step of grade A 1:

President :	112,5 %,
Members :	104 %,
Registrar :	95 %.

3. The monthly entertainment allowance referred to in Article 4 (3) shall amount to:

President :	Bfrs 21 015,
Members :	Bfrs 19 170,
Registrar :	Bfrs 16 299.

Presiding Judges of the Chambers of the Court shall in addition receive, during their term of office, a special duty allowance of Bfrs 25 573 per month.

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

Done at Brussels, 19 December 1988.

*For the Council*

*The President*

Th. PANGALOS

<sup>(1)</sup> OJ No L 319, 25. 11. 1988, p. 1.

<sup>(2)</sup> OJ No 187, 8. 8. 1967, p. 1.

<sup>(3)</sup> OJ No L 363, 23. 12. 1987, p. 66.

**COUNCIL REGULATION (ECSC, EEC, EURATOM) No 4046/88**  
of 19 December 1988

**adapting the representation and special-duty allowances for the President and Members of the Commission and the President, Judges, Advocates-General and Registrar of the Court of Justice**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation No 422/67/EEC, No 5/67/Euratom of 25 July 1967 determining the emoluments of the President and Members of the Commission and of the President, Judges, Advocates-General and Registrar of the Court of Justice<sup>(1)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 3875/87<sup>(2)</sup>, and in particular Article 4 (4) thereof,

Whereas the representation and special-duty allowances provided for under Article 4 (2) and (3) of Regulation No 422/67/EEC, No 5/67/Euratom should be increased,

HAS ADOPTED THIS REGULATION:

*Article 1*

With effect from 1 July 1988:

(a) the amounts listed in Article 4 (2) of Regulation No 422/67/EEC, No 5/67/Euratom shall be as follows:

— President: Bfrs 49 045,  
— Vice-President: Bfrs 31 515,  
— Other Members: Bfrs 21 015;

(b) the amounts listed in the first subparagraph of Article 4 (3) of Regulation No 422/67/EEC, No 5/67/Euratom shall be as follows:

— President: Bfrs 49 045,  
— Judge or Advocate-General: Bfrs 21 015,  
— Registrar: Bfrs 19 170;

(c) the amount listed in the second subparagraph of Article 4 (3) of Regulation No 422/67/EEC, No 5/67/Euratom shall be replaced by Bfrs 28 035.

*Article 2*

This Regulation shall enter into force on the 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, 19 December 1988.

*For the Council*

*The President*

Th. PANGALOS

<sup>(1)</sup> OJ No 187, 8. 8. 1967, p. 1.

<sup>(2)</sup> OJ No L 363, 23. 12. 1987, p. 66.

## COUNCIL REGULATION (EEC) No 4047/88

of 19 December 1988

## opening and providing for the administration of a Community tariff quota for a certain form of polyvinylpyrrolidone

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of polyvinylpyrrolidone intended for use in the pharmaceutical industry and falling within subheading ex 3905 90 00 of the combined nomenclature is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas a zero-duty Community tariff should therefore be opened within the limit of an appropriate volume for a period from 1 January to 31 December 1989, whereas, in order not to upset the balance of the market for this product, the volume of the Community tariff quota should be set at a provisional level of 150 tonnes; whereas the setting of the quota volume at this level does not rule out an adjustment during the year;

Whereas equal continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the product in question into all

the Member States until the quota is exhausted; whereas, however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 January to 31 December 1989 the customs duty applicable to imports of the following product shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25°C of less than, or equal to 1,5 % by weight and which is intended for the pharmaceutical industry	150	0

Within the limit of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Act of Accession.

2. If an importer presents in a Member State a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements from the quota amount.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the commission without delay.

The drawings are granted by: the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. The relevant Community provision shall be applied in order to monitor the use of the product for the prescribed specific purpose.

*Article 2*

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

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

Done at Brussels, 19 December 1988.

*Article 3*

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

*Article 4*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 5*

This Regulation shall enter into force on 1 January 1989.

*For the Council*

*The President*

Th. PANGALOS

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**COUNCIL REGULATION (EEC) No 4048/88**

of 19 December 1988

**on the grant of financial support to transport infrastructure projects**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Whereas, on 22 December 1986, the Council adopted under Regulation (EEC) No 4059/86 <sup>(3)</sup>, objectives and criteria of a Community policy on transport infrastructure;

Whereas the appropriations entered for that purpose in the 1988 and 1989 budgets shall be subject to the adoption of this Regulation;

Whereas the ceilings for Community financial support for each project of this Regulation should be fixed by the Commission;

Whereas the European Council, at its meeting in Rhodes on 2 and 3 December 1988, asked the Council to adopt, before the end of the year, measures within the limits of the appropriations earmarked in the budget for the support of transport infrastructure projects;

Whereas the grant of support for transport infrastructure projects under the 1988 and 1989 budgets is without prejudice to the action that will be taken on the Commission proposals aimed at developing a Community policy on transport infrastructures,

HAS ADOPTED THIS REGULATION:

*Article 1*

Within the limit of the appropriations entered in the 1988 and 1989 budgets, and in accordance with the conditions set out in Articles 2 and 3, the Community shall provide financial support for transport infrastructure projects by contributing to the cost of the following projects:

Project 1:

Studies and preparatory work

Project 2:

Combined transport network

UK-Benelux-Modano route

Modano-Turin-Bari route sections:

— Modano-Turin

— Bologna-Ancona-Bari

Project 3:

Application of new technologies in road traffic management

RDS-TMC information system in the Rhone Valley

Project 4:

Improvement of routes to the Iberian peninsula

Sections of the RN 20:

— Foix detour

— Saverdun — St. J. de Verges

N1-Madrid-Burgos, section Manoteras-Continents

M40, SE Madrid feeder

Madrid-Saragossa-Barcelona-French border

Northern Line: Lisbon-Porto and connection to Vilar Formoso

Lisbon-Evora-Elvas (Madrid)

Project 5:

Improvement of infrastructure associated with the Channel tunnel

A 20/M 20 — sections:

— Folkestone-Dover

— Maidstone-Ashford

RN28 — section Abbeville-Rouen section

E40 — French frontier-Veurne

Project 6:

High-speed railway line, London-Paris-Brussels-Amsterdam-Cologne

London-Folkestone

Brussels-Aachen

Project 7:

Improvement of the North-South transit route in Ireland

Dublin ring road — Northern cross route

Project 8:

Scanlink

Ringsted-Odense electrification

Project 9:

Modernization of transit routes to Greece

Evzoni-Athens-Corinth motorway, sections:

— Elefsina-Corinth

— Malakassa-Inofita

Thessalonika-Idomeni line

Project 10:

International links in frontier regions

Boxmeer-Venlo-Germany motorway

Luxembourg eastern ring road

Project 11:

Transalpine routes to Italy

Brenner line — second track for Verona-Bologna line

<sup>(1)</sup> Opinion delivered on 16 December 1988 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion delivered on 14 December 1988 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 378, 31. 12. 1986, p. 24.



*Article 2*

1. The financial support granted under this Regulation to the projects chosen in accordance therewith may not exceed 25 % of the total cost of each project or of the particular stage of the projects to be supported. The support may be increased to not more than 50 % in the case of studies carried out preparatory to construction work.
2. Contributions from all Community budget sources shall not normally exceed 50 % of the total cost of the project or that part of the project that is assisted, save where Community provisions stipulate higher rates.
3. An advance payment of no more than 40 % of the Community contribution may be provided to accelerate the execution of projects.
4. The amount of Community financial contributions to the projects referred to in Article 1 shall be decided on by the Commission in agreement with the Member States involved.

*Article 3*

1. Where a project which has received financial support has not been carried out as planned, or where the conditions imposed by the provisions governing the measure are not fulfilled, the financial support may be reduced or cancelled by a decision adopted by the Commission.

Any sum paid incorrectly shall be repaid to the Community by the beneficiary within 12 months of the date of notification of such decision.

2. Without prejudice to checks carried out by the Member States in accordance with national laws,

regulations or administrative provisions, and without prejudice to Article 206a (1) of the Treaty or to any inspection arranged on the basis of Article 209 (c) of the Treaty, on-the-spot checks or inquiries in respect of projects receiving financial support shall be carried out by the competent authorities of the Member State concerned and by representatives of the Commission, or other persons authorized for the purpose by the latter. The Commission deadlines for the performance of checks or inquiries and inform the Member State in advance in order to receive all necessary assistance.

3. The purpose of these on-the-spot checks or inquiries referred to in paragraph 2 is to ascertain :

- (a) the conformity of administrative practices with Community rules ;
- (b) the existence of supporting documents and whether they correspond to the projects receiving financial support ;
- (c) the conditions under which operations are executed and checked ;
- (d) the conformity of the projects carried out with the conditions subject to which financial support was granted.

4. The Commission may suspend payment of the financial contribution in respect of an operation if a check reveals irregularities, or a substantial change in the nature or conditions of the project for which the Commission's approval has not been sought.

*Article 4*

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

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

Done at Brussels, 19 December 1988.

*For the Council*

*The President*

Th. PANGALOS

**COMMISSION REGULATION (EEC) No 4049/88  
of 23 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 22 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 24 December 1988.

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

Done at Brussels, 23 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. 96.

## ANNEX

to the Commission Regulation of 23 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	0,34	127,52
0712 90 19	0,34	127,52
1001 10 10	31,98	183,46 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	31,98	183,46 <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	113,81 <sup>(3)</sup>
1003 00 10	29,59	122,23
1003 00 90	29,59	122,23
1004 00 10	85,40	72,74
1004 00 90	85,40	72,74
1005 10 90	0,34	127,52 <sup>(2)</sup> <sup>(7)</sup>
1005 90 00	0,34	127,52 <sup>(2)</sup> <sup>(7)</sup>
1007 00 90	24,28	136,84 <sup>(4)</sup>
1008 10 00	29,59	41,21
1008 20 00	29,59	116,11 <sup>(4)</sup>
1008 30 00	29,59	0,00 <sup>(2)</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	173,18
1103 11 10	62,89	297,68
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 4050/88

of 23 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 22 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 24 December 1988.

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

Done at Brussels, 23 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 23 December 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	4,55	4,55	4,55
1001 90 99	0	4,55	4,55	4,55
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	6,37	6,37	6,37

## B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	8,10	8,10	8,10	8,10
1107 10 19	0	6,05	6,05	6,05	6,05
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 4051/88**  
**of 23 December 1988**  
**fixing the import levies on rice and broken rice**

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 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 2229/88 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN code 1006 10, 1006 20 and 1006 30 <sup>(3)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2699/88 <sup>(4)</sup>, as last amended by Regulation (EEC) No 3926/88 <sup>(5)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2699/88 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 26 December 1988.

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

Done at Brussels, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 30.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 307, 12. 11. 1988, p. 17.

<sup>(5)</sup> OJ No L 348, 17. 12. 1988, p. 7.

## ANNEX

to the Commission Regulation of 23 December 1988 fixing the import levies on rice and broken rice

*(ECU/tonne)*

CN code	Portugal	Third countries (except ACP or OCT) ( <sup>1</sup> )	ACP or OCT ( <sup>1</sup> ) ( <sup>2</sup> )	Arrangement in Regulation (EEC) No 3877/86
1006 10 91	—	301,36	147,08	—
1006 10 99 ( <sup>3</sup> )	—	301,42	147,11	226,07
1006 20 10	—	376,70	184,75	—
1006 20 90 ( <sup>3</sup> )	—	376,77	184,78	282,58
1006 30 11	13,05	500,32	238,23	—
1006 30 19 ( <sup>3</sup> )	12,97	588,42	282,32	441,32
1006 30 91	13,90	532,85	254,07	—
1006 30 99 ( <sup>3</sup> )	13,90	630,79	303,04	473,09
1006 40 00	0	117,56	55,78	—

(<sup>1</sup>) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

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

(<sup>3</sup>) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(<sup>4</sup>) The amount is applicable to medium-grain and long-grain rice, as defined in paragraph 2 of Annex A of Regulation (EEC) No 1418/76, as amended by Regulation (EEC) No 3877/87 (OJ No L 365, 24. 12. 1987, p. 1).

*N.B.* The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25).

COMMISSION REGULATION (EEC) No 4052/88  
of 23 December 1988

fixing the premiums to be added to the import levies on rice and broken rice

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 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 2229/88 <sup>(2)</sup>, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2700/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3927/88 <sup>(4)</sup>;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 26 December 1988.

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

Done at Brussels, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 30.

<sup>(3)</sup> OJ No L 241, 1. 9. 1988, p. 30.

<sup>(4)</sup> OJ No L 348, 17. 12. 1988, p. 9.



## ANNEX

to the Commission Regulation of 23 December 1988 fixing the premiums to be added to the import levies on rice and broken rice

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	12	1	2	3
1006 10 91	0	0	0	—
1006 10 99 (*)	0	0	0	—
1006 20 10	0	0	0	—
1006 20 90 (*)	0	0	0	—
1006 30 11	0	0	0	—
1006 30 19 (*)	0	0	0	—
1006 30 91	0	0	0	—
1006 30 99 (*)	0	0	0	—
1006 40 00	0	0	0	0

(\*) The amount is applicable to medium-grain and long-grain rice, as defined in paragraph 2 of Annex A of Regulation (EEC) No 1418/76, as amended by Regulation (EEC) No 3877/87 (OJ No L 365, 24. 12. 1987, p. 1).

## COMMISSION REGULATION (EEC) No 4053/88

of 23 December 1988

altering the specific agricultural conversion rates applicable in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture<sup>(3)</sup>, as last amended by Regulation (EEC) No 1889/87<sup>(4)</sup>, and in particular Article 9 (2) thereof,

Whereas by Commission Regulation (EEC) No 3294/86<sup>(5)</sup>, as last amended by Regulation (EEC) No 3843/88<sup>(6)</sup>, specific agricultural conversion rates to be applied in the rice sector were established; whereas those conversion rates must be altered pursuant to Articles 2 and 3 of Commission Regulation (EEC) No 3153/85<sup>(7)</sup>, as last amended by Regulation (EEC) No 3770/87<sup>(8)</sup>;

Whereas Regulation (EEC) No 3153/85 lays down detailed rules for the calculation of monetary compensatory amounts; whereas the spot market rate for the peseta recorded in accordance with Regulation (EEC) No 3153/85 during the period 14 to 20 December 1988 requires the specific agricultural conversion rate applicable for Spain to be altered pursuant to Article 9 (2) of Regulation (EEC) No 1677/85,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 3294/86 is replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 26 December 1988.

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

Done at Brussels, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

(1) OJ No L 164, 24. 6. 1985, p. 1.

(2) OJ No L 153, 13. 6. 1987, p. 1.

(3) OJ No L 164, 24. 6. 1985, p. 6.

(4) OJ No L 182, 3. 7. 1987, p. 1.

(5) OJ No L 304, 30. 10. 1986, p. 25.

(6) OJ No L 340, 10. 12. 1988, p. 12.

(7) OJ No L 310, 21. 11. 1985, p. 4.

(8) OJ No L 355, 17. 12. 1987, p. 16.

*ANNEX***Specific agricultural conversion rate for rice**

(Regulation (EEC) No 3294/86)

1 ECU	=Bfs	48,2869
	=DM	2,34113
	=Dkr	8,93007
	=Dr	192,844
	=Pta	150,512
	=FF	7,85183
	=£Irl	0,873900
	=Lit	1 725,91
	=Fl	2,63785
	=£	0,723075

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## COMMISSION REGULATION (EEC) No 4054/88

of 23 December 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 2248/88 <sup>(2)</sup>, and in particular Article 6a. (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3928/88 <sup>(4)</sup>, introduced the buying in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

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

2226/78 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3492/88 <sup>(6)</sup>, the table of Member States or regions of Member States and of quality groups eligible for intervention, as well as the buying-in prices, should be replaced, on the basis of the data and prices available to the Commission, by the table and the prices annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 2 January 1989.

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

Done at Brussels, 23 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 168, 27. 6. 1987, p. 22.

<sup>(4)</sup> OJ No L 348, 17. 12. 1988, p. 11.

<sup>(5)</sup> OJ No L 261, 26. 9. 1978, p. 5.

<sup>(6)</sup> OJ No L 306, 11. 11. 1988, p. 20.

## ANNEX I

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

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

## ANNEX II

## Buying-in price in ECU per 100 kg carcase weight

Quality (category and class)	Equivalent carcase price	Forequarter price	
		straight cut <sup>(1)</sup>	pistola cut <sup>(2)</sup>
AU2	300,555	240,444	225,416
AU3	296,427	237,142	222,320
AR2	291,497	233,198	218,623
AR3	287,321	229,857	215,491
AO2	283,782	227,026	212,837
AO3	279,469	223,575	209,602
CU2	312,926	250,341	234,695
CU3	308,628	246,902	231,471
CU4	300,031	240,025	225,023
CR3	296,135	236,908	222,101
CR4	287,527	230,022	215,645

<sup>(1)</sup> Conversion coefficient 0,80.

<sup>(2)</sup> Conversion coefficient 0,75.

## COMMISSION REGULATION (EEC) No 4055/88

of 23 December 1988

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Regulation Commission (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 in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account

must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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 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 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 malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1989.

<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, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

**ANNEX**

to the Commission Regulation of 23 December 1988 fixing the corrective amount applicable to the refund on malt

*(ECU/tonne)*

Product code	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

*(ECU/tonne)*

Product code	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

**COMMISSION REGULATION (EEC) No 4056/88**  
**of 20 December 1988**  
**on the supply of various consignments of cereals as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management <sup>(1)</sup>, as last amended by Regulation (EEC) No 1870/88 <sup>(2)</sup>, and in particular Article 6 (1)(c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management <sup>(3)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 26 437 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid <sup>(4)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

*Article 2*

This Regulation shall enter into force on the 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 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 168, 1. 7. 1988, p. 7.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.



## ANNEX

## LOTS A and B

1. **Operation No** (1): 1035/88 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service Logistique, Case Postale 372, CH-1211, Genève 19; telex 22555 LRCS CH, tel. 34 55 80
4. **Representative of the recipient** (2) (3) (10): Société Nationale de la Croix Rouge Haitienne, Place des Nations Unies (Bicentenaire), BP 1337, Port-au-Prince; tel. 2 10 33/34, telex 2030001
5. **Place or country of destination**: Haiti
6. **Product to be mobilized**: rolled oats
7. **Characteristics and quality of the goods** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.9)
8. **Total quantity**: 464 tonnes (800 tonnes of cereals)
9. **Number of lots**: two (A: 264 tonnes; B: 200 tonnes)
10. **Packaging and marking** (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.3) — marking on the bags in letters at least 5 cm high:  
'ACTION N° 1035/88 / a red cross / FLOCONS D'AVOINE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / PORT-AU-PRINCE'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Port-au-Prince
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 15. 2. 1989 (Lot A); 1 to 15. 4. 1989 (Lot B)
18. **Deadline for the supply**: 31. 3. 1989 (Lot A); 1 to 31. 5. 1989 (Lot B)
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 10. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 24. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 to 28. 2. 1989 (Lot A); 1 to 15. 4. 1989 (Lot B)
  - (c) deadline for the supply: 15. 4. 1989 (Lot A); 1 to 31. 5. 1989 (Lot B)
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1040 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 6. 12. 1988 fixed by Commission Regulation (EEC) No 3715/88 (OJ No L 325, 29. 11. 1988, p. 46)

## LOT C

1. **Opération No** (1): 1116/88
2. **Programme**: 1988
3. **Recipient**: Ligue des sociétés de la Croix-Rouge et du Croissant-Rouge, service logistique, BP 372, CH-1211 Genève 19 (tel. 34 55 80; telex 22555 LRCS CH)
4. **Representative of the recipient** (2) (3): Ethiopian Red Cross Society, for UMCC-DPP, PO Box 195, Addis Ababa; tel. 44 93 64 / 15 90 74, telex 21338 ERCS ET)
5. **Place or country of destination**: Ethiopia
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1); specific characteristics: protein content 11 % minimum
8. **Total quantity**: 2 500 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1a)  
Additional markings on the packing:  
'ACTION No 1116/88 / WHEAT / a red cross measuring 10 × 10 cm / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE LEAGUE OF THE RED CROSS SOCIETIES (LICROSS) / FOR FREE DISTRIBUTION / ASSAB'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Assab
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 15. 2. 1989
18. **Deadline for the supply**: 31. 3. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 10. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 17. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 15. 2. 1989
  - (c) deadline for the supply: 31. 3. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels, Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 6. 12. 1988, fixed by Commission Regulation (EEC) No 3715/88 in OJ No L 325, 29. 11. 1988, p. 46)

## LOT D

1. **Operation No** (1): 1106/88
2. **Programme**: 1988
3. **Recipient**: National Cereals and Produce Board (NCPB) of Kenya, Republic of Kenya
4. **Representative of the recipient** (2) (3): Ambassador of the Republic of Kenya, Av. de la Joyeuse Entrée 1-5, 1040 Bruxelles; tel. 230 30 65, telex 62568 KENYAREP
5. **Place or country of destination**: Kenya
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.1); specific characteristics: protein content 11 % minimum; moisture content: 13,5 maximum
8. **Total quantity**: 15 000 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIB.2 (c)):  
Additional markings on the packing:  
'ACTION No 1106/88 / SOFT WHEAT / GIFT FROM THE EUROPEAN ECONOMIC COMMUNITY TO THE REPUBLIC OF KENYA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Mombasa
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 15. 2. 1989
18. **Deadline for the supply**: 31. 3. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 10. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 17. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 15. 2. 1989
  - (c) deadline for the supply: 31. 3. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 6. 12. 1988 fixed by Commission Regulation (EEC) No 3715/88 (OJ No L 325, 29. 11. 1988, page 46)

## LOT E

1. **Operation No** (1): 1123/88
2. **Programme**: 1986
3. **Recipient**: M. Coosemans, UNHCR, Case Postale 2500, CH-1211 Genève Dépôt; tel.: 22/39 81 11, telex 27492 UNHCR CH
4. **Representative of the recipient** (2) (3): Al señor representante del ACNUR para Honduras, c/o UNDP, PO box 976, Tegucigalpa, Honduras
5. **Place or country of destination**: Honduras
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity**: 100 tonnes (137 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2.a):  
Additional markings on the packing:  
'ACCIÓN N° 1123/88 / HARINA DE TRIGO / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA PARA DISTRIBUCIÓN GRATUITA POR LA OFICINA DEL ALTO COMISIONADO DE LAS NACIONES UNIDAS PARA LOS REFUGIADOS / PUERTO CORTÉS'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Puerto Cortes
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 20. 2. 1989
18. **Deadline for the supply**: 28. 2. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 10. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon 17. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 20. 2. 1989
  - (c) deadline for the supply: 28. 2. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles, telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 6. 12. 1988 fixed by Regulation (EEC) No 3715/88 (OJ No L 325, of 29. 11. 1988, p. 46)

## LOT F

1. **Operation No** (1): 1095/88
2. **Programme** : 1988
3. **Recipient** : São Tomé e Príncipe
4. **Representative of the recipient** (2) (10) : Diogenes Moniz, Ministério da Economica e Finanças, C.P. 36, São Tomé ; telex 225 Miplano ST, tel. 229 45
5. **Place or country of destination** : São Tomé and Príncipe
6. **Product to be mobilized** : common wheat flour
7. **Characteristics and quality of the goods** (3) : see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.6)
8. **Total quantity** : 1 460 tonnes (2 000 tonnes of cereals)
9. **Number of lots** : one
10. **Packaging and marking** (4) : see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2a)  
'ACÇÃO Nº 1095/88 / FARINHA DE TRIGO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À REPÚBLICA DEMOCRÁTICA DE SÃO TOMÉ E PRÍNCIPE'
11. **Method of mobilization** : the Community market
12. **Stage of supply** : free at port of landing — landed
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : São Tomé
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage** : 1 to 20. 2. 1989
18. **Deadline for the supply** : 15. 3. 1989
19. **Procedure for determining the costs of supply** : tendering
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon on 10. 1. 1989
21. **In the case of a second invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon on 17. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 1 to 20. 2. 1989
  - (c) deadline for the supply : 15. 3. 1989
22. **Amount of the tendering security** : ECU 5/tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (5) : Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B-1049 Bruxelles ; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (6) : refund applicable on 6. 12. 1988, fixed by Commission Regulation (EEC) No 3715/88 (OJ No L 325, 29. 11. 1988, p. 46)

## LOT G

1. **Operation No** (1): 954/88
2. **Programme**: 1987
3. **Recipient**: Mauritania
4. **Representative of the recipient** (2): Commissariat à la Sécurité Alimentaire, BP 377, Nouakchott; tel.: 514 58; à l'attention de M. le Commissaire à la Sécurité Alimentaire
5. **Place or country of destination**: Mauritania
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1); specific characteristics: protein content 11 % minimum
8. **Total quantity**: 6 000 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1.a)  
Additional markings on the packing:  
'ACTION N° 954/88 / FROMENT TENDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Nouakchott
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 20. 2. 1989
18. **Deadline for the supply**: 15. 3. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 10. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 17. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 20. 2. 1989
  - (c) deadline for the supply: 15. 3. 1989
22. **Amount of the tendering security**: ECU 5/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (5): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (6): refund applicable on 6. 12. 1988, fixed by Commission Regulation (EEC) No 3715/88 in (OJ No L 325, 29. 11. 1988, p. 46)

*Notes:*

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to be contacted by the successful tenderer: see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.  
The radioactivity certificate must indicate the caesium-134 and -137 level.
- (4) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (5) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the office referred to in point 24 of this Annex,
  - or by telecopier on one of the following numbers in Brussels:
    - 235 01 32
    - 236 10 97
    - 235 01 30
    - 236 20 05.
- (6) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annex.
- (7) Shipment is to take place in 20-foot containers; conditions FCL/LCL shipper's-count-load and stowage (cls).
- (8) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing shall be borne by the successful tenderer:
- should containers be used on an FCL/FCL or LCL/FCL basis, all costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to be borne by the recipient,
  - should containers be used on an LCL/LCL or FCL/LCL basis, all the costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned Article 14 (5) (a), the LCL charges (destuffing of the goods). The local charge of destuffing the goods from the containers are to be borne by the recipient.
- (9) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (10) Commission delegate to be contacted by the successful tenderer:
- Lot A and B: Délégué de la Commission des Communautés européennes,  
Sunjet House, Fairchild Street,  
PO box 654 C,  
Bridgetown; tel.: 427-4362 / 429-7103;  
telex 2327 DELEGFED WB
  - Lot F: Conseiller Résident à São Tomé e Príncipe, BP 132, São Tomé; (tél. (239)217 80, telex (0967) 224).

**COMMISSION REGULATION (EEC) No 4057/88**  
**of 20 December 1988**  
**on the supply of various lots of butteroil as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management <sup>(1)</sup>, as last amended by Regulation (EEC) No 1870/88 <sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management <sup>(3)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 2 648 tonnes of butteroil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid <sup>(4)</sup>, whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

*Article 2*

This Regulation shall enter into force on the 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 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 168, 1. 7. 1988, p. 7.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.



## ANNEX I

## LOT A

1. **Operation No 1187/88** (1): Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: Euronaid, PO box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Nicaragua
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** (3) (7) (8) (9): to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7) (under I.3.1 and I.3.2)
8. **Total quantity**: 45 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kg and see OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)  
Supplementary markings on packaging:  
'ACCIÓN N° 1187/88 / MANTECA LÍQUIDA / NICARAGUA / OXFAM B / 80832 / JUIGALPA VÍA CORINTO / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA'  
and OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization**: purchase of butter from: Agriculture House, Kildare Street, Dublin 2; tel. 78 90 11, Telex 24280+ or 25118+  
The addresses of the places of storage are given in Annex II  
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 to 9. 2. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 12 noon on 9. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 16. 1. 1989
  - (b) period for making the goods available at the port of shipment: 9 to 15. 2. 1989
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; Telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 11. 11. 1988, fixed by Commission Regulation (EEC) No 3506/88 (OJ No L 306, 11. 11. 1988, p. 46)

## LOT B

1. **Operation Nos** (1): 1206 to 1215/88 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, 00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex III
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods**: to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, under I.3.1 and I.3.2)  
B1, B6, B7, B8, B9, B10: (3) (4) (7) (8)  
B2, B3, B4, B5: (3) (4) (7) (8) (12)
8. **Total quantity**: 2 003 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kg and see OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)  
Supplementary markings on packaging: see Annex III and OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization**: purchase of butter from: Agriculture House, Kildare Street, Dublin 2; tel. 78 90 11, telex 24280+ or 25118+  
The addresses of the places of storage are given in Annex II  
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**:  
B1 to B7: 1 to 9. 2. 1989  
B8 to B10: 20 to 28. 2. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 12 noon on 9. 1. 1989
21. **In the case of a second invitation to tender**:  
(a) deadline for the submission of tenders: 12 noon on 16. 1. 1989  
(b) period for making the goods available at the port of shipment: 20 to 28. 2. 1989  
(c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 11. 11. 1988 fixed by Commission Regulation (EEC) No 3506/88 (OJ No L 306, 11. 11. 1988, p. 46)

## LOT C

1. **Operation Nos** (1): 1220 to 1224/88 — Commission Decision of 16. 3. 1988
2. **Programme** : 1988
3. **Recipient** : Euronaid, PO box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination** : see Annex III
6. **Product to be mobilized** : butteroil
7. **Characteristics and quality of the goods** (3) (4) (5) : to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, under I.3.1 and I.3.2)
8. **Total quantity** : 250 tonnes
9. **Number of lots** : one
10. **Packaging and marking** : 5 kg and see OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)  
Supplementary markings on packaging : see Annex III and OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization** : purchase of butter from : Agriculture House, Kildare Street, Dublin 2 ; tel. 78 90 11, telex 24280+ or 25118+  
The addresses of the places of storage are given in Annex II  
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply** : free at port of shipment
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment** : 1 to 9. 2. 1989
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (6) : 12 noon on 9. 1. 1989
21. **In the case of a second invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon on 16. 1. 1989
  - (b) period for making the goods available at the port of shipment : 9 to 15. 2. 1989
  - (c) deadline for the supply : —
22. **Amount of the tendering security** : ECU 20/tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** : Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles ; telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** (7) : refund applicable on 11. 11. 1988 fixed by Commission Regulation (EEC) No 3506/88 (OJ, No L 306, 11. 11. 1988, p. 46)

## LOT D

1. **Operation Nos** (1): 1225 to 1236/88 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: Euronaid, PO box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex III
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** (3) (7) (8): to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, under I.3.1 and I.3.2)
8. **Total quantity**: 225 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kg in 20-foot containers (9) (10) (11) and see OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)  
Supplementary markings on packaging: see Annex III and OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization**: purchase of butter from: Agriculture House, Kildare Street, Dublin 2; tel. 78 90 11, telex 24280+ or 25118+  
The addresses of the places of storage are given in Annex II  
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 to 9. 2. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (12): 12 noon on 9. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 16. 1. 1989
  - (b) period for making the goods available at the port of shipment: 9 to 15. 2. 1989
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** (13): refund applicable on 11. 11. 1988 fixed by Commission Regulation (EEC) No 3506/88 (OJ No L 306, 11. 11. 1988, p. 46)

## LOT E

1. **Operation No** (1): 1083/88 Commission Decision of 19. 5. 1987
2. **Programme**: 1987
3. **Recipient** (14): Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service Logistique, BP 372, CH-1211 Genève 19; tel. 34 55 80, telex 22555 LRCS CH
4. **Representative of the recipient** (3): Croissant-Rouge mauritanien, Avenue Gamal Abdel Nasser, BP 344, Nouakchott; tel. 526 70
5. **Place or country of destination**: Mauritania
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** (2): to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7 under I.3.1 and I.3.2)
8. **Total quantity**: 125 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kg in 20-foot containers (13) and see OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)  
Supplementary markings on packaging:  
'ACTION N° 1083/88 / a red crescent with points towards the right / BUTTEROIL / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / NOUAKCHOTT'  
and see OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization**: purchase of butter from: Agriculture House, Kildare Street, Dublin 2; tel. 78 90 11, telex 24280+ or 25118+  
The addresses of the places of storage are given in Annex II  
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Nouakchott
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 to 9. 2. 1989
18. **Deadline for the supply**: 25. 3. 1989
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** (7): 12 noon on 9. 1. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 16. 1. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 to 15. 2. 1989
  - (c) deadline for the supply: 31. 3. 1989
22. **Amount of the tendering security**: ECU 20/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 11. 11. 1988, fixed by Commission Regulation (EEC) No 3506/88 (OJ No L 306, 11. 11. 1988, p. 46)

*Notes :*

- (1) The operation number is to be quoted in all correspondence.
- (2) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity, certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (3) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7. September 1985, page 4.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex ;
  - or by telecopier on one of the following numbers in Brussels :
    - 235 01 32
    - 236 10 97
    - 235 01 30
    - 236 20 05
- (5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) Veterinary certificate issued by an official entity stating that the product derives from healthy animals, was processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease.
- (7) The successful tenderer shall give a health certificate to the beneficiaries' representative at the time of delivery.
- (8) The successful tenderer shall give a certificate of origin to the beneficiaries' representative at the time of delivery.
- (9) The supplier should send a duplicate of the original invoice to :
- MM De Keyzer & Schütz BV,  
Postbus 1438,  
Blaak 16,  
NL-3000 BK Rotterdam.
- (10) Shipment is to take place in 20-foot containers ; conditions FCL/LCL shippers-count-load and stowage (cls).
- The successful tenderer must submit a complete packing list of each container to the recipient's agent, specifying the number of cartons belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer must seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (11) Supply free at port of shipment, as provided for in Article 13 of Regulation (EEC) No 2200/87, implies that the following costs at the port of shipment shall be borne by the successful tenderer :
- should containers be used on an FCL/FCL or FCL/LCL basis, all costs pertaining to the use of such containers, with the exception of rental costs, up to the terminal stage, including THC (terminal handling charges). Where, on the basis of the second subparagraph of point 2 of the aforementioned Article 13, the successful tenderer is responsible for loading the containers on board the vessel designated by the recipient, the refund of the costs within the meaning of the said provisions does not include the THC,
  - should containers be used on an LCL/FCL or LCL/LCL basis, no costs ; the successful tenderer shall deliver the goods to the terminal at a stage where the stuffing of the containers can be immediately done at the recipient's expense.
- (12) Certificate of radioactivity authenticated by an Egyptian Embassy.

- (<sup>13</sup>) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing shall be borne by the successful tenderer :
- should containers be used on an FCL/FCL or LCL/FCL basis, all costs of unloading and transportation from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to be borne by the recipient,
  - should containers be used on an LCL/LCL or FCL/LCL basis, all the costs of unloading and transportation from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned paragraph 5 (a) of Article 14, the LCL charges (destuffing of the goods). The local charges incurred after the stage of destuffing the goods from the containers are to be borne by the recipient.
- (<sup>14</sup>) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.

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

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Tonelaje Mængde Menge Τόνοι Tonnage Tonnage Tonnellaggio Hoeveelheid Tonelagem	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de deponhouder Nome e direcção do armazenista
A : 1187/88	56 250 kg	QK (Waterford) Coldstore, Carrolls Cross, IRL County Waterford
B : 1206/88 — 1215/88	2 503 750 kg	1 190 950 kg : Norish Food City Ltd, Tullynahinra, Castleblaney, IRL County Monaghan
		909 500 kg : National Coldstore, Belgard Road, Tallaght, IRL Dublin 24
		403 300 kg : Trailercare, 41/42 Robinhood Industrial Estate, Ballymount Road, Clondalkin, IRL Dublin 22
C : 1220/88 — 1224/88	312 500 kg	312 500 kg : Trailercare, 41/42 Robinhood Industrial Estate, Ballymount Road, Clondalkin, IRL Dublin 22
D : 1225/88 — 1228/88 — 1236/88	281 250 kg	281 250 kg : Trailercare, 41/42 Robinhood Industrial Estate, Ballymount Road, Clondalkin, IRL Dublin 22
E : 1083/88	156 250 kg	Jenkinson's Coldstore, Crossagalla Industrial Estate, Ballysimon, IRL Limerick



ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III — ALLEGATO III —  
BIJLAGE III — ANEXO III

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
(1)	(2)	(3)	(4)	(5)	(6)
B1	2 003	10	WFP	Bhutan	Action No 1206/88 — Bhutan 0339400 / Action of the World Food Programme / Calcutta in transit to Bhutan
B2		160	WFP	Egypt	Action No 1207/88 — Egypt 0227002 / Action of the World Food Programme / Alexandria
B3		343	WFP	Egypt	Action No 1208/88 — Egypt 0249901 / Action of the World Food Programme / Alexandria
B4		100	WFP	Egypt	Action No 1209/88 — Egypt 0280300 / Action of the World Food Programme / Alexandria
B5		105	WFP	Egypt	Action No 1210/88 — Egypt 0259400 / Action of the World Food Programme / Alexandria
B6		400	WFP	Uganda	Action No 1211/88 — Uganda 0332500 / Action of the World Food Programme / Mombasa in transit to Kampala
B7		195	WFP	Yemen AR	Action No 1212/88 — Yemen AR 0261301 / Action of the World Food Programme / Hodeidah
B8		110	WFP	Lebanon	Action No 1213/88 — Lebanon 0052402 / Action of the World Food Programme / Beirut
B9		30	WFP	Yemen PDR	Action No 1214/88 — Yemen PDR 0304200 / Action of the World Food Programme / Aden
B10		550	WFP	Pakistan	Action No 1215/88 — Pakistan 0245100 / Action of the World Food Programme
C	250	15	DWH	Chile	Acción nº 1220/88 / Manteca líquida / Chile / DHW / 82804 / Santiago de Chile via Valparaíso / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		15	DKW	Brasil	Acção nº 1221/88 / Óleo de manteiga / Brasil / DKW / 82335 / Paulista via Recife / Donativo da Comunidade Económica Europeia / Destinado à distribuição gratuita

(1)	(2)	(3)	(4)	(5)	(6)
		15	DKW	Brasil	Acção nº 1222/88 / Óleo de manteiga / Brasil / DKW / 82336 / Lajeado via Porto Alegre / Donativo da Comunidade Económica Europeia / Destinado à distribuição gratuita
		15	DKW	Brasil	Acção nº 1223/88 / Óleo de manteiga / Brasil / DKW / 82337 / Natal / Donativo da Comunidade Económica Europeia / Destinado à distribuição gratuita
		190	DKW	Nicaragua	Acción nº 1224/88 / Manteca líquida / Nicaragua / DKW / 82350 / Bluefields via Corinto / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
D	225	30	Caritas B	Haïti	Action nº 1225/88 / <i>Butter oil</i> / Haïti / Caritas belgica / 80280 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		15	Prosalus	Ghana	Action No 1228/88 / Butteroil / Ghana / Prosalus / 85553 / Sefwi Asafo via Takoradi / Gift of the European Economic Community / For free distribution
		30	Caritas B	Rwanda	Action nº 1229/88 / <i>Butter oil</i> / Rwanda / Caritas belgica / 80279 / Kigali via Mombasa / Don de la Communauté économique européenne / Pour distribution gratuite
		25	Caritas G	Uganda	Action No 1230/88 / Butteroil / Uganda / Caritas Germany / 80478 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		50	Caritas G	Uganda	Action No 1231/88 / Butteroil / Uganda / Caritas Germany / 80479 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		15	SSP	Uganda	Action No 1232/88 / Butteroil / Uganda / SSP / 81302 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		15	ICR	Uganda	Action No 1233/88 / Butteroil / Uganda / ICR / 84602 / Namalu via Mombasa / Gift of the European Economic Community / For free distribution
		15	ICR	Uganda	Action No 1234/88 / Butteroil / Uganda / ICR / 84603 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		15	ICR	Thailand	Action No 1235/88 / Butteroil / Thailand / ICR / 84606 / Chonburi via Bangkok / Gift of the European Economic Community / For free distribution
		15	ICR	Thailand	Action No 1236/88 / Butteroil / Thailand / ICR / 84610 / Surin via Bangkok / Gift of the European Economic Community / For free distribution

**COMMISSION REGULATION (EEC) No 4058/88**  
**of 22 December 1988**  
**concerning the stopping of fishing for common sole by vessels flying the flag of**  
**a Member State**

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 amended by Regulation (EEC) No 3483/88 <sup>(2)</sup>, and in particular Article 11 <sup>(3)</sup> thereof,

Whereas Council Regulation (EEC) No 3977/87 of 21 December 1987, fixing, for certain fish stocks and groups of fish stocks, total allowable catches for 1988 and certain conditions under which they may be fished <sup>(3)</sup>, as last amended by Regulation (EEC) No 3472/88 <sup>(4)</sup>, provides for common sole total allowable catches for 1988;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to total allowable catches, 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 total allowable catches;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels

flying the flag of a Member State or registered in a Member State have reached the total allowable catches for 1988,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of common sole in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the total allowable catches for 1988.

Fishing for common sole in the waters of ICES divisions V b (EC zone), VI, XII and XIV by vessels flying the flag of a Member State or registered in a Member State is prohibited as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*

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

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

Done at Brussels, 22 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 375, 31. 12. 1987, p. J.

<sup>(4)</sup> OJ No L 305, 10. 11. 1988, p. 12.

**COMMISSION REGULATION (EEC) No 4059/88**

of 23 December 1988

**amending Regulation (EEC) No 3744/87 laying down the detailed rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community<sup>(1)</sup>, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3744/87<sup>(2)</sup>, as last amended by Regulation (EEC) No 3315/88<sup>(3)</sup>, provides in its Article 1 (1) (c) from the main component of food obtained by commercial exchange of products from intervention stocks to be of the same nature as that obtained from these stocks; whereas experience shows that a less restrictive form of commercial exchange would facilitate the attainment of the objectives of Regulation (EEC) No 3730/87;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant Management Committees,

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

Done at Brussels, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*Article 1*

Article 1 (1) (c) of Regulation (EEC) No 3744/87 is replaced by the following:

'(c) food obtained by the commercial exchange of products from intervention stocks for food of the same product group.

*Article 2*

Article 1 (3) (b) second indent of Regulation (EEC) No 3744/87 is replaced by the following:

'— the form in which the products are to be distributed as food to the recipients. Where the products are to be processed or replaced by other products all such arrangements shall be specified;'

*Article 3*

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

<sup>(1)</sup> OJ No L 352, 15. 12. 1987, p. 1.  
<sup>(2)</sup> OJ No L 352, 15. 12. 1987, p. 33.  
<sup>(3)</sup> OJ No L 293, 27. 10. 1988, p. 68.

## COMMISSION REGULATION (EEC) No 4060/88

of 21 December 1988

amending certain Regulations relating to hops following the introduction of 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 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, as last amended by Regulation (EEC) No 3174/88<sup>(2)</sup>, and in particular Article 15 thereof,

Whereas, pursuant to the second subparagraph of Article 15 (1) of Regulation (EEC) No 2658/87, technical adaptations to Community acts referring to the combined nomenclature are to be made by the Commission;

Whereas Commission Regulation (EEC) No 3998/87<sup>(3)</sup> amends Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops<sup>(4)</sup> to adapt it to the combined nomenclature introduced by Regulation (EEC) No 2658/87; whereas Commission Regulations (EEC) No 3076/78 of 21 December 1978 on the importation of hops from non-member countries<sup>(5)</sup>, as last amended by Regulation (EEC) No 1465/79<sup>(6)</sup>, and (EEC) No 3077/78 of 21 December 1978 on the equivalence with Community certificates of attestations accompanying hops imported from non-member countries<sup>(7)</sup>, as last amended by Regulation (EEC) No 3975/88<sup>(8)</sup>, should be adapted accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 (2) of Regulation (EEC) No 3076/78 is hereby replaced by the following:

2. The proof referred to in paragraph 1 shall be furnished:

(a) with regard to hop cones falling within CN code 1210, by the production of:

— either the attestation provided for in Article 5 (2) of Regulation (EEC) No 1696/71, hereinafter referred to as an "attestation of equivalence",

— or the control attestation referred to in Article 4 of this Regulation;

(b) with regard to products other than hop cones falling within CN code 1210 and to saps and extracts of hops falling within CN code 1302 13 00, by the production of an attestation of equivalence.

*Article 2*

The Annex to Regulation (EEC) No 3077/78 is hereby replaced by the following:

## ANNEX

## ANNEX

Country of origin	Organizations authorized to issue attestations	Products	CN code
UNITED STATES OF AMERICA	Inspection Division, Federal Grain Inspection Service	Hop cones	ex 1210
	— Idaho Department of Agriculture, Boise, Idaho	Hop powders	ex 1210
	— California Department of Agriculture, Sacramento, California	Saps and extracts of hops	1302 13 00
	— Oregon Department of Agriculture, Salem, Oregon		
— Washington Department of Agriculture, Yakima, Washington			

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.<sup>(2)</sup> OJ No L 298, 31. 10. 1988, p. 1.<sup>(3)</sup> OJ No L 377, 31. 12. 1987, p. 40.<sup>(4)</sup> OJ No L 175, 4. 8. 1971, p. 1.<sup>(5)</sup> OJ No L 367, 28. 12. 1978, p. 17.<sup>(6)</sup> OJ No L 177, 14. 7. 1979, p. 35.<sup>(7)</sup> OJ No L 367, 28. 12. 1978, p. 28.<sup>(8)</sup> OJ No L 351, 21. 12. 1988, p. 23.

Country of origin	Organizations authorized to issue attestations	Products	CN code
POLAND	Ministère du commerce extérieur et de l'économie maritime Service de contrôle de la qualité des produits alimentaires Varsovie	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
BULGARIA	Laboratoire du contrôle et des arbitrages près de l'union économique d'État "Bulgarsko TIVO" Sophia, Goroubliane, Bulgaria	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
YUGOSLAVIA	1. Institut za Hmaljarstvo, Pivovarstvo, Zalec 2. Poljoprivredni Fakultet Novi Sad Institut za Ratarstvo I Povrtarstvo — Zavod za Hmelj I Sirak, Backi Petrovac	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
PEOPLE'S REPUBLIC OF CHINA	1. Tianjin Import and Export Commodity Inspection Bureau 2. Xinjiang Import and Export Commodity Inspection Bureau 3. Neimonggol Import and Export Commodity Inspection Bureau	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
CZECHOSLOVAKIA	Ustredni Kontrolni a zkusebni ustav zemedelsky Pobocka — Zatec	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
AUSTRALIA	Department of Agriculture, Hobart, Tasmania Department of Agriculture, Melbourne, Victoria	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
PORTUGAL			
SPAIN			
NEW ZEALAND	1. Cawthron Institute, Nelson, South Island 2. Ministry of Agriculture and fisheries, Wellington	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
ROMANIA	Institut agronomique 'Docteur Petru Groza' Cluj — Napoca	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
CANADA	Division de la quarantaine des plantes	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00
GERMAN DEMOCRATIC REPUBLIC	VEB, Wissenschaftlich-Technisch-Ökonomisches Zentrum der Bau- und Malzindustrie, DDR-1017 Berlin	Hop cones	ex 1210
		Hop powders	ex 1210
		Saps and extracts of hops	1302 13 00'

*Article 3*

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 21 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## COMMISSION REGULATION (EEC) No 4061/88

of 21 December 1988

laying down further detailed rules of application as regards import licences for certain processed products obtained from sour cherries originating in Yugoslavia

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>, and in particular Articles 14 (3) and 15 (4) thereof,

Having regard to Council Regulation (EEC) No 1201/88 of 28 April 1988 establishing import mechanisms for certain processed products obtained from sour cherries and originating in Yugoslavia <sup>(3)</sup>, and in particular Article 5 thereof,

Whereas Yugoslavia has undertaken to limit exports of such products to the Community to an annual quantity of 19 900 tonnes; whereas Regulation (EEC) No 1201/88 provides that the Commission is to suspend the issue of import licences once imports exceed the abovementioned quantity;

Whereas certain detailed rules of application should be laid down to ensure the sound management of the arrangements in question and in particular to ensure that the quantities fixed annually are not exceeded; whereas those detailed rules must relate in particular to the issue of licences at the end of a period enabling the quantities available to be monitored and permitting the notifications required by the Member States to be made; whereas those detailed rules are supplementary to the provisions laid down in Commission Regulations (EEC) No 743/87 of 13 March 1987 laying down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables <sup>(4)</sup> and (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(5)</sup> except where this Regulation provides for exceptions therefrom;

Whereas, in order to ensure better management of the import arrangements in question, provision should moreover be made for a shorter term of validity for import licences, for a limitation of all operations relating to licences or certificates to the same calendar year and for regular notification by the Member States of the quantities in respect of which licences or certificates have not been used;

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*

Imports of processed products obtained from sour cherries and originating in Yugoslavia listed in Annex II to Council Regulation (EEC) No 1201/88 shall be subject to the provisions of this Regulation.

*Article 2*

1. Import licences shall be issued on the fifth working day following the day of lodging of the application provided that the Commission has not laid down special measures in the meanwhile. Applications may not be lodged before 1 January of the year of import of the product.

If the quantities in respect of which licences or certificates have been applied for exceed the quantities available, the Commission shall lay down a fixed percentage to reduce the quantities applied for.

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that indicated in Sections 17 and 18 of the import licence. The figure 3 shall be entered to that end in Section 19 of the licence.

*Article 3*

Notwithstanding Article 2 (1) of Regulation (EEC) No 743/87, import licences for products listed in Annex II to Regulation (EEC) No 1201/88 shall be valid for a period of two months from the date of their actual issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88. However, that term of validity may not extend beyond 31 December of the year in question.

*Article 4*

1. Member States shall notify the Commission of the quantities in respect of which the import licences issued have not been used.

Such notification shall take place before the 15th of each month.

2. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

*Article 5*

This Regulation shall enter into force on 1 January 1989.

<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 115, 3. 5. 1988, p. 9.

<sup>(4)</sup> OJ No L 75, 17. 3. 1987, p. 6.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.



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

Done at Brussels, 21 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## COMMISSION REGULATION (EEC) No 4062/88

of 23 December 1988

imposing a provisional anti-dumping duty on imports of video cassettes and video tape reels originating in the Republic of Korea and Hong Kong

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

## A. PROCEDURE

(1) In September 1987 the Commission received a written complaint lodged by the European Council of Chemical Manufacturers' Federation (Cefic) on behalf of producers whose collective output was stated to constitute a major proportion of Community production of the products in question. The complaint contained evidence of dumping of the products concerned originating in the Republic of Korea (Korea) and Hong Kong and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

The Commission accordingly announced, by notice published in the *Official Journal of the European Communities*<sup>(2)</sup> the initiation of an anti-dumping proceeding concerning imports into the Community of video cassette tapes either supplied in cassettes or on ready-split 'coated' reels for assembling or as large unsplit coated reels, falling within CN codes 8523 11 00, 8523 12 00 and 8523 13 00 and originating in Korea and Hong Kong and commenced an investigation.

(2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(3) All of the known Korean exporters, some Hong Kong exporters, some importers and all complainant Community producers made their

views known in writing. Submissions were also made by a number of importers.

(4) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *Community producers :*

- Agfa-Gevaert AG, München, Germany
  - BASF Aktiengesellschaft, Ludwigshafen, Germany
  - Magna Tonträger Produktions GmbH, Berlin, Germany
  - PDM Magnetics, Oosterhout, Netherlands.
- These Community producers are all Members of Cefic.

(b) *Korean producers :*

- Goldstar Co., Seoul
- Kolon Industries Inc., Seoul
- Saehan Media Co., Seoul
- SKC Ltd, Seoul ;

(c) *Hong Kong producers :*

- ACME Cassette Manufacturing Ltd
- Hanny Magnetics Ltd
- Magnetic Enterprise Ltd
- Magnetic Technology Ltd
- Swilynn (HK) Ltd
- Swire Magnetics (HK) Ltd
- Wing Shing Cassette Ltd
- Yee Keung Industrial Company Ltd ;

(d) *Importers in the Community :*

- Goldstar Deutschland GmbH, Ratingen
- Lucky Goldstar International Ltd, London
- SKC Europe GmbH, Frankfurt
- Sunkyong France sàrl, Suresnes
- Sunkyong Europe Ltd, London.

(5) The Commission requested and received detailed written and oral submissions from the complainant Community producers, most exporters and the importers mentioned above, and verified the information therein to the extent considered necessary. The Commission also took into account submissions from video cassette assemblers and distributors in the Community. Some Hong Kong producers either refused access to information deemed to be necessary by the Commission for its verification of their records or did not provide during this investigation reliable and/or verifiable

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 340, 18. 12. 1987, p. 6.

information concerning their cost of production of the like products and their margin of profit on their sales on the domestic market. The Commission has, therefore, made its findings on the basis of the facts available.

- (6) The investigation of dumping covered the period from January 1987 to November 1987 inclusive (the reference period).

## B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

### 1. Product under consideration

- (7) The product concerned by the notice of initiation of an anti-dumping proceeding is referred to as video cassette tape.

The investigation showed however that video cassette tape is actually supplied in two different forms to the Community.

- (8) The first form is ready-split reels of polyester tapes coated with chromium dioxide, so-called 'pancakes'; these video tape reels are used in the manufacturing process of video cassettes. The split reel of polyester tape is threaded in a certain length into a plastic cartridge, the so-called V-O shells; this loaded shell is the video cassette. Video tape reels are normally sold to winding companies or assemblers as a basic product for the manufacture of video cassettes.
- (9) The second form is video cassettes: they are in general manufactured under a licence of JVC — Japan Victor Company. The video cassettes are used in video cameras in order to take video films, or in video cassette recorders to record television programmes and to play them back as well as pre-recorded movies or films taken with a video camera; video cassettes are also used in video cassette players to play pre-recorded movies. There are different models of video cassettes with various tape lengths and quality differences. However, general acknowledged quality standards for these different models do not exist.

The manufacturers normally sell the video cassettes either to OEM-customers (OEM = original equipment manufacturers), distributors and dealers or to duplicators who record movies on them and sell these pre-recorded cassettes to end-users.

- (10) The investigation showed that the video tapes on reels or in cassettes concerned fall within CN code ex 8523 13 00.

### 2. Like product

- (11) As far as the definition of the like products is concerned, the Commission found that the Community-produced video tape reels are alike in all respects to the video tape reels exported from Korea.
- (12) With regard to video cassettes, the investigation showed, on the one hand, that the various types of video cassettes sold on the Korean and Hong Kong market differ mainly from those sold in the Community market in the length of the tape. This difference is, however, of minor importance. On the other hand, the video cassettes exported from Korea and Hong Kong to the Community are, apart from possible quality differences, alike in all respects to the Community-produced video cassettes.
- (13) Goldstar submitted that video cassettes sold to duplicators are not like products to those sold to distributors and/or end-users. This argument had to be rejected since neither the physical and technical characteristics nor the application and use are significantly different.
- (14) In conclusion, the Commission considered that all Community-produced video cassettes and video tape reels are like products to all video cassettes and video tape reels exported from Korea and Hong Kong.

### 3. Community industry

- (15) The Commission found that during the period under consideration, the four Community producers on behalf of which the complaint was lodged, manufactured about 90 % of the total Community output of the like products, hence a major proportion of the total Community production.
- (16) Accordingly, the Commission considered that they form the Community industry, within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

### C. DUMPING

- (17) Normal values, export prices, comparisons and dumping margins were established separately for video cassettes and video tape reels.

## 1. Normal value

*(a) Normal value based on prices in the exporting country*

- (18) For each of the producers' video cassette models and video tape reels sold in sufficient quantities and at prices which permitted recovery of all costs reasonably allocated in the normal course of trade on the domestic market, normal value was provisionally determined on the basis of the weighted average domestic prices of these models and reels. In cases where the volume of such sales was less than the threshold, established by the Commission in previous cases as 5 % of the volume of exports of these models to the Community, the Commission considered such sales to be insufficient to be representative and determined normal value on the basis of constructed value.
- (19) One Korean producer submitted, after the investigation in its premises, information concerning its import charges borne by the like product and by materials physically incorporated therein, when destined for consumption in the country of origin and refunded in respect of the products exported to the Community.
- (20) Since these import charges could not be verified and were disproportionately higher than those claimed by other producers in the same country, it was considered appropriate to reduce the normal value based on the comparable price actually paid on the Korean market only by the average amount claimed by the other producers.

*(b) Normal value based on constructed value*

- (21) In all such cases where there were either no sales or insufficient sales on the domestic market of a model of video cassette suitable for direct comparison to that sold for export to the Community, or where models suitable for direct comparison to those sold for export to the Community were sold in substantial quantities over the reference period on the domestic market at prices which did not permit recovery, in the normal course of trade and during the reference period, of all cost reasonably allocated, the normal value was determined on the basis of constructed value of the model concerned. For the same reasons, the normal value of video tape reels was determined for one Korean producer on the basis of constructed value. The constructed value was established on the basis of the costs, both fixed and variable, in the country of origin of materials and manufacture for the model exported to the

Community plus a reasonable amount for selling, administrative, other general expenses and profit.

- (22) Two of the Korean producers claimed that they sold the products in question on the domestic market in substantial quantities during the reference period at prices which on average permitted recovery of all their costs.
- (23) These claims, however, could not be accepted, since the costs as presented by these producers did not fully reflect their real costs of production.
- (24) As far as manufacturing overhead costs were concerned, it appeared that depreciation costs, for the considerable investment in new or increased existing production capacity, had to be adjusted. It was considered that an allocation should, in general, be made on the basis of the average manufacturing costs of the products concerned. This allocation for depreciation on the basis of manufacturing costs was considered the most appropriate and objective method in order to arrive at the exact costs for each model sold on the domestic market. Exceptionally, where average manufacturing costs were not available, an allocation was provisionally made on the basis of the number of video cassettes produced.
- (25) In this context, one producer which built up its production capacity for video cassettes and video tape reels and who commenced production in October 1986 had already depreciated 10,2 % of its investment costs in 1986 over three months (October to December). This is equivalent to a figure for 12 months of 40,8 %. For the whole of 1987 the depreciation rate was only 23,3 %. While it might be legitimate, for tax or other reasons, to depreciate in the first year of production a higher amount, this depreciation method does not reflect the real depreciation costs of a company. The Commission therefore opted for a more regular depreciation method in order to avoid the depreciation during the reference period being artificially low.
- (26) Another Korean producer had allocated depreciation costs for building, structure, equipment and vehicles between video cassettes and tape reels according to the ratio of assembling investment against total machinery investment involved in the production of these two products. The Commission considered, however, that this is not an accurate reflection of the true depreciation costs and, in the absence of precise information, allocated the relevant depreciation equally between these two products.

(27) As far as financing costs are concerned, one Korean producer did not fully allocate the considerable financing costs for new investments in the video cassette and video tape reel sector on the product's specific turnover. The Commission therefore considered it necessary to re-allocate the financing costs in order to reflect correctly the costs for the investments in this sector. In this case, the allocation was based on the financing costs according to the reported domestic interest rates of this exporter, on his investment costs in the video cassette tape sector and on his degree of self-financing, all based on this producer's reported accounting data. The amount of financing costs allocated per unit was in line with those reported by the other Korean producers. Another Korean producer alleged financing costs which included costs for export sales. This claim could not be accepted since the costs of production have to be computed on the basis of all costs, in the ordinary course of trade, in the country of origin. Therefore, the financing costs for export sales could not be taken into account. The Commission computed the financing costs on the basis of the ratio of total domestic financing costs against the total domestic turnover.

(28) As regards the amounts of selling, administrative, other general expenses and profit, they were calculated with reference to the expenses incurred and the profits realized by the producer concerned, on its sales in the domestic market of comparable models when the Commission was satisfied that they reflected the actual expenses and profits for the models sold on the domestic market. In all other cases, such expenses have been calculated by reference to the expenses incurred and the profit realized by other producers on their profitable sales of the like product in the Korean and Hong Kong markets respectively.

(29) One producer requested that a reduced profit rate should be used for its sales to OEM-customers. No specific reasons for this request were however given. Indeed, the Commission found that the products as such are identical, only the paper wrapping of these cassettes differs according to the trade name of the OEM-buyer.

In addition, the sales quantities to OEM-buyers are, in general, not substantially different to those to video cassette distributors, and the methods of selling through the two sales channels (OEM-buyers and distributors) are similar. Finally, there were no indications that selling costs and profits involved were substantially different for these two sales channels. Therefore, this request was not accepted.

(30) On any occasion that an allocation of sales, administrative and other general expenses was not made on the basis of turnover, the amount to be allocated was calculated on the basis of the producer's accounting practice where the Commission was satisfied that the method used was reasonable for the particular costs concerned.

## 2. Export price

(31) With regard to exports by Korean and Hong Kong producers directly to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the products sold.

(32) In other cases, exports were made to subsidiary companies which imported the product into the Community. In such cases, it was considered appropriate, in view of the relationship between exporter and importer, that export prices be constructed on the basis of prices at which the imported product was first resold to an independent buyer. Discounts, rebates and the value of free goods given in connection with a sale were deducted from the price to the independent customer. Suitable adjustment was made to take account of all costs incurred between importation and resale, including all duties and taxes.

(33) Where cost allocations were necessary in constructing export prices these were made on the basis of turnover. The costs and turnover used for this purpose were generally those of the related importers' last available financial year and accordingly based on audited accounts. On any occasion that an allocation of sales, administrative and other general expenses was not made on the basis of turnover, the amount to be allocated was calculated on the basis of the exporters' available cost accounting data directly related to the sales in question. One importer related to a Korean producer claimed general and administrative expenses based on a turnover that included the financing transactions within the group. The Commission considered that this claim did not reflect the normal costs of that importer for the products under consideration and disregarded the part of the claim linked to the financing transactions. For another importer, the Commission also made an allowance for advertising costs paid by the Korean producer, as per Article 2 (8) (b) of Regulation (EEC) No 2423/88.

(34) These allocated costs included all administrative and other general costs relating to the sales under consideration whether financed by the exporter or by the related importer.

(35) To arrive at a constructed cif Community frontier export price, adjustments were also made for Community import duties and for a 10 % profit on sales turnover. The Commission based this 10 % profit margin on data asked for and received from independent importers of video cassettes. Indeed, it appeared that before the imports of video cassettes from Korea and Hong Kong, i.e. in 1985, the average return on sales of independent traders was over 10 %. For the purposes of these provisional proceedings, this percentage was accordingly applied to all sales of the related importers to their first independent purchasers in the Community.

(36) As far as the export prices were concerned, the Commission verified, for the products of each exporter at least 70 % of all transactions during the investigation period. This quantity was considered representative of all transactions of these subsidiaries during this period.

#### D. COMPARISON

(37) For the purpose of a fair comparison between normal value and export price and in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, the Commission took account of differences affecting price comparability, such as differences in physical characteristics and terms of sale, where claims of a direct relationship of these differences to the sales under consideration could be satisfactorily demonstrated. This was the case in respect of differences in credit terms, warranties, commissions, salaries paid to salesmen, packing, transport, insurance, handling and ancillary costs. The constructed values were determined ex domestic sales organization, export prices were established ex export sales company or sales organization.

#### E. DUMPING MARGINS

(38) Normal value established on a weighted average basis for each of the models and of ready-split coated video reels of each producer was compared respectively with the export price of comparable models and the video tape reels on a transaction-by-transaction basis. The preliminary examination of the facts shows the existence of dumping in respect of imports of video tape reels and video cassettes originating in Korea and of video cassettes originating in Hong Kong from all Korean and Hong Kong producers investigated, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

(39) The margin of dumping varied according to the producer, and the weighted average margins were as follows:

##### — Video cassettes

###### *Korean producers*

— Goldstar Co.	10,82 %
— Kolon Industries Inc.	7,64 %
— Saehan Media Co.	4,56 %
— SKC Ltd	6,68 % ;

###### *Hong Kong producers*

— Hanny Magnetics Ltd	59,35 %
— Magnetic Enterprise Ltd	20,55 %
— Swilynn Ltd	8,13 %
— Swire Magnetics Ltd	11,37 % ;

##### — Video tape reels

— Saehan Media Co.	1,06 %
— SKC Ltd	5,53 %.

(40) For those producers that neither replied to the Commission's questionnaire, nor otherwise made themselves known, dumping was determined on the basis of the facts available in accordance with the provision of Article 7 (7) b of Regulation (EEC) No 2423/88. In this connection, the Commission considered that the result of its investigation provided the most appropriate basis for determination of the margin of dumping. Since it could create an opportunity for circumvention of the duty, if the dumping margin for those producers was any lower than the highest dumping margin of 10,82 % for video cassettes and 5,53 % for video tapes reels determined with regard to the Korean and 59,35 % determined with regard to the Hong Kong producers who had cooperated in the investigation, it is considered appropriate to use these dumping margins for these groups of producers.

(41) In addition, one Hong Kong producer refused access, during an investigation in their premises, to information deemed to be necessary by the Commission for its verification of the records of the company concerned. Three other companies could not provide any verifiable accounting data concerning their cost of production, selling general and administrative expenses and profit. As a result, the Commission could not be certain of receiving full and reliable data for establishing the normal value for the producers concerned and, accordingly, considered it appropriate that preliminary findings for these companies also be made on the basis of the facts available, i.e. the results of the investigation.

(42) It was considered that, in these circumstances, it would also create an opportunity for circumvention of the duty and would constitute a reward for non-cooperation to hold that the dumping margin of these producers was any lower than the highest

dumping margins determined with regard to a producer who had cooperated in the investigation. For these reasons and in accordance with the provisions of Article 7 (7) b of Regulation (EEC) No 2423/88 it is considered appropriate to use the highest dumping margin for these companies.

## F. INJURY

### 1. Volume and market shares

- (43) As regards market volume, the consumption of video cassettes in the Community showed a steady increase from 123,5 million units in 1985, 167,7 million units in 1986, to 230,2 million units in 1987, that is an 86,4 % rise.
- (44) As regards imports from Korea and Hong Kong and market shares, these developed for video cassettes as follows:
- 1985 10,8 million units (i.e. 5,5 and 5,3 respectively)
  - 1986 33,1 million units (i.e. 16,5 and 16,6 respectively)
  - 1987 (1) 64,2 million units (i.e. 35,8 and 28,4 respectively).

During the same period the sales of the Community industry developed as follows:

- 1985 51,3 million units
- 1986 59,5 million units
- 1987 (1) 82,8 million units.

This development represents a rise in the market shares held by Korea and Hong Kong from 8,7 % in 1985 to 27,9 % in 1987, while the market shares of the European producers remained nearly constant (1985: 33 %; 1987: 36 %). Therefore, it appears that from 1985 to 1987, while the market volume of video cassettes almost doubled, the market shares of Korea and Hong Kong producers tripled, when those of the European producers remained constant.

- (45) As far as video tape reels are concerned, Korean producers sold in 1985 2,1 million square metres of video tape reels in the Community, while the Community producers sold 21 million. In 1987, the former sold 7 million square metres of video tape reels, while the latter sold 110,6 million square metres.

### 2. Prices

- (46) As far as prices are concerned, those of the Community industry showed on average a steady downward trend between 1984 and 1987: during this period the average price of the most sold video cassette, the VHS E180 decreased by 50 %, while

the price decrease for video tape reels in 1987 alone was about 50 %.

- (47) As regards price undercutting for video cassettes and video tape reels, the Commission compared the weighted average selling prices free of all rebates and taxes, calculated on the basis of sales to the first unrelated customer in the different sales channels (OEM, assembler, distributor, retailer and end-user) during the reference period. The average selling price of the Community producers was weighted in relation to the sales volume of each different type of the like products. This European average selling price was then compared to the corresponding figures for each Korean and Hong Kong producer on the basis of cif prices, and also weighted in respect of sales volume.
- (48) Since Korea and Hong Kong prices had to be established on the basis of the cif Community frontier prices, while the European producers prices were normally free to customers' premises, an adjustment of 10 % was granted. In addition, the Commission took account, on the one hand, of the fact that Korean and Hong Kong products are regarded as being of a lower quality than the Community-produced video cassettes and video tape reels, and, on the other hand, that the majority of consumers does not differentiate between the different sources of supply. Therefore, an additional quality adjustment of 20 % was granted.
- (49) By this comparison, the Commission found that, as regards video cassettes, price undercutting of between 4 % and 20 % took place for the Korean producers, and between 0 % and 32 % for the Hong Kong producers. As regards video tape reels, the investigation showed a price undercutting of between 24 % to 30 % for the Korean producers involved.

### 3. Other relevant economic factors

#### (a) Capacity, utilization rate, production and stocks

- (50) In this respect, the Commission found that the actual capacity rose from 58,84 million units in 1985, to 76,45 million units in 1986 and to 100 million units in 1987, with an average utilization rate decreasing from 84,3 % in 1985, 81,1 % in 1986, to 76,1 % in 1987. Total production increased from 49,6 million units in 1985, to 62,0 in 1986 and to 76,1 million units in 1987 (January to November). In the same period, Community producers' stocks of video cassettes increased more rapidly than sales: while the sales quantity increased by about 46 % between 1985 and 1987, the stocks increased from 9 million units to 23,6 million units, that is by 162 %, and represented during the reference period almost 25 % of the Community production. As far as video tape reels are concerned, the production increased from 21 million square metres in 1985 to 110,6 million square metres in 1987.

(1) January to November.

*(b) Value of sales, profitability and employment*

- (51) As regards video cassettes sales of the Community industry, their value remained nearly constant between 1985 and 1986 (+ 0,9 %) while the quantity sold increased by 25 %. During the reference period the value of the sales decreased (- 14,5 %) while the quantities sold kept increasing (+ 22,7 %).
- (52) As regards video tape reels, the value of sales increased from 1985 to 1986 (+ 47 %) and from 1986 to 1987 (+ 40 %). However, the increase of the quantities sold was 183 % in 1986 and 86 % in 1987.
- (53) As regards profits of the Community producers of video tape reels and video cassettes, it showed a consistent downward trend from 1985. In 1985, three of the four Community producers were profitable. The loss realized by the fourth producer was mainly due to considerable investment costs which would be offset by profit in the following years. In 1986, only one Community producer was still profitable. In 1987, all four Community producers suffered losses of 9 %, 10 %, 22 % and 27 % respectively on their sales of video cassettes in the Community. Similar losses were realized on the sales of video tape reels.
- (54) Employment increased from 3 782 persons in 1985 to 3 958 in 1986 but decreased slightly in 1987.

**4. Conclusion**

- (55) In order to determine whether the Community industry is suffering material injury in the sense of Article 4 (1) of Regulation (EEC) No 2423/88, the Commission noted that the market share capacity, production and sales figures, taken in isolation, show a positive trend. However, compared with the imports from Korea and Hong Kong and with the general consumption, they lagged significantly behind the general market development. Indeed, while general consumption increased by about 86 % between 1985 and 1987, the Community industry increased its capacity, production and sales at much lower rates, i.e. 70 %, 53 % and 46 % respectively. Furthermore, the production increase was partly outweighed by the rise of stocks (+ 162 %).
- (56) As far as market shares are concerned, Community producers did not benefit from the economies of scale achieved and could only maintain their position between 1985 and 1987, while Korea and

Hong Kong producers increased their share by 220 %.

- (57) Profits were decreasing steadily, despite strong efforts to reduce costs of production and despite the increase of production and sales, owing to the constant depression of prices: in 1986 and 1987, the Community industry as a whole invested more than 15 % of its value of sales in rationalization and achieved a reduction of more than 15 % of its costs of production; during the same period, the decrease of prices outweighed these efforts of rationalization, despite the increase of sales, and led to a decline in turnover of 15,4 % during the reference period. This loss of profitability endangers not only the continuation of the video cassette and video tape reel production of all four Community producers but also the further production of other magnetic tapes, for example for audio equipment or for application in the electronic data processing industry. It further puts at risk employment and jeopardizes the further development of the Community industry in other sectors.

**G. CAUSATION OF INJURY****1. Cumulation**

- (58) As regards causation, the Commission considered that the effects of Korean and Hong Kong imports had to be analysed accumulatively. Indeed, Korean and Hong Kong video cassettes and video tape reels which are subject to investigation were marketed with a similar sales strategy in the Community within a comparable period and competed together with video cassettes and video tape reels produced in the Community and imported from other countries. This competition led Korean and Hong Kong producers to adopt a similar behaviour on the Community market.

**2. Effects of dumped imports**

- (59) The Commission found that the aggravation of the downward trend of prices, the impossibility for the Community producers to increase their market shares, and the loss of — or reduced — profitability by the Community industry coincides with the beginning of the imports from Korea and Hong Kong, and has worsened since the level of these imports increased. Also, other indications of the health of an industry, such as capacity of production, turnover and stock figures, were significantly better for the Community industry in 1985 than during the reference period. Indeed, in a highly price-competitive market, the considerable price undercutting on video cassettes has an appreciable



negative effect on sales and accordingly on the profitability of the Community industry. This negative effect is strengthened by the substantial price undercutting of these importers on video tape reels, which are used by Community assemblers to produce video cassettes intended to be sold in competition with video cassettes manufactured by the Community industry.

### 3. Effects of other factors

- (60) As to the possibility that injury to the Community industry has been due to other factors, the Commission examined some issues raised by Korean and Hong Kong producers.
- (61) Firstly, it was contended that the prices had been declining since 1980, principally due to the general reduction of the costs of production and price competition from the Community assemblers. Secondly, it was said that the Community industry had maintained artificially high prices, and had abnormally high operating costs owing to its specific cost structure and especially its advertising expenses.
- (62) As far as prices are concerned, the Commission found that the price decline resulting from the reduction of costs of production and from fair competition, had considerably amplified since 1985, by the consistent price undercutting of Korea and Hong Kong producers. It had further been reinforced by the competition of European assemblers benefiting from a similar price undercutting of Korean video tape reels. As far as the operating costs of the Community industry are concerned, the Community industry had substantially cut its production costs. Further, the Korean and Hong Kong producers did not submit any relevant evidence of the alleged abnormal cost structure of the European producers.
- (63) In conclusion, the volume of the dumped imports, their market penetration, the prices at which they have been sold in the Community, led the Commission to determine that the injury suffered by the Community industry and caused by the dumped imports of video cassettes and video tape reels originating in Korea and Hong Kong has to be qualified as material.

## H. COMMUNITY INTEREST

### 1. General consideration

- (64) In assessing whether it is in the interest of the Community to take measures against the dumped imports of video cassettes and video tape reels from

Korea and Hong Kong, the Commission considered in the first place that video cassettes and video tape reels form an important part of the video industry, because video cassettes are the only device able to be used in a video camera or a video cassette recorder to record or to play a programme. Secondly, the video tape industry plays an important role in the electronic media and entertainment sector, which is developing rapidly. Finally, video cassette production belongs to the high technology chemical sector where new technological developments can be expected.

- (65) Therefore, substantial cuts in the production of video cassettes by the Community industry would also have negative effects on the chemical, electronic media and entertainment industry in the Community. Moreover, video cassette technology has to be developed, at least to a certain degree, with technological progress in video cassette recorder, camera, and television industry: an ailing or vulnerable video cassette manufacturer will not be in a position to take up the technological challenge. Eventually, the Community industry would suffer in terms of employment and commercial strength for lagging behind such technological and commercial development.

### 2. Argument of producers

- (66) As far as video tape reels are concerned, it was argued that the imposition of an anti-dumping duty would lead to unemployment for Community assemblers.
- (67) As regards video cassettes, it was argued that the imposition of an anti-dumping duty would cause the Community duplicators and the distribution sector a loss of profit and consequently some loss of employment.
- (68) With regard to these arguments the Commission notes that the interests of the assemblers, duplicators, distributors, as well as the consumers have to be weighed against the multiple consequences of not offering protection by the re-establishment of fair competition conditions to a viable Community manufacturing industry in the video tape sector. On balance it considers that the Community interests are to ensure the continued existence of the video tape manufacturing industry with the consequent benefits on employment and technological expertise rather than favouring Community assemblers, duplicators and distributors which have been, to a certain extent, dependent on the injurious dumped imports.

(69) As far as prices are concerned, the Commission is aware that prices of these exports from Korea and Hong Kong might increase, and that end-users and duplicators, OEM companies and assemblers might therefore have to pay more for their supplies. It should, however, be kept in mind that the price advantage which these buyers previously enjoyed originated from unfair business practices, and that there is no justification for allowing these unfair low prices to persist. Moreover, price increases for video cassettes will probably only have a minor effect on consumers since video cassettes have to be used together with high-value video cameras and video cassette recorders or players; it will be the same for duplicators, since the cost of a video cassette is minor compared with the cost of the copyright for a movie. Finally, as far as the assemblers of video cassettes are concerned, it has to be kept in mind that the Community industry has to increase its prices if it wants to re-establish profitability. Anti-dumping duties will therefore have only minor effect on their competitive situation.

### 3. Conclusion

(70) In considering all the foregoing aspects, the Commission found that the Community interests call for granting protection to the Community industry to be reasonable. The Commission has taken account of the rapidly worsening conditions of the Community industry in recent years and particularly during the reference period. The Commission therefore considers it necessary to take steps to prevent further injury being caused, by imposing provisional anti-dumping measures on the import of video cassettes and video tape reels from Korea and Hong Kong.

#### I. DUTY

(71) In order to eliminate the injury suffered by the Community industry their selling prices have to be substantially increased. Such increase should enable the Community industry to cover its costs of production and provide it with an adequate profit.

Consequently, the Commission calculated a target price for the best selling model of video cassette, the VHS E180, which represents about 75 % of all sales of the Community industry: this target price was calculated on the basis of the actual weighted average cost of production for this model of each Community producer plus a target profit margin of 12 %. When determining this margin, the Commission considered, on the one hand, the substantial investments in the past, and, on the

other hand, the necessity for the Community industry to finance progress in video tape technology. In this respect, the Commission took account of the average current expenditure of the Community producers for investments in research and development.

(72) In order to establish the rate of duty, the Commission then calculated the weighted average Korean and Hong Kong resale price of the same model and compared this price with the abovementioned target price on a company by company basis. The difference between those two prices was expressed as a percentage of the average cif value of the Korean and Hong Kong imported VHS E180. For this purpose, the price undercutting found (see recitals 47 to 49) was taken into account.

(73) The result of this calculation was an injury margin for each producer, which represents the price increase necessary to remove the injury suffered by the Community industry. However, no producer has a dumping margin as high as this individual injury threshold. Accordingly, and in order that the injurious effect of the dumped imports be eliminated, as far as possible, it was considered appropriate that the amount of provisional duty to be imposed should equal the dumping margins established.

(74) A period should be fixed within which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose.

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of video tape on reels or in cassettes falling within CN code ex 8523 13 00 and originating in the Republic of Korea or Hong Kong.

2. The rate of the duty, applicable to the net free-at-Community-frontier price before duty, is set out as follows:

(a) 10,8 % for the video tape in cassettes originating in the Republic of Korea, with the exception of imports which are manufactured and sold for export to the Community by the following companies. These shall be subject to the rate of duty mentioned hereunder:

Kolon Industries Inc.	7,6 %
Saehan Media Co.	4,5 %
SKC Ltd	6,6 % ;

- (b) 59,3 % for the video tape in cassettes originating in Hong Kong, with the exception of imports which are manufactured and sold for export to the Community by the following companies. These shall be subject to the rate of duty mentioned hereunder :

Magnetic Enterprise Ltd	20,5 %
Swilynn Ltd	8,1 %
Swire Magnetics Ltd	11,3 % ;

- (c) 5,5 % for the video tape on reels originating in the Republic of Korea with the exception of imports which are manufactured and sold for export to the Community by Saehan Media which shall be subject to a 1 % duty.

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

4. The release for free circulation in the Community of the products referred in paragraph 1 shall be subject to

the provision of security, equivalent to the amount of the provisional duty.

*Article 2*

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

*Article 3*

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 23 December 1988.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

**COMMISSION REGULATION (ECSC, EEC, EURATOM) No 4063/88**

of 21 December 1988

**laying down provisions for applying Article 46a of the Conditions of Employment of staff of the European Centre for the Development of Vocational Training**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to Council Regulation (ECSC, EEC, Euratom) No 1859/76 of 29 June 1976 laying down the Conditions of Employment of staff of the European Centre for the Development of Vocational Training <sup>(1)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 679/87 <sup>(2)</sup>, and in particular Article 46a thereof,

Having regard to the opinion of the Committee of Experts provided for in paragraph 2 of that Article 46a,

Whereas Article 46a of the Conditions of Employment of Staff of the European Centre for the Development of Vocational Training sets out the conditions for granting an unemployment allowance to former staff members who are unemployed following termination of service with the Centre;

Whereas it is for the Commission to lay down such provisions as it deems necessary for applying paragraph 2 of that Article 46a;

Whereas Commission Regulation (ECSC, EEC, Euratom) No 91/88 <sup>(3)</sup> lays down provisions for implementing

Article 28a of the Conditions of Employment of Other Servants of the European communities, which is identical to Article 46a of the Conditions of Employment of Staff of the European Centre for the Development of Vocational Training,

HAS ADOPTED THIS REGULATION:

*Article 1*

The provisions of Regulation (ECSC, EEC, Euratom) No 91/88 with the exception of Article 5 thereof, shall apply by analogy to staff of the European Centre for the development of Vocational Training.

*Article 2*

This Regulation shall enter into force on the 20th 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, 21 December 1988.

*For the Commission*

Henning CHRISTOPHERSEN

*Vice-President*

<sup>(1)</sup> OJ No L 214, 6. 8. 1976, p. 1.

<sup>(2)</sup> OJ No L 72, 14. 3. 1987, p. 1.

OJ No L 103, 15. 4. 1987, p. 45.

<sup>(3)</sup> OJ No L 11, 15. 1. 1988, p. 31.

COMMISSION REGULATION (ECSC, EEC, EURATOM) No 4064/88  
of 21 December 1988

laying down provisions for applying Article 46a of the Conditions of  
Employment of staff of the European Foundation for the Improvement of Living  
and Working Conditions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to Council Regulation (ECSC, EEC, Euratom) No 1860/76 of 29 June 1976 laying down the Conditions of Employment of staff of the European Foundation for the Improvement of Living and Working Conditions<sup>(1)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 680/87<sup>(2)</sup>, and in particular Article 46a thereof,

Having regard to the opinion of the Committee of Experts provided for in paragraph 2 of that Article 46a,

Whereas Article 46a of the Conditions of Employment of staff of the European Foundation for the Improvement of Living and Working Conditions sets out the conditions for granting an unemployment allowance to former staff members who are unemployed following termination of their service with the Foundation;

Whereas it is for the Commission to lay down such provisions as it deems necessary for applying paragraph 2 of that Article 46a;

Whereas Commission Regulation (ECSC, EEC, Euratom) No 91/88<sup>(3)</sup> lays down provisions for implementing

Article 28a of the Conditions of Employment of Other Servants of the European Communities, which is identical to Article 46a of the Conditions of Employment of Staff of the European Foundation for the Improvement of Living and Working Conditions,

HAS ADOPTED THIS REGULATION:

*Article 1*

The provisions of Regulation (ECSC, EEC, Euratom) No 91/88, with the exception of Article 5 thereof, shall apply by analogy to staff of the European Foundation for the Improvement of Living and Working conditions.

*Article 2*

This Regulation shall enter into force on the 20th 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, 21 December 1988.

*For the Commission*  
Henning CHRISTOPHERSEN  
*Vice-President*

<sup>(1)</sup> OJ No L 214, 6. 8. 1976, p. 24.

<sup>(2)</sup> OJ No L 72, 14. 3. 1987, p. 15.

<sup>(3)</sup> OJ No L 103, 15. 4. 1987, p. 46.

<sup>(4)</sup> OJ No L 11, 15. 1. 1988, p. 31.

**COMMISSION REGULATION (EEC) No 4065/88**  
of 23 December 1988

**amending Regulations (EEC) No 2949/88, (EEC) No 2950/88, (EEC) No 2989/88, (EEC) No 3194/88, (EEC) No 3263/88, (EEC) No 3264/88, (EEC) No 3297/88, (EEC) No 3298/88, (EEC) No 3362/88, (EEC) No 3441/88, (EEC) No 3474/88, (EEC) No 3576/88 and (EEC) No 3778/88 opening standing invitations to tender of the export of cereals held by the intervention agencies**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 2221/88<sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies<sup>(3)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(4)</sup>,

Whereas the last partial invitation to tender under Regulations (EEC) No 2949/88<sup>(5)</sup>, (EEC) No 2950/88<sup>(6)</sup>, (EEC) No 2989/88<sup>(7)</sup>, (EEC) No 3194/88<sup>(8)</sup>, (EEC) No 3263/88<sup>(9)</sup>, (EEC) No 3264/88<sup>(10)</sup>, (EEC) No 3297/88<sup>(11)</sup>, (EEC) No 3298/88<sup>(12)</sup>, (EEC) No 3362/88<sup>(13)</sup>, (EEC) No 3441/88<sup>(14)</sup>, (EEC) No 3474/88<sup>(15)</sup>, (EEC) No 3576/88<sup>(16)</sup> and (EEC) No 3778/88<sup>(17)</sup>, should be postponed;

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*

Article 4 (3) of Regulations (EEC) No 2949/88, (EEC) No 2950/88, (EEC) No 2989/88, (EEC) No 3194/88, (EEC) No 3263/88, (EEC) No 3264/88, (EEC) No 3297/88, (EEC) No 3298/88, (EEC) No 3362/88, (EEC) No 3441/88, (EEC) No 3474/88, (EEC) No 3576/88 and (EEC) No 3778/88 is hereby replaced by the following:

'3. The last partial invitation to tender shall expire on 24 May 1989.'

*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 21 December 1988.

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

Done at Brussels, 23 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 202, 9. 7. 1982, p. 23.  
<sup>(4)</sup> OJ No L 223, 11. 8. 1987, p. 5.  
<sup>(5)</sup> OJ No L 266, 27. 9. 1988, p. 24.  
<sup>(6)</sup> OJ No L 266, 27. 9. 1988, p. 26.  
<sup>(7)</sup> OJ No L 270, 30. 9. 1988, p. 53.  
<sup>(8)</sup> OJ No L 284, 19. 10. 1988, p. 14.  
<sup>(9)</sup> OJ No L 291, 25. 10. 1988, p. 24.  
<sup>(10)</sup> OJ No L 291, 25. 10. 1988, p. 26.  
<sup>(11)</sup> OJ No L 293, 27. 10. 1988, p. 23.  
<sup>(12)</sup> OJ No L 293, 27. 10. 1988, p. 25.  
<sup>(13)</sup> OJ No L 296, 29. 10. 1988, p. 42.  
<sup>(14)</sup> OJ No L 302, 5. 11. 1988, p. 15.  
<sup>(15)</sup> OJ No L 305, 10. 11. 1988, p. 16.  
<sup>(16)</sup> OJ No L 312, 18. 11. 1988, p. 13.  
<sup>(17)</sup> OJ No L 332, 3. 12. 1988, p. 15.

## COMMISSION REGULATION (EEC) No 4066/88

of 23 December 1988

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 5 to 11 December 1988

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

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom <sup>(1)</sup>, as amended by Regulation (EEC) No 467/87 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom <sup>(3)</sup>, as amended by Regulation (EEC) No 3988/87 <sup>(4)</sup>, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 5 to 11 December 1988 should be fixed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 5 to 11 December 1988 shall be those set out in the Annex.

*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 5 December 1988.

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

Done at Brussels, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

<sup>(3)</sup> OJ No L 146, 31. 5. 1986, p. 56.

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

## ANNEX

to the Commission Regulation of 23 December 1988 fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 5 to 11 December 1988

<i>(ECU/100 kg net weight)</i>	
CN code	Amount
0201 10 10	14,70043
0201 10 90	14,70043
0201 20 11	14,70043
0201 20 19	14,70043
0201 20 31	11,76034
0201 20 39	11,76034
0201 20 51	17,64052
0201 20 59	17,64052
0201 20 90	11,76034
0201 30	20,13959
0202 10 00	14,70043
0202 20 10	14,70043
0202 20 30	11,76034
0202 20 50	17,64052
0202 20 90	11,76034
0202 30 10	20,13959
0202 30 50	20,13959
0202 30 90	20,13959
0206 10 95	20,13959
0206 29 91	20,13959
0210 20 10	11,76034
0210 20 90	16,75849
0210 90 41	16,75849
1602 50 10 <sup>(1)</sup>	16,75849
1602 50 10 <sup>(2)</sup>	11,76034

<sup>(1)</sup> Containing 80 % or more by weight of beef meat.

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



**COMMISSION REGULATION (EEC) No 4067/88**  
of 23 December 1988

**fixing the refunds applicable for January 1989 to cereal and rice sector products  
supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/73 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) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Regulation (EEC) No 2229/88 <sup>(4)</sup>, and in particular Article 11 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas Article 3 of Council Regulation (EEC) No 2746/75 <sup>(6)</sup> and Article 6 of Council Regulation (EEC) No 2744/75 <sup>(7)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(8)</sup>, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76 <sup>(9)</sup>;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations the refunds applicable for January 1989 to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

*Article 3*

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, 23 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 166, 25. 6. 1976, p. 1.  
<sup>(4)</sup> OJ No L 197, 26. 7. 1988, p. 30.  
<sup>(5)</sup> OJ No L 288, 25. 10. 1974, p. 1.

<sup>(6)</sup> OJ No L 281, 1. 11. 1975, p. 78.  
<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 65.  
<sup>(8)</sup> OJ No L 182, 3. 7. 1987, p. 49.  
<sup>(9)</sup> OJ No L 166, 25. 6. 1976, p. 36.

## ANNEX

to the Commission Regulation of 23 December 1988 fixing the refunds applicable for January 1989 to cereal and rice sector products supplied as Community and national food aid

*(ECU/tonne)*

Product code	Refund
1001 10 90 000	140,00
1001 90 99 000	67,00
1002 00 00 000	20,00
1003 00 90 000	72,50
1004 00 90 000	—
1005 90 00 000	72,50
1006 20 92 000	217,20
1006 20 94 000	217,20
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 000	271,50
1006 30 94 900	271,50
1006 40 00 000	—
1007 00 90 000	72,50
1101 00 00 110	82,00
1101 00 00 120	82,00
1101 00 00 130	82,00
1102 20 10 000	121,95
1102 30 00 000	—
1102 90 10 100	105,15
1103 11 10 500	187,00
1103 11 90 100	90,00
1103 13 19 100	156,80
1103 14 00 000	—
1104 12 90 100	72,82
1104 21 50 100	140,20

*NB:* The product 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 4068/88**  
**of 23 December 1988**  
**altering 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>, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

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>,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 4042/88 <sup>(4)</sup>;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION :

*Article 1*

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 4042/88 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 24 December 1988.

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

Done at Brussels, 23 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 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 355, 23. 12. 1988, p. 56.

## ANNEX

to the Commission Regulation of 23 December 1988 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (*)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		12	1	2	3	4	5	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	03	0	+ 3,00	+ 3,00	+ 3,00	0	- 30,00	- 30,00
	02	0	0	0	0	0	- 30,00	- 30,00
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	03	0	+ 3,00	+ 3,00	+ 3,00	0	- 30,00	- 30,00
	02	0	0	0	0	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	—	—	—	—	—	—	—	—

(\*) For the following destinations :

- 01 all third countries,
- 02 other third countries,
- 03 Algeria, Tunisia, Egypt and the Canary Islands,
- 04 Algeria.

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).

**COMMISSION REGULATION (EEC) No 4069/88**  
**of 23 December 1988**  
**fixing production refunds in the cereals and rice sectors**

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 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors<sup>(3)</sup>, and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors<sup>(4)</sup>, as last amended by Regulation (EEC) No 1863/88<sup>(5)</sup>, provides that the production refund shall be fixed on a quarterly basis using the difference between the intervention price for maize applicable in the first month of the period in question and the cif price used for calculation of the maize import levy, multiplied by a coefficient of 1,6; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

Whereas it is necessary, during the transitional period established by Title II of Regulation (EEC) No 1009/86, to fix separate production refunds for maize and potato starch, wheat starch and rice starch; whereas Article 10 of Regulation (EEC) No 2169/86 provides that the refund payable in the absence of proof of origin of the starch shall be that fixed for wheat starch, where applicable adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86;

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 production refunds payable in the cereals and rice sectors in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with amended Regulation (EEC) No 2169/86 shall be as follows:

	<i>ECU/tonne</i>
(i) for maize starch and products derived from maize starch:	105,76
(ii) for rice starch and products derived from rice starch:	104,16
(iii) for wheat starch and products derived from wheat starch:	102,56
(iv) for potato starch and products derived from potato starch:	105,76

*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, 23 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 94, 9. 4. 1986, p. 6.

<sup>(4)</sup> OJ No L 189, 11. 7. 1986, p. 12.

<sup>(5)</sup> OJ No L 166, 1. 7. 1988, p. 23.

**COMMISSION REGULATION (EEC) No 4070/88**

of 23 December 1988

**repealing Regulation (EEC) No 3550/88 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus**

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus<sup>(1)</sup>, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 3550/88 of 15 November 1988<sup>(2)</sup> applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 3550/88 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Commission Regulation (EEC) No 3550/88 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 24 December 1988.

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

Done at Brussels, 23 December 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 133, 21. 5. 1973, p. 113.<sup>(2)</sup> OJ No L 310, 16. 11. 1988, p. 26.

**COMMISSION REGULATION (EEC) No 4071/88**  
**of 23 December 1988**  
**altering 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 fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 4041/88 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 4041/88 to the information known to the Commission that the

export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 4041/88 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

*Article 2*

This Regulation shall enter into force on 24 December 1988.

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

Done at Brussels, 23 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 355, 23. 12. 1988, p. 52.

## ANNEX

to the Commission Regulation of 23 December 1988 altering the export refunds on cereals  
and on wheat or rye flour, groats and meal

<i>(ECU / tonne)</i>		
Product code	Destination (1)	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
	02	20,00 (?)
1001 90 91 000	01	0
1001 90 99 000	05	57,00
	07	22,00
	06	63,00
	02	20,00
1002 00 00 000	06	63,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	62,50
	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	90,00
1101 00 00 120	01	90,00
1101 00 00 130	01	82,00
1101 00 00 150	01	72,00
1101 00 00 170	01	62,00
1101 00 00 180	01	52,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	90,00
1102 10 00 200	01	90,00
1102 10 00 300	01	90,00
1102 10 00 500	01	90,00
1102 10 00 900	—	—
1103 11 10 100	04	235,00
	02	198,00
1103 11 10 200	04	235,00
	02	187,00
1103 11 10 500	01	167,00
1103 11 10 900	01	158,00
1103 11 90 100	01	90,00
1103 11 90 900	—	—



(1) 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.

(2) 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 4072/88

of 23 December 1988

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Regulation (EEC) No 2229/88 <sup>(4)</sup>, and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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>(5)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(6)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3689/88 <sup>(7)</sup>, as last amended by Regulation (EEC) No 4011/88 <sup>(8)</sup>;

Whereas Council Regulation (EEC) No 1906/87 <sup>(9)</sup> as amended by Council Regulation (EEC) No 2744/75 <sup>(10)</sup> as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 over 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 22 December 1988;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74 <sup>(11)</sup>, as last amended by Regulation (EEC) No 1740/78 <sup>(12)</sup>, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 3689/88 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 26 December 1988.

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

Done at Brussels, 23 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 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 197, 26. 7. 1988, p. 30.

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

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

<sup>(7)</sup> OJ No L 321, 26. 11. 1988, p. 28.

<sup>(8)</sup> OJ No L 354, 22. 12. 1988, p. 53.

<sup>(9)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(10)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(11)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(12)</sup> OJ No L 202, 26. 7. 1978, p. 8.

## ANNEX

## to the Commission Regulation of 23 December 1988 altering the import levies on products processed from cereals and rice

*(ECU/tonne)*

CN code	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
1102 30 00 (?)	128,14	125,12
1103 14 00 (?)	128,14	125,12
1103 29 50 (?)	128,14	125,12
1104 19 91 (?)	218,51	212,47
1108 19 10 (?)	201,13	170,30

(?) For the purpose of distinguishing between products falling within heading Nos 1101, 1102, 1103 and 1104 and those falling within subheadings 2302 10, 2302 20, 2302 30 and 2302 40, products falling within heading Nos 1101, 1102, 1103 and 1104 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewert polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading Nos 1103 and 1104.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 19 December 1988

amending Council Decision 81/121/EEC on the granting of daily allowances to members of the Economic and Social Committee, alternates and experts

(88/641/EEC)

THE COUNCIL 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 6 thereof,

Whereas, owing to the trend in hotel and restaurant prices since the last adjustment, the amounts of the daily allowances granted to members of the Economic and Social Committee and to alternates and experts, laid down by Council Decision 81/121/EEC of 3 March 1981<sup>(1)</sup>, as last amended by Council Decision 85/538/EEC of 5 December 1985<sup>(2)</sup>, should be adapted with effect from 1 January 1989,

— in Article 2, first indent, Bfrs 4 000 shall be replaced by Bfrs 4 450,

— in Article 2, second indent, Bfrs 2 600 shall be replaced by Bfrs 3 000.

*Article 2*

This Decision shall take effect on 1 January 1989.

Done at Brussels, 19 December 1988.

HAS DECIDED AS FOLLOWS:

*Article 1*

Council Decision 81/121/EEC, as last amended by Decision 85/538/EEC, is hereby amended as follows:

*For the Council*

*The President*

Th. PANGALOS

<sup>(1)</sup> OJ No L 67, 12. 3. 1981, p. 29.

<sup>(2)</sup> OJ No L 334, 12. 12. 1985, p. 24.

## COUNCIL DIRECTIVE

of 16 December 1988

**amending Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work**

(88/642/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the European Economic Community, and in particular Article 118a thereof,

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

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas, for improved protection of workers with respect to chemical, physical and biological agents at work, it is necessary to strengthen the provisions contained in Council Directive 80/1107/EEC <sup>(4)</sup>, as last amended by the Act of Accession of Spain and Portugal;

Whereas the Council resolution of 27 February 1984 on a second programme of action of the European Communities on safety and health at work <sup>(5)</sup> provides for the harmonization of provisions and measures regarding the protection of workers with respect to certain chemical, physical and biological agents; whereas, in the interests of balanced development, it is therefore necessary to harmonize and improve those measures, while adapting them to take account of technical progress; whereas this harmonization and improvement should be based on common principles;

Whereas the Council resolution of 21 December 1987 on safety, hygiene and health at work <sup>(6)</sup> stresses the importance of improving the safety and health of workers at the place of work;

Whereas, in accordance with Decision 74/325/EEC <sup>(7)</sup>, as amended by the Act of Accession of Spain and Portugal, the Advisory Committee on Safety, Hygiene and Health at Work is to be consulted by the Commission with a view to drawing up proposals in this field;

Whereas, for certain agents, the Council will lay down, in individual Directives, the limit values of a binding nature for occupational exposure and, where appropriate, other specific requirements;

Whereas provision should be made at Community level for drawing up for the other agents indicative limit values which the Member States would, *inter alia*, take into account when establishing national limit values;

Whereas representatives of employers and workers have a role to play in the protection of workers;

Whereas the provisions of this Directive are minimum requirements and in no way prevent Member States from maintaining or taking other measures so as to protect workers further.

HAS ADOPTED THIS DIRECTIVE:

### *Article 1*

Directive 80/1107/EEC is hereby amended as follows:

1. The following subparagraph is added to Article 3 (1):

'The Council, in accordance with the procedure laid down in Article 118a of the Treaty, may amend Annex I with a view, *inter alia*, to inserting in it agents in respect of which a binding limit value or binding limit values and/or other specific requirements appear necessary.'

2. Article 4 is amended as follows:

(a) point 4 is replaced by the following:

'4. (a) in the case of any activity likely to involve a risk of exposure of workers, determination of the nature and degree of the workers' exposure so that any risk to their safety or health can be assessed and the measures to be taken can be defined;

(b) establishment of limit values and of sampling procedures, measuring procedures and procedures for evaluating results; in the case of chemical agents, the establishment of sampling procedures, measuring procedures and procedures for evaluating results, in accordance with the reference method described in Annex II a or a method yielding equivalent results;

(c) when a limit value is exceeded, identification without delay of the reasons for the limit being exceeded and implementation as soon as possible of appropriate measures to remedy the situation.'

<sup>(1)</sup> OJ No C 164, 2. 7. 1986, p. 4.

<sup>(2)</sup> OJ No C 167, 27. 6. 1988, p. 84 and OJ No C 290, 14. 11. 1988.

<sup>(3)</sup> OJ No C 319, 30. 11. 1987, p. 41.

<sup>(4)</sup> OJ No L 327, 3. 12. 1980, p. 8.

<sup>(5)</sup> OJ No C 67, 8. 3. 1984, p. 2.

<sup>(6)</sup> OJ No C 28, 3. 2. 1988, p. 1.

<sup>(7)</sup> OJ No L 185, 9. 7. 1974, p. 15.

(b) point 9 is replaced by the following :

'9. appropriate measures shall be taken by the employer to ensure that workers and/or their representatives in undertakings or establishments receive full information on, and instruction in :

(a) the potential risks connected with their exposure, the technical preventive measures to be observed by workers and the precautions taken by the employer and to be taken by workers ;

(b) the risk assessment methods used, the existence of a limit value as referred to in point 4 (b) and the need to carry out measurements, and the action to be taken, as laid down in point 4 (c), in the event of a limit value being exceeded.'

3. Article 8 (1) is replaced by the following :

'1. The Council shall, in accordance with the procedure laid down in Article 118a of the Treaty, fix in the individual directives that it adopts with regard to the agents listed in Annex I a binding limit value or binding limit values and/or other specific requirements.'

4. The following paragraph is added to Article 8 :

'4. Without prejudice to paragraph 1, for agents other than those listed in Annex I, indicative limit values shall be drawn up in accordance with the procedure laid down in Article 10.

The Member States shall take account, *inter alia*, of those indicative limit values when establishing the limit values referred to in Article 4 (4) (b).

Indicative limit values shall reflect expert evaluations based on scientific data.'

5. Article 9 (1) is replaced by the following :

'1. With a view to the adaptation to technical progress referred to in Article 8 (3) and to the establishment of indicative limit values as referred to in Article 8 (4), a committee is hereby established consisting of representatives of the Member States and chaired by a representative of the Commission.'

6. Annex II a, which appears in the Annex to this Directive, is inserted.

#### *Article 2*

1. This Directive shall be without prejudice to the right of Member States to apply or adopt other laws, regulations and administrative provisions laying down more stringent standards.

2. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive not later than two years after its notification<sup>(1)</sup>. They shall forthwith inform the Commission thereof.

3. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

#### *Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1988.

*For the Council*

*The President*

G. GENNIMATAS

<sup>(1)</sup> This Directive was notified to the Member States on 21 December 1988.

## ANNEX

## ANNEX II a

## REFERENCE METHOD REFERRED TO IN ARTICLE 4 (4) (b)

## A. DEFINITIONS

## I. Suspended matter

1. *Physico-chemical definitions*

- (a) "Dust" means a disperse distribution of solids in air, brought about by mechanical processes or stirred up.
- (b) "Fume" means a disperse distribution of solids in air, brought about by thermal and/or chemical processes.
- (c) "Mist" means a disperse distribution of liquids in air, brought about by condensation or dispersion.

2. *Occupational medicine and toxicological definitions of particle populations*

- (a) Dusts, like fumes and mists, fall into the category of suspended matter.

In assessing the health risks of suspended matter, account must be taken of particle size as well as specific dangerous effect, concentration and exposure time.

- (b) Only part of the total suspended matter within a worker's breathing area is inhaled. This is termed the inspirable fraction.

Important factors here are the inspiration rate around the nose and mouth and flow conditions about the head.

- (c) Depending on its size, the inspirable fraction may be deposited in various areas of the respiratory tract.

Deposition has, *inter alia*, a considerable effect on the point and nature of noxious effect.

The fraction of the inspirable fraction reaching the alveoli is called the respirable fraction.

The respirable fraction is of particular interest in occupational medicine.

## II. Limit value

- (a) The limit value is stated as the eight-hour time-weighted average concentration of exposure of a substance in gaseous, vaporous or suspended form in the air at the workplace.

Exposure means the presence of a chemical agent in the air within the breathing area of a worker.

It is described in terms of concentration over a reference period.

This section does not concern limit values for biological indicators.

- (b) In addition it may be necessary to limit, for certain substances, permissible upward excursions from the average eight-hour time-weighted exposure to substances for shorter terms.

Monitoring then relates to the average concentration of the substance for the shorter term in question.

- (c) The limit value for gases and vapours is stated in terms independent of temperature and air pressure variables in ml/m<sup>3</sup> (ppm) and in terms dependent on those variables in mg/m<sup>3</sup> for a temperature of 20 °C and a pressure of 101,3 kPa.

The limit value for suspended matter is given in mg/m<sup>3</sup> for operating conditions at the workplace.

## B. ASSESSMENT OF EXPOSURE AND MEASURING STRATEGY

## 1. Basics

- (a) If the presence of one or more agents in gaseous, vaporous or suspended form in the air at the workplace cannot for certain be ruled out, an assessment must be made to see whether the limit values are complied with.

- (b) In this assessment, all points which might be relevant to exposure must be carefully looked into, for example :
- agents used or produced,
  - operations, technical installations and processes,
  - temporal and spatial distribution of concentrations of agents.
- (c) A limit value is complied with if the assessment shows that exposure does not exceed it.
- If the information obtained is insufficient to establish reliably whether the limit values are complied with, it must be supplemented by workplace measurements.
- (d) If the assessment shows that a limit value is not complied with :
- the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation must be implemented as soon as possible.
  - the assessment must be repeated.
- (e) If the assessment shows that the limit values are complied with, subsequent measurements at appropriate intervals must, if necessary, be taken to ensure that the situation continues to prevail.
- The nearer the concentration recorded comes to the limit value, the more frequently measurements must be taken.
- (f) If the assessment shows that, on a long-term basis, owing to the arrangement of the work process, the limit values are complied with and there is no substantial change in conditions at the workplace likely to lead to a change of workers' exposure, the frequency of checks on compliance through measurements may be curtailed.
- In such cases, however, it must regularly be checked whether the assessment leading to that conclusion is still applicable.
- (g) If workers are exposed simultaneously or consecutively to more than one agent, this fact must be taken into consideration in evaluating the health risk to which they are exposed.

## 2. Requirements for persons who carry out measurements

Those carrying out measurements must possess the necessary expertise and facilities.

## 3. Requirements for measuring procedures

- (a) The measuring procedure must give results representative of worker exposure.
- (b) To ascertain the exposure of the worker at the workplace, where possible personal sampling devices should be used, attached to workers' bodies.
- Where a group of workers is performing identical or similar tasks at the same place and has similar exposure, sampling such as to be representative of the group may be carried out within that group.
- Fixed-point measuring systems may be used if the results make it possible to assess exposure of the worker at the workplace.
- Samples should as far as possible be taken at breathing height and in the immediate vicinity of workers.
- If in doubt, the point of greatest risk is to be taken as the measuring point.
- (c) The measuring procedure used must be appropriate to the agent to be measured, its limit value and the workplace atmosphere.
- The result must show the concentration of the agent exactly and in the same terms as the limit value.
- (d) If the measuring procedure is not specific to the agent to be measured, the full value recorded must be counted as applying to the agent to be measured.
- (e) The limits of detection, sensitivity and precision of the measuring procedure must be appropriate to the limit value.
- (f) The accuracy of the measuring procedure should be ensured.
- (g) The measuring procedure must have been tested under practical conditions of use.
- (h) If the European Committee for Standardization (CEN) publishes general requirements for the performance of measuring procedures and devices for workplace measurements together with provisions on testing, they should be referred to when selecting appropriate measuring procedures.



**4. Measurement specifications for detecting representative particle populations in the air at the workplace**

- (a) Suspended matter concentration should be measured in relation to effect; therefore, when sampling, either the inspirable fraction or the respirable fraction should be measured.

This requires particle separation according to aerodynamic diameter equivalent to the deposition occurring in breathing.

Since appropriate equipment for workplace sampling is not yet available, practical specifications for uniform measurement are needed.

- (b) The fraction of suspended matter which can be breathed in by a worker through the mouth and/or the nose is deemed to be inspirable.

By way of example, in measurement practice, devices with an inspiration rate of 1,25 m/s +/- 10 % or devices in conformity with ISO/TR 7708 1983 (E) are used for sampling.

In the first of these two cases, cited by way of example :

- with sampling devices attached to the person, the inlet should be directed parallel to the worker's face throughout sampling,
- with fixed-point sampling, the position and shape of the inlet should enable samples representative of workers' exposure covering various directions of flow to be taken,
- the position of the sampling device inlet is of little significance where there are very low flow rates for the surrounding air,
- with surrounding flow rates of 1 m/s and above, omnidirectional sampling in the horizontal plane is recommended.

- (c) The respirable fraction of suspended matter comprises a population passed through a separation system equivalent in its effect to the theoretical separation function of a sedimentation separator giving 50 % separation of particles with an aerodynamic diameter of 5  $\mu\text{m}$  (Johannesburg Convention, 1979).

- (d) If the CEN establishes specifications for the collection of suspended material at the workplace, they should be applied, by way of preference.

Other methods may be used provided that they yield the same conclusion or a stricter conclusion in relation to compliance with the limit values.

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**CORRIGENDA**

**Corrigendum to 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**

*(Official Journal of the European Communities No L 351 of 21 December 1988)*

On page 33, in the Annex, against product code 1001 10 90 000:

The following destination and amount of refund is added:

'02		20,00 (?)
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