

Official Journal

of the European Communities

ISSN 0378-6978

L 123

Volume 31

17 May 1988

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 1314/88 of 26 April 1988 on the import arrangements applicable for 1988 to products falling within CN codes 0714 10 90 and 0714 90 10 and originating in certain third countries which are not members of GATT, other than the People's Republic of China** 1
- ★ **Council Regulation (EEC) No 1315/88 of 3 May 1988 amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty** 2
- Commission Regulation (EEC) No 1316/88 of 16 May 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal 8
- Commission Regulation (EEC) No 1317/88 of 16 May 1988 fixing the premiums to be added to the import levies on cereals, flour and malt 10
- ★ **Commission Regulation (EEC) No 1318/88 of 10 May 1988 determining for the Member States the loss of income and the amount of the premium payable per ewe and per nanny-goat for the 1987 marketing year** 12
- Commission Regulation (EEC) No 1319/88 of 11 May 1988 on the supply of olive oil to the Republic of Cape Verde as food aid 15
- Commission Regulation (EEC) No 1320/88 of 11 May 1988 amending Regulation (EEC) No 1187/88 increasing to 110 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened 18
- ★ **Commission Decision No 1321/88/ECSC of 11 May 1988 extending the provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia** 20

| | |
|---|----|
| ★ Commission Decision No 1322/88/ECSC of 11 May 1988 extending the provisional anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia | 21 |
| Commission Regulation (EEC) No 1323/88 of 16 May 1988 abolishing the countervailing charge on fresh lemons originating in Spain (except the Canary Islands) | 22 |
| Commission Regulation (EEC) No 1324/88 of 16 May 1988 abolishing the countervailing charge on courgettes originating in Spain (except the Canary Islands) | 23 |
| Commission Regulation (EEC) No 1325/88 of 16 May 1988 amending Regulation (EEC) No 1240/88 introducing a countervailing charge on tomatoes originating in Morocco | 24 |
| Commission Regulation (EEC) No 1326/88 of 16 May 1988 fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 25 April to 1 May 1988 | 25 |
| Commission Regulation (EEC) No 1327/88 of 16 May 1988 altering the basic amount of the import levies on syrups and certain other products in the sugar sector | 27 |
| Commission Regulation (EEC) No 1328/88 of 16 May 1988 fixing the import levies on white sugar and raw sugar | 29 |
| ★ Council Regulation (EEC) No 1329/88 of 16 May 1988 amending Regulation (EEC) No 1022/88 with regard to certain electronic typewriters assembled in the Community by Kyushu Matsushita (UK) Ltd | 31 |

II *Acts whose publication is not obligatory*

Commission

88/286/EEC:

| | |
|--|----|
| ★ Commission Decision of 27 April 1988 on applications for reimbursement and the payment of advances in respect of aids granted pursuant to Council Regulation (EEC) No 1400/86 | 32 |
|--|----|

88/287/EEC:

| | |
|--|----|
| ★ Commission Decision of 11 May 1988 terminating the examination procedure concerning the unauthorized reproduction of sound recordings in Indonesia consequent on the Republic of Indonesia's undertaking to give sound recordings by nationals of Community Member States the same protection as sound recordings by Indonesian nationals | 51 |
|--|----|

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1314/88

of 26 April 1988

on the import arrangements applicable for 1988 to products falling within CN codes 0714 10 90 and 0714 90 10 and originating in certain third countries which are not members of GATT, other than the People's Republic of China

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) No 430/87⁽¹⁾, the Council laid down the arrangements applicable to imports of products falling within CN codes 0714 10 90 and 0714 90 10 (07.06 A of the Common Customs Tariff) and originating in third countries for 1987, 1988, 1989 and, according to the circumstances, 1990; whereas, however, for products imported from third countries which are not members of GATT, other than the People's Republic of China, as referred to in Article 1 (e) of Regulation (EEC) No 430/87, the quantities qualifying under the arrangements in question were determined for 1987 only;

Whereas the quantities for 1988 should be determined taking into account, on the one hand, the measures which the Community will have to adopt to stabilize agricultural production and, on the other hand, the need to maintain the pattern of trade with those countries while ensuring that the balance of the internal market in cereal products does not suffer as a result;

Whereas there may be applications for the import of quantities exceeding the allocated quota; whereas some of those applications covering a limited quantity traditionally relate to uses other than animal feed; whereas, in order not to eliminate them completely, provision should accordingly be made for imports of the products in question under the arrangements concerned

not to be subject to the quantitative limits laid down for products used in animal feed,

HAS ADOPTED THIS REGULATION:

Article 1

For products falling within CN codes 0714 10 90 and 0714 90 10, the levy of not more than 6 % *ad valorem* applicable to imports shall be limited for 1988 to 30 000 tonnes originating in third countries which are not members of GATT, other than the People's Republic of China, as referred to in Article 1 (e) of Regulation (EEC) No 430/87.

The quantitative limit laid down in the first subparagraph shall not, however, apply to imports of products which are used for direct human consumption only.

Article 2

In accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1097/88⁽³⁾, the Commission shall adopt the detailed rules for the application of this Regulation and shall determine the products referred to in the second subparagraph of Article 1 of this Regulation.

Article 3

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 Luxembourg, 26 April 1988.

For the Council

The President

H.-D. GENSCHER

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 110, 29. 4. 1988, p. 7.

COUNCIL REGULATION (EEC) No 1315/88

of 3 May 1988

amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Section II C of the preliminary provisions of the combined nomenclature annexed to Regulation (EEC) No 2658/87 ⁽⁴⁾, provides for customs duty to be charged at the flat rate of 10 % *ad valorem* on goods sent in small consignments to private individuals or contained in travellers' personal luggage, provided that such importations are not of a commercial nature and that the total value of such goods does not exceed 115 ECU per consignment or per traveller;

Whereas, in accordance with Section II C (3) of the said preliminary provisions, the flat rate 10 % customs duty is charged in respect of goods contained in travellers' personal luggage only on the fraction of the value exceeding the amounts admitted free of import duties pursuant to Article 45 to 49 of Regulation (EEC) No 918/83 ⁽⁵⁾, as amended by Regulation (EEC) No 3822/85 ⁽⁶⁾; whereas, however, as a result of the third indent of Article 29 (2) of Regulation (EEC) No 918/83, the flat of 10 % is charged on all goods in small consignments sent to private individuals where the total value of the said consignments exceeds the amount laid down for their duty-free admission, i.e. 45 ECU;

Whereas the disadvantage of these rules is that they preclude any relief for the consignees of small consignments whose total value exceeds, even by a small margin, the amount of 45 ECU; whereas examination of the situation has revealed that the introduction in this particular context of provisions similar to those applicable to goods contained in travellers' personal luggage should not cause serious administrative difficulties; whereas it is accordingly appropriate to amend both Section II C of the preliminary provisions of the combined nomenclature and Title VII of Regulation (EEC) No 918/83 to permit

relief on the import of small consignments sent to private individuals up to a value of 45 ECU and to charge the flat rate 10 % customs duty only on the fraction of the value exceeding that amount;

Whereas at this juncture the value beyond which the flat rate of 10 % customs duty may be charged on consignments sent to private individuals should be raised from 115 ECU to 200 ECU, as the Commission proposed on 16 November 1984 ⁽⁷⁾; whereas for reasons of legal clarity, all these amendments should be made by means of a complete redrafting of Section II C of the preliminary provisions of the combined nomenclature and Title VII of Regulation (EEC) No 918/83;

Whereas Article 1 (3) of Regulation (EEC) No 918/83 provides that the island of Heligoland is to be considered a third country; whereas as a result of the provisions of Council Regulation (EEC) No 2151/84 of 23 July 1984 on the customs territory of the Community ⁽⁸⁾, as last amended by the Act of Accession of Spain and Portugal, that all territories excluded from the customs territory of the Community are in the same legal position as Heligoland; whereas it is therefore necessary to amend the said Article 1 (3);

Whereas Articles 137 and 138 of Regulation (EEC) No 918/83 lay down the conditions on which, until the establishment of Community provisions in the field in question, Member States may apply special relief granted on imports of instruments and apparatus used in medical research, establishing medical diagnoses or carrying out medical treatment;

Whereas the experience acquired from application of these provisions by one Member State has shown that the duty-free admission of the instruments and apparatus in question, provided that equivalent instruments and apparatus are not being manufactured in the Community cannot have untoward effects on the Community economy; whereas it would, however, make an effective contribution to the detection and treatment of serious diseases which may affect persons residing in the Community; whereas it is advisable to encourage any donations of such instruments or apparatus to medical institutions approved for these purposes by the competent authorities; whereas the optional and temporary provisions laid down by Articles 137 and 138 of Regulation (EEC) No 918/83 in respect of instruments and apparatus used in medical research, establishing medical diagnoses or carrying out medical treatment

⁽¹⁾ OJ No C 254, 11. 10. 1986, p. 7.

⁽²⁾ OJ No C 13, 18. 1. 1988, p. 173.

⁽³⁾ OJ No C 105, 21. 4. 1987, p. 4.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽⁶⁾ OJ No L 370, 31. 12. 1985, p. 22.

⁽⁷⁾ OJ No C 324, 5. 12. 1984, p. 5.

⁽⁸⁾ OJ No L 197, 27. 7. 1984, p. 1.

should be converted into definitive provisions applicable throughout the Community and, to this end, the said Articles should be replaced by a Title XIVa dealing with this particular case of relief;

Whereas Regulation (EEC) No 918/83 should also be supplemented to take account of the work carried out by the World Health Organization by introduction of relief from import duties in respect of the reference substances required for the quality control of medicinal products;

Whereas, on the basis of work carried out within the Committee on Duty Free Arrangements since the entry into force of Regulation (EEC) No 918/83, it has been established that a certain number of temporary provisions foreseen in Article 136 could, under certain conditions, be transformed into definite provisions or limited in time, or be deleted; whereas Articles 133 to 136 should accordingly be amended in order to remove as far as possible any uncertainty as regards their scope and any disparity in application of the Community system of reliefs from customs duty set up by Regulation (EEC) No 918/83;

Whereas it is advisable to take the opportunity arising from these various amendments to Regulation (EEC) No 918/83 to amend certain other provisions so that their application is more consistent with the objectives pursued, or to ensure compliance with provisions adopted within the framework of certain international organizations, notably the Council Decision-Recommendation of the Organization for Economic Cooperation and Development (OECD) adopted on 27 November 1985 concerning policy in the field of international tourism,

HAS ADOPTED THIS REGULATION:

Article 1

Section II C of the preliminary provisions of the combined nomenclature annexed to Regulation (EEC) No 2658/87 is replaced by the following:

'C. Standard rate of duty

1. Customs duty shall be charged at the flat rate of 10 % *ad valorem* on goods:

- contained in consignments sent by one private individual to another,
- contained in travellers' personal luggage,

provided that such importations are not of a commercial nature.

This flat rate 10 % customs duty shall apply provided that the value of the goods subject to import duty does not exceed 200 ECU per consignment or per traveller.

Such flat-rate assessment shall not apply to goods falling within Chapter 24 which are contained in a consignment or in travellers' personal luggage in amounts exceeding those laid down in Article 31 or in Article 46 of Regulation (EEC) No 918/83⁽¹⁾.

2. Importations shall be treated as not being of a commercial nature if:

- (a) in the case of goods contained in consignments sent by one private individual to another, such consignments:

- are of an occasional nature,
- contain goods exclusively for the personal use of the consignee or his family; which do not by their nature or quantity reflect any commercial interest,
- are sent to the consignee by the consignor free of payment of any kind;

- (b) in the case of goods contained in travellers' personal luggage, they:

- are of an occasional nature, and
- consist exclusively of goods for the personal use of the travellers or their families, or of goods intended as presents; the nature and quantity of such goods must not be such as might indicate that they are being imported for commercial reasons.

3. The flat rate of customs duty shall not apply to goods imported under the conditions set out in paragraphs 1 and 2 if the person entitled has, before the said flat rate is applied to them, requested that they be subject to the customs duties appropriate to them. All the goods making up the consignment shall then be subject to the import duties which are appropriate to them, without prejudice to the duty-free admission provided for pursuant to Articles 29 to 31 and 45 to 49 of Regulation (EEC) No 918/83.

For the purposes of the first subparagraph, import duties shall mean both customs duties and charges having equivalent effect and agricultural levies and other import charges provided for under the common agricultural policy or under specific arrangements applicable to certain goods resulting from the processing of agricultural products.

4. Member States may round off the amount in national currencies resulting from the conversion of the sum of 200 ECU.
5. Member States may maintain unchanged the equivalent in national currency of the sum of 200 ECU if, at the time of the annual adjustment provided for in the first paragraph of Article 2 (2) of Regulation (EEC) No 2779/78, as last amended by Regulation (EEC) No 289/84⁽²⁾, the conversion of this amount, before the rounding off provided

for in paragraph 4, results in a change of less than 5 % in the equivalent in national currency, or in a reduction thereof.

(¹) OJ No L 105, 23. 4. 1983, p. 1.

(²) OJ No L 33, 4. 2. 1984, p. 2.

Article 2

Regulation (EEC) No 918/83 is hereby amended as follows:

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

'3. Save as otherwise provided in this Regulation for the purpose of applying Chapter I, the concept of third countries also includes those parts of Member States' territories excluded from the customs territory of the Community by virtue of Regulation (EEC) No 2151/84 (¹).

(¹) OJ No L 197, 27. 7. 1984, p. 1.'

2. Article 11 (2) is replaced by the following:

'2. Subject to the same conditions, presents customarily given on the occasion of a marriage, which are received by a person fulfilling the conditions laid down in paragraph 1 from persons having their normal place of residence in a third country shall also be admitted free of import duties. The value of each present admitted duty-free may not, however, exceed 1 000 ECU.'

3. Title VII shall be replaced by the following:

TITLE VII

Consignments sent by one private individual to another

Article 29

1. Subject to Articles 30 and 31, goods contained in consignments sent from a third country by a private individual to another private individual living in the customs territory of the Community shall be admitted free of import duties, provided that such importations are not of a commercial nature.

The relief provided for under this paragraph shall not apply to goods in consignments sent from the island of Heligoland.

2. For the purposes of paragraph 1, imported consignments are "not of a commercial nature" if they:

- are of an occasional nature,
- contain goods exclusively for the personal use of the consignee or his family, which do not by their nature or quantity reflect any commercial intent,
- are sent to the consignee by the consignor free of payment of any kind.

Article 30

The relief referred to in Article 29 (1) shall apply to a value of 45 ECU per consignment, including the value of goods referred to in Article 31.

Where the total value per consignment of two or more items exceeds the amount referred to in the first subparagraph, relief up to that amount shall be granted for such of the items as would, if imported separately, have been granted relief, it being understood that the value of an individual item cannot be split up.

Article 31

The relief referred to in Article 29 (1) shall be limited, per consignment, to the quantities given against each of the goods listed below:

(a) tobacco products:

- 50 cigarettes, or
- 25 cigarillos (cigars of a maximum weight of three grams each), or
- 10 cigars, or
- 50 grams of smoking tobacco, or
- a proportional assortment of these different products;

(b) alcohols and alcoholic beverages:

- distilled beverages and spirits of an alcoholic strength by volume exceeding 22 % volume; non-denatured ethyl alcohol of 80 % volume and over: one litre, or
- distilled beverages and spirits, and aperitifs with a wine or alcoholic base, tafia, saké or similar beverages, of an alcoholic strength by volume not exceeding 22 % volume; sparkling wines, liqueur wines: one litre, or a proportional assortment of these different products and
- still wines: two litres;

(c) perfumes: 50 grams, or
toilet waters: 0,25 litre.'

4. Article 46 (1) is replaced by the following:

'1. The relief referred to in Article 45 (1) shall, in respect of the goods listed below, apply subject to the following quantitative limits per traveller:

(a) tobacco products:

- 200 cigarettes, or
- 100 cigarillos (cigars of a maximum weight of three grams each), or
- 50 cigars, or
- 250 grams of smoking tobacco, or
- a proportional assortment of these different products;

(b) alcohols and alcoholic beverages :

- distilled beverages and spirits of an alcoholic strength by volume exceeding 22 % volume ; non-denatured ethyl alcohol of 80 % volume and over : one litre, or
- distilled beverages and spirits, and aperitifs with a wine or alcoholic base, tafia, saké or similar beverages, of an alcoholic strength by volume not exceeding 22 % volume ; sparkling wines, liqueur wines : two litres, or a proportional assortment of these different products and
- still wines : two litres ;

(c) perfumes : 50 grams and

toilet waters : 0,25 litre ;

(d) medicinal products :

the quantity required to meet travellers' personal needs.'

5. The following shall be added to the first indent of Article 49 (2) :

'Member States may grant exemptions therefrom.'

6. Article 60 shall be replaced by the following :

Article 60

1. Relief from import duties shall be granted in respect of :

- (a) animals specially prepared for laboratory use ;
- (b) biological or chemical substances included in a list drawn up in accordance with the procedure laid down in Article 143 (2) and (3), which are imported exclusively for non-commercial purposes.

2. The relief referred to in paragraph 1 shall be limited to animals and biological or chemical substances which are intended for :

- either public establishments principally engaged in education or scientific research and those departments of public establishments which are principally engaged in education or scientific research, or
- private establishments principally engaged in education or scientific research and authorized by the competent authorities of the Member States to receive such articles duty-free.

3. The list referred to in subparagraph 1 (b) may include only biological or chemical substances for which there is no equivalent production in the customs territory of the Community and which, on account of their specificity or degree of purity, are mainly or exclusively suited to scientific research.'

7. The following Titles shall be inserted :

TITLE XIVa

Instruments and apparatus intended for medical research, establishing medical diagnoses or carrying out medical treatment

Article 63a

1. Instruments and apparatus intended for medical research, establishing medical diagnoses or carrying out medical treatment which are donated either by a charitable or philanthropic organization or by a private individual to health authorities, hospital departments or medical research institutions approved by the competent authorities of the Member States to receive such articles duty-free, or which are purchased by such health authorities, hospitals or medical research institutions entirely with funds provided by a charitable or philanthropic organization or with voluntary contributions, shall be admitted free of import duties, always provided that it is established that :

- (a) equivalent instruments and apparatus are not being currently manufactured in the customs territory of the Community ;
- (b) the donation of the instruments or apparatus in question does not conceal any commercial intent on the part of the donor ; and
- (c) the donor is in no way connected with the manufacturer of the instruments or apparatus which are the subject of the duty relief application.

2. The relief shall also apply, on the same conditions, to :

- (a) spare parts, components or accessories specifically for instruments or apparatus, provided that these spare parts, components or accessories are imported at the same time as such instruments and apparatus, or if imported subsequently that they can be identified as being intended for instruments or apparatus previously admitted duty-free ;
- (b) tools to be used for the maintenance, checking, calibration or repair of instruments or apparatus, provided that these tools are imported at the same time as such instruments and apparatus or, if imported subsequently, that they can be identified as being intended for instruments or apparatus previously admitted duty-free.

Article 63b

For the purposes of applying Article 63a, and in particular with regard to the instruments or apparatus and recipient bodies referred to therein, the fourth indent of Article 54 and Articles 55, 57 and 58 shall apply *mutatis mutandis*.

TITLE XIVb

Reference substances for the quality control of medicinal products*Article 63c*

Consignments which contain samples of reference substances approved by the World Health Organization for the quality control of materials used in the manufacture of medicinal products and which are addressed to consignees authorized by the competent authorities of the Member States to receive such consignments free of duty shall be admitted free of import duties.'

8. The following point is added to Article 86:

'(d) Awards, trophies and souvenirs of a symbolic nature and of limited value intended for distribution free of charge to persons normally resident in third countries at business conferences or similar international events; their nature, unitary value or other features, must not be such as might indicate that they are being imported for commercial reasons.'

9. The following point is added to Article 109:

'(q) Tax and similar stamps proving payment of charges in third countries.'

10. The title of Title XXVII is replaced by the following:

'Fuel and lubricants present in land motor vehicles and special containers.'

11. Articles 112 and 113 are replaced by the following:

'Article 112

1. Subject to the provisions of Articles 113 to 115:

(a) fuel contained in the standard tanks of:

- private and commercial motor vehicles and motor cycles,
 - special containers,
- entering the customs territory of the Community;

(b) fuel contained in portable tanks carried by private motor vehicles and motor cycles, with a maximum of 10 litres per vehicle and without prejudice to national provisions on the holding and transport of fuel;

shall be admitted free of import duties.

2. For the purposes of paragraph 1:

(a) "commercial motor vehicle" means any motorized road vehicle (including tractors with or without trailers) which by its type of construction and its equipment is designed for and capable of transporting, whether for payment or not:

- more than nine persons including the driver,
- goods,
- and any road vehicle for a special purpose other than transport as such;

(b) "private motor vehicle" means any motor vehicle not covered by the definition set out in (a);

(c) "standard tanks" means:

- the tanks permanently fixed by the manufacturer to all motor vehicles of the same type as the vehicle in question and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation, during transport, of refrigeration systems and other systems.

Gas tanks fitted to motor vehicles designed for the direct use of gas as a fuel and tanks fitted to the other systems with which the vehicle may be equipped shall also be considered to be standard tanks,

- tanks permanently fixed by the manufacturer to all containers of the same type as the container in question and whose permanent fitting enables fuel to be used directly for the operation, during transport, of the refrigeration systems and other systems with which special containers are equipped;

(d) "special container" means any container fitted with specially designed apparatus for refrigeration systems, oxygenation systems, thermal insulation systems, or other systems.

Article 113

As regards the fuel contained in the standard tanks of commercial motor vehicles and special containers, Member States may limit application of the relief to 200 litres per vehicle, per special container and per journey.'

12. The second paragraph of Article 132 is replaced by the following:

'Member States may also maintain unamended the exchange value in national currency of the amount determined in ECU if, at the time of the annual adjustment provided for in the first subparagraph of Article 2 (2) of Regulation (EEC) No 2779/78 ⁽¹⁾, as last amended by Regulation (EEC) No 289/84 ⁽²⁾, the conversion of this amount, before the rounding off provided for in the previous paragraph leads to an alteration of less than 5 % in the exchange value expressed in national currency, or to a reduction thereof.

⁽¹⁾ OJ No L 333, 30. 11. 1978, p. 5.

⁽²⁾ OJ No L 33, 4. 2. 1984, p. 2.'

13. The following subparagraph is added to Article 133 (1):

'(g) relief in the context of agreements entered into on the basis of reciprocity with third countries that are Contracting Parties to the Convention on International Civil Aviation (Chicago 1944) for the purpose of implementing Recommended Practices 4.42 and 4.44 in Annex 9 to the Convention (eighth edition, July 1980).'

14. Article 134 (1) is replaced by the following:

'1. Member States shall notify the Commission of the customs provisions contained in international conventions and agreements of the type referred to in Article 133 (1) (b), (c), (d), (e), (f) and (g) and Article 133 (3) concluded after the entry into force of this Regulation.'

15. Articles 135 and 136 are replaced by the following:

'Article 135

This Regulation shall not preclude retention:

- (a) by Greece of the special status accorded to Mount Athos as guaranteed by Article 105 of the Greek Constitution;
- (b) by Spain and France, until the entry into force of arrangements governing trade relations between the Community and Andorra, of the relief resulting from the Convention of 13 July 1867

and 22 and 23 November 1867 respectively between those countries and Andorra;

- (c) by the Member States and up to a limit of 210 ECU of the relief, if any, in excess of that referred to in Article 47 which they granted on 1 January 1983 to merchant-navy seamen involved in international travel.

Article 136

1. Until the establishment of Community provisions in the field in question, Member States may grant special relief to armed forces not serving under their flags which are stationed on their territories in pursuance of international agreements.

2. Until the establishment of Community provisions in the field in question, this Regulation shall not preclude the retention by Member States of relief granted to workers returning to their country after having resided for at least six months outside the customs territory of the Community on account of their occupation.'

16. Articles 137 and 138 are deleted.

17. In Articles 1, 4, 22, 45, 52 to 56, 65, 72, 73, 86, 87, 117 and 120 of Regulation (EEC) No 918/83, 'Community' is replaced by 'customs territory of the Community'.

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, 3 May 1988.

For the Council

The President

M. BANGEMANN

COMMISSION REGULATION (EEC) No 1316/88

of 16 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 13 May 1988;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4047/87 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

ANNEX

to the Commission Regulation of 16 May 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code | Levies | |
|------------|----------|--------------------------------------|
| | Portugal | Third country |
| 0709 90 60 | 16,55 | 178,12 |
| 0712 90 19 | 16,55 | 178,12 |
| 1001 10 10 | 73,91 | 254,10 ⁽¹⁾ ⁽²⁾ |
| 1001 10 90 | 73,91 | 254,10 ⁽¹⁾ ⁽²⁾ |
| 1001 90 91 | 11,45 | 193,48 |
| 1001 90 99 | 11,45 | 193,48 |
| 1002 00 00 | 51,75 | 167,59 ⁽³⁾ |
| 1003 00 10 | 45,43 | 176,50 |
| 1003 00 90 | 45,43 | 176,50 |
| 1004 00 10 | 101,89 | 150,53 |
| 1004 00 90 | 101,89 | 150,53 |
| 1005 10 90 | 16,55 | 178,12 ⁽²⁾ ⁽³⁾ |
| 1005 90 00 | 16,55 | 178,12 ⁽²⁾ ⁽³⁾ |
| 1007 00 90 | 40,05 | 186,05 ⁽⁴⁾ |
| 1008 10 00 | 45,43 | 102,10 |
| 1008 20 00 | 45,43 | 148,12 ⁽⁴⁾ |
| 1008 30 00 | 45,43 | 64,77 ⁽⁵⁾ |
| 1008 90 10 | (7) | (7) |
| 1008 90 90 | 45,43 | 64,77 |
| 1101 00 00 | 31,23 | 285,22 |
| 1102 10 00 | 87,65 | 249,83 |
| 1103 11 10 | 128,41 | 407,70 |
| 1103 11 90 | 31,32 | 305,63 |

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1317/88

of 16 May 1988

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

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

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 13 May 1988;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

ANNEX

to the Commission Regulation of 16 May 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

| CN code | Current 5 | 1st period 6 | 2nd period 7 | 3rd period 8 |
|------------|--------------|-----------------|-----------------|-----------------|
| 0709 90 60 | 0 | 0 | 0 | 0 |
| 0712 90 19 | 0 | 0 | 0 | 0 |
| 1001 10 10 | 0 | 0 | 0 | 0 |
| 1001 10 90 | 0 | 0 | 0 | 0 |
| 1001 90 91 | 0 | 0 | 0 | 0 |
| 1001 90 99 | 0 | 0 | 0 | 0 |
| 1002 00 00 | 0 | 0 | 0 | 0 |
| 1003 00 10 | 0 | 0 | 0 | 0 |
| 1003 00 90 | 0 | 0 | 0 | 0 |
| 1004 00 10 | 0 | 0 | 0 | 0 |
| 1004 00 90 | 0 | 0 | 0 | 0 |
| 1005 10 90 | 0 | 0 | 0 | 0 |
| 1005 90 00 | 0 | 0 | 0 | 0 |
| 1007 00 90 | 0 | 0 | 0 | 0 |
| 1008 10 00 | 0 | 0 | 0 | 0 |
| 1008 20 00 | 0 | 0 | 0 | 0 |
| 1008 30 00 | 0 | 0 | 0 | 0 |
| 1008 90 90 | 0 | 0 | 0 | 0 |
| 1101 00 00 | 0 | 0 | 0 | 0 |

B. Malt

(ECU/tonne)

| CN code | Current 5 | 1st period 6 | 2nd period 7 | 3rd period 8 | 4th period 9 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 1107 10 11 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 19 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 91 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 99 | 0 | 0 | 0 | 0 | 0 |
| 1107 20 00 | 0 | 0 | 0 | 0 | 0 |

COMMISSION REGULATION (EEC) No 1318/88

of 10 May 1988

determining for the Member States the loss of income and the amount of the premium payable per ewe and per nanny-goat for the 1987 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1115/88 ⁽²⁾, and in particular Article 5 (4) thereof,

Whereas Article 5 (1) of Regulation (EEC) No 1837/80 provides for the grant of a premium to offset any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are listed in Annex III to that Regulation and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat producers is granted ⁽³⁾, as amended by Regulation (EEC) No 3519/86 ⁽⁴⁾; whereas Article 5 (9) of Regulation (EEC) No 1837/80 provides for the possibility of the premium being granted to producers keeping females of the ovine species of certain mountain breeds other than ewes which are eligible for the premium in certain areas; whereas those ewes and areas are defined in the Annex to Council Regulation (EEC) No 872/84 of 31 March 1984 laying down general rules for the granting of premiums to sheepmeat producers ⁽⁵⁾, as last amended by Regulation (EEC) No 3524/85 ⁽⁶⁾;

Whereas, pursuant to Article 5 (2) of Regulation (EEC) No 1837/80, the loss of income represents, per 100 kilograms of carcase weight, any difference there may be between the basic price and the arithmetic mean of the market prices recorded for each region;

Whereas, pursuant to Article 5 (3) of Regulation (EEC) No 1837/80, the amount of the premium payable per ewe and per region is obtained by multiplying the loss of income referred to in paragraph 2 by a coefficient representing, for each region, the normal average annual production of lamb meat per ewe expressed per 100 kilograms of carcase weight; whereas, however, for region 5, that loss of income must be reduced by the weighted average of the variable premiums actually granted for the

1987 marketing year, such average being obtained in accordance with the provisions of paragraph 6 of that Article; whereas Article 5 (3) also fixes the amount of the premium payable per female of the caprine species at 80 % of the premium per ewe; whereas, pursuant to Article 5 (9), the amount of the premium per female of the ovine species, other than a ewe which is eligible for the premium, is also fixed at 80 % of the premium per ewe;

Whereas Commission Regulation (EEC) No 2345/87 ⁽⁷⁾, authorizes the Member States to pay an advance to producers located in less-favoured agricultural areas; whereas such an advance was paid during the 1987 marketing year to the producers in question;

Whereas, in accordance with Article 4 (4) of Commission Regulation (EEC) No 3007/84 ⁽⁸⁾, as last amended by Regulation (EEC) No 1514/86 ⁽⁹⁾, the Member States in region 1 are not authorized to make a payment on account of the premium referred to in Article 5 (5) of Regulation (EEC) No 1837/80; whereas, however, in view of the current quite exceptional situation on the markets in region 1, Greece and Italy have been authorized, by way of derogation from Article 4 (4), to make a payment on account of the said premium;

Whereas the French Government has decided to come to the assistance of farmers whose holdings are located in areas which are not less favoured; whereas, to that end, the French Government has contemplated making an advance to them also, but out of national funds, of an amount corresponding to 50 % of the ewe premium which such farmers may claim at the end of the marketing year;

Whereas the French Government has notified the Commission of that planned national aid in accordance with Article 93 (3) of the Treaty;

Whereas the Council decided by the Decision of 23 July 1987 to regard the national aid in the form of a payment on account of the premium for ewes, granted by the French Government to French sheepmeat producers whose holdings are located in areas of France which are not less favoured, as being compatible with the common market, up to a rate of 50 % of the estimated premium and until the end of the 1987 marketing year;

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽⁶⁾ OJ No L 336, 14. 12. 1985, p. 5.

⁽⁷⁾ OJ No L 210, 1. 8. 1987, p. 85.

⁽⁸⁾ OJ No L 283, 27. 10. 1984, p. 28.

⁽⁹⁾ OJ No L 132, 21. 5. 1986, p. 16.

Whereas the premium payable per eligible animal is paid only if the amount fixed per ewe is one ECU or more ;

Whereas, in accordance with Article 5 (4) of Regulation (EEC) No 1873/80, the amount of the definitive premium and the balance to be paid in less-favoured agricultural areas should be fixed ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The loss of income recorded for the 1987 marketing year for the regions listed below is as follows :

| Region | Difference in ECU per 100 kg |
|--------|---------------------------------|
| 2 | 118,060 |
| 3 | 123,654 |
| 4 | 136,360 |
| 5 | 61,672 |
| 6 | 104,881 |
| 7 | 95,693. |

Article 2

1. The amount of the premium payable per ewe and per region for the 1987 marketing year is as follows :

| Region | ECU |
|--------|---------|
| 1 | 21,841 |
| 2 | 21,841 |
| 3 | 27,822 |
| 4 | 23,863 |
| 5 | 9,559 |
| 6 | 18,354 |
| 7 | 16,901. |

2. The amount of the premium payable per female of the caprine species and per region in the areas listed in Annex III to Regulation (EEC) No 1837/80 and in Article 1 of Regulation (EEC) No 1065/86 for the 1987 marketing year is as follows :

| Region | ECU |
|--------|---------|
| 1 | 17,473 |
| 2 | 17,473 |
| 7 | 13,521. |

3. The amount of the premium payable per female of the ovine species other than an eligible ewe and per

region in the areas specified in the Annex to Regulation (EEC) No 872/84 is as follows :

| Region | ECU |
|--------|--------|
| 5 | 7,647. |

Article 3

1. In accordance with Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to sheepmeat producers located in less-favoured agricultural areas, and in the case of France to all sheepmeat producers, for the 1987 marketing year is as follows :

| Region | Balance of premium payable per ewe (in ECU) |
|---------------------|---|
| 1, of which : Italy | 10,972 |
| Greece | 12,392 |
| 2 | 10,974 |
| 4 | 10,412 |
| 5 | 5,268 |
| 6 | 8,394 |
| 7 Spain | 8,766. |

2. In accordance with Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to goatmeat producers located in less-favoured agricultural areas included in the areas referred to in paragraph 1 for the 1987 marketing year is as follows :

| Region | Balance of premium payable per female of the caprine species (in ECU) |
|---------------------|--|
| 1, of which : Italy | 8,727 |
| Greece | 9,867 |
| 2 | 8,726 |
| 7 Spain | 7,000. |

3. In accordance with Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to producers keeping females of the ovine species other than eligible ewes, located in less-favoured agricultural areas included in the areas referred to in paragraph 1 for the 1987 marketing year is as follows :

| Region | Balance of premium payable per female of the ovine species other than eligible ewe (in ECU) |
|--------|---|
| 5 | 4,214. |

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, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1319/88

of 11 May 1988

on the supply of olive oil to the Republic of Cape Verde 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 ⁽¹⁾, as amended by Regulation (EEC) No 3785/87 ⁽²⁾, 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 ⁽³⁾ 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, by its Decision of 15 April 1987 on the supply of food-aid to the Republic of Cape Verde, the Commission allocated to that country 200 tonnes of olive oil;

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 ⁽⁴⁾; 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

A tendering procedure is hereby initiated for the award of a contract for the supply of olive oil to the Republic of Cape Verde in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

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, 11 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 356, 18. 12. 1987, p. 8.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No** ⁽¹⁾: 259/88
2. **Programme**: 1988
3. **Recipient**: Republic of Cape Verde
4. **Representative of the recipient** ⁽²⁾:
Empresa Pública de Abastecimento (EMPA)
Praia: CP 104 (tel 24 93 05 — telex: 54 EMPA CV)
Mindelo: CP 148 (tel. 23 69 27 81 — telegram: EMPA — S. Vicente)
5. **Place or country of destination**: Cape Verde
6. **Product to be mobilized**: olive oil
7. **Characteristics and quality of the goods** ⁽³⁾: See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.A.4)
8. **Total quantity**: 200 tonnes net
9. **Number of lots**: two (lot I: 120 tonnes — lot II: 80 tonnes)
10. **Packaging and marking**: See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under III.B):
 - metal cans of one litre or one kilogram,
 - the cans must be packed in cartons, with 20 or 24 cans per carton
 - the cans must carry the following wording:
'ACÇÃO Nº 259/88 / ÓLEO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À REPÚBLICA DE CABO VERDE'
11. **Method of mobilization**: 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**: lot I: Praia — lot II: Mindelo
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 1 to 31 July 1988
18. **Deadline for the supply**: 31 August 1988
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 31 May 1988 not later than 12 noon. Tenders shall be valid until 12 midnight on 1 June 1988
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 14 June 1988 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 15 June 1988
 - (b) period for making the goods available at the port of shipment: where the supply is awarded at the port of shipment 15 July to 15 August 1988
 - (c) deadline for the supply: 15 September 1988
22. **Amount of the tendering security**: 45 ECU/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ECU
24. **Address for submission of tenders** ⁽⁴⁾:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Berlaymont, bureau 6/73,
200, rue de la Loi,
B-1049 Brussels;
telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾:
Refund applicable on 1 May 1988 fixed by Regulation (EEC) No 1169/88 in *Official Journal of the European Communities* No L 111 of 30 April 1988, p. 18

Notes:

- (1) The operation number is to be quoted in all correspondence.
 - (2) Commission delegate to contact by the succesful tenderer:
Commission Delegation in Cape Verde, CP 122, Praia (tel. 61 37 50, telex 6071 DELCE CV).
 - (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (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) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) 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.
-

COMMISSION REGULATION (EEC) No 1320/88

of 11 May 1988

amending Regulation (EEC) No 1187/88 increasing to 110 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1097/88 ⁽²⁾, and in particular Article 7 (5) 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 ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1187/88 ⁽⁵⁾ opened a standing invitation to tender for the export of 55 000 tonnes of bread-making wheat held by the French intervention agency; whereas, in a communication of 6 May 1988, France informed the Commission of the intention of its intervention agency to increase by 55 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 110 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1187/88 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1187/88 is replaced by the following:

Article 2

1. This invitation to tender shall cover a maximum of 110 000 tonnes of bread-making wheat to be exported to Morocco.
2. The regions in which the 110 000 tonnes of bread-making wheat are stored are listed in Annex I hereto.

Article 2

Annex I to Regulation (EEC) No 1187/88 is replaced by the Annex hereto.

Article 3

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, 11 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 111, 30. 4. 1988, p. 73.

*ANNEX**ANNEX I*

| <i>(tonnes)</i> | |
|-------------------|----------|
| Place of storage | Quantity |
| Châlons-sur-Marne | 5 300 |
| Nantes | 27 000 |
| Orléans | 61 800 |
| Paris | 15 900' |

COMMISSION DECISION No 1321/88/ECSC

of 11 May 1988

extending the provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 11 thereof,

Whereas, by Decision No 229/88/ECSC⁽²⁾, as amended by Decision No 980/88/ECSC⁽³⁾, the Commission imposed a provisional anti-dumping duty on imports of certain sheets and plates, originating in Yugoslavia;

Whereas the Commission has received a request from the exporters concerned, which represent all the trade involved, asking for the provisional duty imposed to be extended for a further period of two months;

Whereas the Commission considers that an extension of the duty is necessary to enable it to make a definitive assessment of the facts,

HAS ADOPTED THIS DECISION:

Article 1

The provisional anti-dumping duty on imports of certain sheets and plates, originating in Yugoslavia, imposed by Decision No 229/88/ECSC, as amended, is hereby extended for a period not exceeding two months.

Article 2

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

Without prejudice to Article 11 of Decision No 2177/84/ECSC or any other decision with the Commission might take, this Decision shall apply until the entry into force of a Commission act adopting definitive measures.

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

Done at Brussels, 11 May 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 17.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 13.

⁽³⁾ OJ No L 98, 15. 4. 1988, p. 33.

COMMISSION DECISION No 1322/88/ECSC

of 11 May 1988

extending the provisional anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community ⁽¹⁾, and in particular Article 11 thereof,

Whereas, by Decision No 163/88/ECSC ⁽²⁾, as amended by Decision No 979/88/ECSC ⁽³⁾, the Commission imposed a provisional anti-dumping duty on imports of certain iron and steel coils, originating in Algeria, Mexico and Yugoslavia;

Whereas the Commission has received a request from the Yugoslav exporters concerned, which represent a significant percentage of the trade involved, asking for the provisional duty imposed to be extended for a further period of two months;

Whereas the Commission considers that an extension of the duty is necessary to enable it to make a definitive assessment of the facts,

HAS ADOPTED THIS DECISION:

Article 1

The provisional anti-dumping duty on imports of certain iron or steel coils, originating in Algeria, Mexico and Yugoslavia imposed by Decision No 163/88/ECSC, as amended, is hereby extended for a period not exceeding two months.

Article 2

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

Without prejudice to Article 11 of Decision No 2177/84/ECSC or any other decision which the Commission might take, this Decision shall apply until the entry into force of a Commission act adopting definitive measures.

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

Done at Brussels, 11 May 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 17.

⁽²⁾ OJ No L 18, 22. 1. 1988, p. 31.

⁽³⁾ OJ No L 98, 15. 4. 1988, p. 32.

COMMISSION REGULATION (EEC) No 1323/88

of 16 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1258/88⁽³⁾ introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

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

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁶⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1258/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 119, 7. 5. 1988, p. 28.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1324/88

of 16 May 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 1259/88⁽³⁾ introduced a countervailing charge on courgettes originating in Spain (except the Canary Islands);Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

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

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁶⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1259/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.⁽³⁾ OJ No L 119, 7. 5. 1988, p. 30.⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁶⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1325/88**of 16 May 1988****amending Regulation (EEC) No 1240/88 introducing a countervailing charge on tomatoes originating in Morocco**

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1240/88⁽³⁾, introduced a countervailing charge on tomatoes originating in Morocco;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1240/88, '3,26 ECU' is hereby replaced by '21,46 ECU'.

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 117, 5. 5. 1988, p. 20.

COMMISSION REGULATION (EEC) No 1326/88

of 16 May 1988

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 25 April to 1 May 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 ⁽¹⁾, as amended by Regulation (EEC) No 467/87 ⁽²⁾,

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 ⁽³⁾, 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 Council Regulation (EEC) No 2658/87 ⁽⁴⁾ introduces from 1 January 1988 a new combined nomencla-

ture meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 25 April to 1 May 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 25 April to 1 May 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 25 April 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during the week 25 April to 1 May 1988

| (ECU/100 kg net weight). | |
|---------------------------|----------|
| CN code | Amount |
| 0201 10 10 | 26,26474 |
| 0201 10 90 | 26,26474 |
| 0201 20 11 | 26,26474 |
| 0201 20 19 | 26,26474 |
| 0201 20 31 | 21,01179 |
| 0201 20 39 | 21,01179 |
| 0201 20 51 | 31,51769 |
| 0201 20 59 | 31,51769 |
| 0201 20 90 | 21,01179 |
| 0201 30 | 35,98269 |
| 0202 10 00 | 26,26474 |
| 0202 20 10 | 26,26474 |
| 0202 20 30 | 21,01179 |
| 0202 20 50 | 31,51769 |
| 0202 20 90 | 21,01179 |
| 0202 30 10 | 35,98269 |
| 0202 30 50 | 35,98269 |
| 0202 30 90 | 35,98269 |
| 0206 10 95 | 35,98269 |
| 0206 29 91 | 35,98269 |
| 0210 20 10 | 21,01179 |
| 0210 20 90 | 29,94180 |
| 0210 90 41 | 29,94180 |
| 1602 50 10 ⁽¹⁾ | 29,94180 |
| 1602 50 10 ⁽²⁾ | 21,01179 |

⁽¹⁾ Containing 80 % or more by weight of beef meat.

⁽²⁾ Other.

COMMISSION REGULATION (EEC) No 1327/88**of 16 May 1988****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1166/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1166/88 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 1166/88 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 23.

⁽³⁾ OJ No L 111, 30. 4. 1988, p. 11.

ANNEX

to the Commission Regulation of 16 May 1988 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

| CN code | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question | Amount of levy per 100 kg of dry matter |
|------------|--|---|
| 1702 20 10 | 0,4863 | — |
| 1702 20 90 | 0,4863 | — |
| 1702 30 10 | — | 59,36 |
| 1702 40 10 | — | 59,36 |
| 1702 60 10 | — | 59,36 |
| 1702 60 90 | 0,4863 | — |
| 1702 90 30 | — | 59,36 |
| 1702 90 60 | 0,4863 | — |
| 1702 90 71 | 0,4863 | — |
| 1702 90 90 | 0,4863 | — |
| 2106 90 30 | — | 59,36 |
| 2106 90 59 | 0,4863 | — |

COMMISSION REGULATION (EEC) No 1328/88
of 16 May 1988
fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 1280/88 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 2658/87 ⁽⁵⁾ introduced from 1 January 1988 a new combined nomenclature meeting the requirements of both the Common Customs Tariff and the Community's statistics of foreign trade and replacing the previous nomenclature;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 May 1988.

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

Done at Brussels, 16 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 23.

⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.

⁽⁴⁾ OJ No L 121, 11. 5. 1988, p. 53.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

to the Commission Regulation of 16 May 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code | Levy |
|------------|----------------------|
| 1701 11 10 | 39,85 ⁽¹⁾ |
| 1701 11 90 | 39,85 ⁽¹⁾ |
| 1701 12 10 | 39,85 ⁽¹⁾ |
| 1701 12 90 | 39,85 ⁽¹⁾ |
| 1701 91 00 | 48,63 |
| 1701 99 10 | 48,63 |
| 1701 99 90 | 48,63 |

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

COUNCIL REGULATION (EEC) No 1329/88

of 16 May 1988

amending Regulation (EEC) No 1022/88 with regard to certain electronic typewriters assembled in the Community by Kyushu Matsushita (UK) Ltd

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 13 (10) thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for pursuant to the above Regulation,

Whereas :

- (1) The Council, by Regulation (EEC) No 1022/88⁽³⁾, extended the anti-dumping duty imposed by Regulation (EEC) No 1698/85⁽⁴⁾ to certain typewriters assembled in the Community by Canon Bretagne (F), Kyushu Matsushita (UK), Sharp (UK) and Silver Reed (UK).
- (2) In March 1988, Kyushu Matsushita offered an undertaking. The Commission verified, at the premises of the company concerned, that the undertaking removed the conditions justifying the extension by Regulation (EEC) No 1022/88 of the anti-dumping duty to typewriters assembled in the Community.
- (3) The Commission, after consultation, has accepted this undertaking by a decision of that date.
- (4) Under these circumstances, Regulation (EEC) No 1022/88 extending the anti-dumping duty to

certain electronic typewriters assembled in the Community should be amended to the extent it concerns Kyushu Matsushita,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EEC) No 1022/88 is replaced by the following :

Article 1

1. The definitive anti-dumping imposed by Regulation (EEC) No 1698/85 on imports of electronic typewriters, whether or not incorporating calculating mechanisms, originating in Japan, is hereby imposed on electronic typewriters, whether or not incorporating calculating mechanisms, corresponding to CN codes 8469 10 00, ex 8469 21 00 and ex 8469 29 00, introduced onto the Community market after having been assembled in the Community by Canon Bretagne (F), Sharp (UK) and Silver Reed (UK).

2. The rate of duty shall be as set out below per unit, assembled by the companies concerned :

| | |
|------------------------|------------|
| — Canon Bretagne (F) : | 44,00 ECU, |
| — Sharp (UK) : | 21,82 ECU, |
| — Silver Reed (UK) : | 56,14 ECU. |

Article 2

This Regulation shall enter into force on the date 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, 16 May 1988.

For the Council

The President

I. KIECHLE

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 101, 20. 4. 1988, p. 4.

⁽⁴⁾ OJ No L 163, 22. 6. 1985, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 April 1988

on applications for reimbursement and the payment of advances in respect of
aids granted pursuant to Council Regulation (EEC) No 1400/86

(Only the French text is authentic)

(88/286/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1400/86 of 6 May 1986 introducing a common measure for the encouragement of agriculture by improving the rearing of beef cattle in certain less-favoured areas of France⁽¹⁾, and in particular Article 8 (4) thereof,

Whereas applications for reimbursement and applications for the payment of advances to be presented by France to the Guidance Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) must include certain items of information making it possible to verify that the expenditure complies with the provisions of Regulation (EEC) No 1400/86 and the programme presented by France, endorsed by the Commission in accordance with Article 3 (3) of that Regulation;

Whereas, to allow for effective verification, France must hold all supporting documentation at the disposal of the Commission for a period of three years after payment of the last reimbursement;

Whereas to enable payment of the advances provided for in Article 8 (3) of Regulation (EEC) No 1400/86 to be implemented, rules relating to procedures in this connection must be laid down;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee of the European Agricultural Guidance and Guarantee Fund (EAGGF),

Article 1

1. The reimbursement applications referred to in Article 8 (1) of Regulation (EEC) No 1400/86 must comply with the tables given in Annexes I to III.

2. France shall submit to the Commission, with the first reimbursement application, texts of the national implementing and verification provisions and of the administrative instructions, and the forms and all other documents relating to the administrative implementation of the measure.

Article 2

France shall hold at the disposal of the Commission for three years after payment of the last reimbursement all the supporting documents or certified copies thereof in its possession on the basis of which the aids provided for by Regulation (EEC) No 1400/86 were approved, and also the applications for reimbursement and advances established.

Article 3

The applications for advances referred to in Article 8 (3) of Regulation (EEC) No 1400/86 must comply with the tables given in Annexes IV and V.1 to V.6.

⁽¹⁾ OJ No L 128, 14. 5. 1986, p. 1.

Article 4

1. The EAGGF Guidance Section advances may not exceed 80 % of the Community contribution to the financing of the expenditure provided for during the reference year.

2. Advances not disbursed during the year for which they have been paid shall be deducted from the advance to be paid in respect of the following year.

3. Advances in respect of the following year may not be paid before the following documents have been submitted to the Commission :

— either a report drawn up in accordance with the Table in Annex VI reviewing the progress of the operations

during the preceding year for which advances were paid,

— or the final application for reimbursement established in accordance with Article 1 (1).

Article 5

This Decision is addressed to France.

Done at Brussels, 27 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Application for reimbursement of expenditure during 19.. pursuant to Regulation (EEC) No 1400/86 introducing a common measure for the encouragement of agriculture by improving the rearing of beef cattle in certain less-favoured areas of France ⁽¹⁾

SUMMARY TABLE

(in FF)

| 1 | 2 | 3 | 4 | 5 | 6 |
|--|--------------------------------|---|--|-----------------------------------|--------------------------|
| Type of measure | Expenditure effected by France | Eligible expenditure effected by France | Reimbursement applied for to the EAGGF | Advance already paid by the EAGGF | Balance to be reimbursed |
| Joint/land-development measures (totals of Annex II.1) | | | | | |
| Improvement of beef cattle rearing conditions (totals of Annex II.2 (a) and (b)) | | | | | |
| Closer monitoring of beef bull yields (totals of Annex II.3) | | | | | |
| Forestry measures (totals of Annex II.4) | | | | | |
| Improvement of rural infrastructure (totals of Annex II.5) | | | | | |
| Promotion measures (totals of Annex II.6) | | | | | |
| Total | | | | | |
| Recoveries (totals of Annex III) | | | | | |
| Net total | | | | | |

Declaration to be presented with the application for reimbursement of expenditure effected pursuant to Regulation (EEC) No 1400/86

It is confirmed that :

- (a) the work and expenditure for which reimbursement is requested has been carried out in accordance with the provisions laid down in the programme endorsed by the Commission ;
- (b) France has proper facilities for effective monitoring of the elements used to calculate the aids paid eligible under the Fund ;
- (c) the measures have been implemented in the less-favoured areas of the Massif Central within the meaning of Directive 75/268/EEC ⁽²⁾, where the area of permanent grassland represents at least 65 % of the utilized agricultural area by commune, except for the regions referred to by Council Regulation (EEC) No 2088/85 ⁽³⁾ ;

⁽¹⁾ The information provided for in Article 7 of the Regulation must also be sent to the Commission.
If certain types of aid in the present Regulation are included in subsequent integrated programmes, it is necessary to indicate these costs clearly.

⁽²⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽³⁾ OJ No L 197, 27. 7. 1985, p. 1.

- (d) the aids for cattle farming concern only beef breeds or crosses thereof;
- (e) no reimbursement is applied for of expenditure in respect of investments or work qualifying for aids under Article 17 or Article 20 of Council Regulation (EEC) No 797/85 ⁽¹⁾ or which may attract Community aids under other common measures within the meaning of Article 6 (1) of Council Regulation (EEC) No 729/70 ⁽²⁾;
- (f) the eligible expenditure is the result of real expenditure and complies with the limits and conditions laid down in Article 6 (2) of Regulation (EEC) No 1400/86;
- (g) the dates of the grant aid decisions are after 1 August 1987;
- (h) the aid beneficiaries have been informed, as appropriate, of the percentage of appropriations coming from the Community;
- (i) where there is public procurement, Community rules relating to the opening of public works and supply contracts mentioned in Council Directives 71/305/EEC ⁽³⁾ and 77/62/EEC ⁽⁴⁾ have been complied with.

Date, stamp and signature of the competent authority:

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 185, 16. 8. 1971, p. 5.

⁽⁴⁾ OJ No L 13, 15. 1. 1977, p. 1.

ANNEX II.1

Application for reimbursement of expenditure effected during 19... pursuant to Regulation (EEC) No 1400/86

Joint land-development measures: Article 1 (4) (a) of the Regulation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|--------------------------------|------------------|--------------------|----------------------|------------------------------------|-------------------------|--|---------------------------|---|
| Department | Number of groups | Number of holdings | Nature of operations | Areas affected by work (ha, a, ca) | Total cost of work (FF) | Real expenditure effected by France (FF) | Eligible expenditure (FF) | Reimbursement applied for to the EAGGF (FF) |
| | | | (⁽¹⁾) | (⁽²⁾) | | | | |
| Drainage | | | | | | | | |
| Pasture improvement work | | | | | | | | |
| Consolidation and related work | | | | | | | | |
| Total | | | | | | | | |

(⁽¹⁾) Give, for all departments, the nature of the operations.(⁽²⁾) Areas on the basis of which the aids are calculated.

ANNEX II.2

Application for reimbursement of expenditure effected during 19.. pursuant to Regulation (EEC) No 1400/86

Improvement of conditions for rearing beef cattle : Article 1 (4) (b) of the Regulation

(a) Joint equipment for the production of fodder (not including forestry equipment)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|------------|-----------------------|-----------------------|------------------|--------------------|--------------------------------|--|---------------------------|---|
| Department | Nature of investments | Number of investments | Number of groups | Number of holdings | Total cost of investments (FF) | Real expenditure effected by France (FF) | Eligible expenditure (FF) | Reimbursement applied for to the EAGGF (FF) |
| | (⁽¹⁾) | | | | | | | |
| | | | | | | | | |
| Total | | | | | | | | |

(⁽¹⁾) Give, for all the departments, the nature of each type of investment.

(b) Health improvement of herd

| 1 | 2 | 3 | 4 | 5 | 6 |
|------------|---------------------------------|-------------------------|--|---------------------------|---|
| Department | Type of health improvement work | Total cost of work (FF) | Real expenditure effected by France (FF) | Eligible expenditure (FF) | Reimbursement applied for to the EAGGF (FF) |
| | | (⁽¹⁾) | (⁽¹⁾) | (⁽¹⁾) | (⁽¹⁾) |
| | | | | | |
| Total | | | | | |

(⁽¹⁾) Itemize by type of health measure and by department.

ANNEX II.4

Application for reimbursement of expenditure effected during 19... pursuant to Regulation (EEC) No 1400/86

Forestry measures : Article 1 (4) (d) of the Regulation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------------------------------------|--------------------|------------------|------------|--|---------------------------|---|
| Department | Number of holdings | Investment units | Costs (FF) | Real expenditure effected by France (FF) | Eligible expenditure (FF) | Reimbursement applied for to the EAGGF (FF) |
| | | (¹) | | | | |
| Afforestation (²) | | | | | | |
| Forestry improvements | | | | | | |
| Hedges | | | | | | |
| Forestry access | | | | | | |
| Land improvement | | | | | | |
| Forestry equipment (³) | | | | | | |
| Total | | | | | | |

(¹) Give the area (in ha, a, ca), except for the headings 'Forestry access' (give the length in metres), and 'Forestry equipment' (give the number of items bought).

(²) Distinguish, as appropriate, afforestation and reforestation, using two separate lines.

(³) Only collective equipment needed for the management of the wooded parcels.

ANNEX II.5

Application for reimbursement of expenditure effected during 19... pursuant to Regulation (EEC) No 1400/86

Rural infrastructure improvement: Article 1 (4) (e) of the Regulation

| 1 Department | 2 Number of centres served concerning: | | | 3 Length of roads or tracks concerned (m) | 4 Total cost of work (FF) | 5 Financial contributions from beneficiaries (FF) | 6 Total expenditure of France (FF) | 7 Eligible expenditure (FF) | 8 Reimbursement applied for to the EAGGF (FF) |
|-----------------------------|---|--------------------------------------|---------------------------|--|------------------------------|--|---------------------------------------|--------------------------------|--|
| | agricultural holdings | inhabitants depending on agriculture | other village inhabitants | | | | | | |
| Electrification | | | | | | (⁽¹⁾) | | | |
| Provision of drinking water | | | | | | | | | |
| Construction of tracks | | | | | | | | | |
| Improvement of tracks | | | | | | | | | |
| Total | | | | | | | | | |

⁽¹⁾ Financial contribution from the beneficiary not less than 10 % of the cost of the work.

ANNEX II.6

Application for reimbursement of expenditure effected during 19... pursuant to Regulation (EEC) No 1400/86

Promotion measures: Article 1 (4) (f) of the Regulation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------------------------------|-------------------------------|----------------------|----------------------|--------------------------------------|----------------------------------|--------------------|---|
| Department | Identification of technicians | Dates of recruitment | Nature of their work | Real cost of promotion measures (FF) | Total expenditure of France (FF) | Eligible aids (FF) | Reimbursement applied for to the EAGGF (FF) |
| | (¹) | | | (²) | (²) | (²) | |
| Strengthening technical assistance | | | | | | | |
| Informations campaigns | | | | | | | |
| Total | | | | | | | |

(¹) A maximum of 14 newly-recruited technicians.

(²) Real costs by technician occasioned during the relevant year.

(³) Explain the system of degressive aid during the period of the common measure (total aid not to exceed 80 % of real costs).

Recoveries during 19.. for aids granted pursuant to Regulation (EEC) No 1400/86

Date, stamp and signature of the competent authority:

ANNEX IV

Application for advance payment in respect of 19... for expenditure planned to be effected pursuant to Regulation (EEC) No 1400/86 introducing a common measure for the encouragement of agriculture by improving the rearing of beef cattle in certain less-favoured areas of France⁽¹⁾

SUMMARY TABLE

(in FF)

| 1 | 2 | 3 | 4 | 5 |
|---|-------------------------------|--|--|----------------------------------|
| Type of measure | Expenditure planned by France | Eligible expenditure planned by France | Reimbursement to be applied for to the EAGGF | Advance applied for to the EAGGF |
| Joint land-development measures (totals in Annex V.1) | | | | |
| Improvement of beef cattle rearing conditions (totals in Annex V.2 (a) and (b)) | | | | |
| Closer monitoring of beef bull yields (totals in Annex V.3) | | | | |
| Forestry measures (totals in Annex V.4) | | | | |
| Improvement of rural infrastructure (totals in Annex V.5) | | | | |
| Promotion measures (totals in Annex V.6) | | | | |
| Total | | | | |

It is confirmed that:

- (a) the work and expenditure planned are in accordance with the provisions of the programmes endorsed by the Commission;
- (b) no financial contribution from the Community pursuant to under Regulation (EEC) No 1400/86 is requested in respect of investments or work attracting aids pursuant Article 17 or Article 20 of Regulation (EEC) No 797/85 or which may attract Community aids under other common measures within the meaning of Article 6 (1) of Regulation (EEC) No 729/70;
- (c) the costs shown in columns 2 or 3 correspond to expenditure to be effected during the year for which the advances are applied for;
- (d) appropriations to cover the national financial contribution are available and will be paid during the year for which the advances have been applied for;
- (e) the advances will be placed at the disposal of the agencies and farmers bearing the financial cost of the work during the year for which the advances are applied for;
- (f) the beneficiaries referred to above will be informed in an appropriate manner, on payment of the aids, of the share of the funds coming from the Community (an information memorandum on the procedure laid down for this purpose is attached to this application);
- (g) where there is public procurement, the Community rules on the availability of public works and supplies contracts set out in Directives 71/305/EEC and 77/62/EEC have been complied with.

Date, stamp and signature of the competent authority:

⁽¹⁾ If certain types of aid in the present Regulation are included in subsequent integrated programmes, it is necessary to indicate these costs clearly.

ANNEX V/1

Application for payment of an advance in respect of 19... for expenditure planned pursuant to Regulation (EEC) No 1400/86

Joint land-development measures: Article 1 (4) (a) of the Regulation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|--------------------------------|------------------|--------------------|----------------------|--|-----------------------------------|---|------------------------------------|--|-----------------------------------|
| Department | Number of groups | Number of holdings | Nature of operations | Areas affected by work planned (ha, a, ca) | Total estimated cost of work (FF) | Expenditure planned to be effected by France (FF) | Expected eligible expenditure (FF) | Reimbursement planned to be applied for (FF) | Advance applied for to EAGGF (FF) |
| Drainage | | | (⁽¹⁾) | (⁽²⁾) | | | | | |
| Pasture improvement work | | | | | | | | | |
| Consolidation and related work | | | | | | | | | |
| Total | | | | | | | | | |

(⁽¹⁾) Give, for all departments, the nature of the operations.

(⁽²⁾) Areas on the basis of which the aids are calculated.

ANNEX V.2

Application for payment of advances in respect of 19.. for expenditure planned pursuant to Regulation (EEC) No 1400/86

Improvement of conditions for rearing beef cattle: Article 1 (4) (b) of the Regulation

(a) Joint equipment for the production of fodder (not including forestry equipment)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|------------|-----------------------|-----------------------|------------------|--------------------|--|---|------------------------------------|--|---------------------------------------|
| Department | Nature of investments | Number of investments | Number of groups | Number of holdings | Total estimated cost of investments (FF) | Expenditure planned to be effected by France (FF) | Expected eligible expenditure (FF) | Reimbursement planned to be applied for (FF) | Advance applied for to the EAGGF (FF) |
| | (⁽¹⁾) | | | | | | | | |
| | | | | | | | | | |
| Total | | | | | | | | | |

(⁽¹⁾) Give, for all departments, the nature of each type of investment planned.

(b) Health improvement of herd

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------|---------------------------------|-----------------------------------|---|-----------------------------------|--|-----------------------------------|
| Department | Type of health improvement work | Total estimated cost of work (FF) | Expenditure planned to be effected by France (FF) | Eligible expenditure planned (FF) | Reimbursement planned to be applied for (FF) | Advance applied for to EAGGF (FF) |
| | (⁽¹⁾) | | | | | |
| | | | | | | |
| Total | | | | | | |

(⁽¹⁾) Itemize by type of health measure and by department.

Application for payment of advances in respect of 19.. for expenditure planned pursuant to Regulation (EEC) No 1400/86

Closer monitoring of beef bull yields: Article 1 (4) (c) of the Regulation

[illegible]

ANNEX V.4

Application for payment of advances in respect of 19... for expenditure planned pursuant to Regulation (EEC) No 1400/86

Forestry measures: Article 1 (4) (d) of the Regulation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----------------------------------|--------------------|--------------------|---------------------|---|------------------------------------|--|-----------------------------------|
| Department | Number of holdings | Investment units | Excepted costs (FF) | Expenditure planned to be effected by France (FF) | Expected eligible expenditure (FF) | Reimbursement planned to be applied for (FF) | Advance applied for to EAGGF (FF) |
| Afforestation ⁽²⁾ | | (⁽¹⁾) | | | | | |
| Forestry improvements | | | | | | | |
| Hedges | | | | | | | |
| Forestry access | | | | | | | |
| Land improvement | | | | | | | |
| Forestry equipment ⁽³⁾ | | | | | | | |
| Total | | | | | | | |

(⁽¹⁾) Give the area (in ha, a, ca), except for the headings 'Forestry access' (give the length in metres), and 'Forestry equipment' (give the number of items bought).

(⁽²⁾) Distinguish, as appropriate, afforestation and reforestation, using two separate lines.

(⁽³⁾) Only collective equipment needed for the management of the wooded parcels.

ANNEX V/5

Application for payment of advances in respect of 19... for expenditure planned pursuant to Regulation (EEC) No 1400/86

Rural infrastructure improvement: Article 1 (4) (e) of the Regulation

| 1 | 2 | | | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|-----------------------------|---------------------------------------|--------------------------------------|---------------------------|---|----------------------------------|--|---|------------------------------------|--|-----------------------------------|
| Department | Number of centres served concerning : | | | Length of roads or tracks concerned (m) | Expected total cost of work (FF) | Expected financial contributions from beneficiaries (FF) | Expenditure planned to be effected by France (FF) | Expected eligible expenditure (FF) | Reimbursement planned to be applied for (FF) | Advance applied for to EAGGF (FF) |
| | agricultural holdings | inhabitants depending on agriculture | other village inhabitants | | | | | | | |
| | | | | | | (1) | | | | |
| Electrification | | | | | | | | | | |
| Provision of drinking water | | | | | | | | | | - |
| Construction of tracks | | | | | | | | | | |
| Improvement of tracks | | | | | | | | | | |
| Total | | | | | | | | | | |

⁽¹⁾ Financial contribution from the beneficiary not less than 10 % of the cost of the work.

ANNEX V/6

Application for payment of advances in respect of 19.. for expenditure planned pursuant to Regulation (EEC) No 1400/86

Promotion measures: Article 1 (4) (f) of the Regulation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|------------------------------------|-------------------------------|----------------------|----------------------|--|---|------------------------------------|--|-----------------------------------|
| Department | Identification of technicians | Dates of recruitment | Nature of their work | Expected cost of promotion measures (FF) | Expenditure planned to be effected by France (FF) | Expected eligible expenditure (FF) | Reimbursement planned to be applied for (FF) | Advance applied for to EAGGF (FF) |
| | (¹) | (²) | | (³) | (⁴) | (⁴) | | |
| Strengthening technical assistance | | | | | | | | |
| Information campaigns | | | | | | | | |
| Total | | | | | | | | |

(¹) A maximum of 14 newly-recruited technicians.

(²) All expected recruitment dates.

(³) Expected costs per technician, to be incurred during the relevant year.

(⁴) Total expenditure not to exceed 80 % of real costs on the basis of the degressive system.

ANNEX VI

Report concerning the use of the advances paid in respect of 19... pursuant to Regulation (EEC) No 1400/86

| 1 Department | 2 Total cost of operations | | | 3 Total expenditure of France | | | 4 Total eligible expenditure | | | 5 Advances | | |
|---|-------------------------------|------------------|------------------|----------------------------------|------------------|------------------|---------------------------------|------------------|------------------|------------------|------------------|------------------|
| | planned | outcome | % | planned | outcome | % | planned | outcome | % | receive | pay | % |
| | (¹) | (²) | (³) | (¹) | (²) | (³) | (¹) | (²) | (³) | (⁴) | (⁵) | (⁶) |
| Joint land-development measures | | | | | | | | | | | | |
| Improvement of beef cattle rearing conditions | | | | | | | | | | | | |
| Closer monitoring of beef bull yields | | | | | | | | | | | | |
| Forestry measures | | | | | | | | | | | | |
| Rural infrastructure improvement | | | | | | | | | | | | |
| Promotion measures | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |

(¹) Figures in Annexes IV, V.1 to V.6.

(²) During the year for which the advance was granted.

(³) Advances received on the part of the EAGGF.

(⁴) Advances paid to the beneficiaries bearing the financial cost of the operations.

(⁵) If the percentage is less than 80 or more than 120, attach an explanation on a separate sheet.

Date, stamp and signature of the competent authority:

COMMISSION DECISION

of 11 May 1988

terminating the examination procedure concerning the unauthorized reproduction of sound recordings in Indonesia consequent on the Republic of Indonesia's undertaking to give sound recordings by nationals of Community Member States the same protection as sound recordings by Indonesian nationals

(88/287/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2641/84 of 17 September 1984 on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices⁽¹⁾,

Following consultations in the Advisory Committee set up by the said Regulation,

Whereas :

On 16 March 1987 the Commission received a complaint lodged in accordance with Article 3 (1) of Regulation (EEC) No 2641/84 by the Association of European Members of the International Federation of Phonogram and Videogram Producers (IFPI) on behalf of virtually all Community producers of phonograms concerning the unauthorized reproduction of sound recordings in Indonesia.

The complaint provided evidence of the existence of illicit commercial practices and of consequent injury which, following consultations in the Advisory Committee, were considered sufficient to justify the initiation of a procedure.

The Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an 'illicit commercial practice' procedure concerning the unauthorized reproduction of sound recordings in Indonesia.

The Commission officially notified the representatives of the country concerned and the complainant, and gave all interested parties the opportunity to make known their views in writing and apply for a hearing.

The representatives of the country concerned and the complainant applied for and were granted a hearing and made known their views in writing. The complainant

repeated its request for the Community institutions to adopt retaliatory measures against Indonesia if the latter did not take steps to end the situation which was causing injury to the complainant.

A number of European associations, including the International Federation of Musicians, the Publishers Association, the International Federation of Actors and the European Association of Industries of Branded Products, submitted comments. They all supported the complainant.

The Commission began its investigation by seeking the information required to establish the facts.

While the examination procedure was under way, the Indonesian authorities requested its suspension.

In support of their request they pointed out that a bill amending the 1982 Indonesian law on copyright had recently been adopted by the Indonesian Parliament, that the effect of the changes was to strengthen appreciably the protection given by Indonesian law to the works of Indonesian nationals, including sound recordings, and to extend to the works of nationals of other countries, by means of a new Article 48, the protection given to Indonesian nationals' works, and that they were ready to begin consultations with the Commission with the aim of reaching a solution that would provide for the works of nationals of the Member States protection identical to that given to the works of Indonesian nationals.

After consulting the Advisory Committee, the Commission considered that it was in the Community's interest to grant Indonesia's request and to open consultations with the Indonesian authorities with a view to reaching an arrangement which would resolve the problem raised by IFPI.

Commission Decision 87/553/EEC⁽³⁾ accordingly suspended the examination procedure until 29 February 1988.

⁽¹⁾ OJ No L 252, 20. 9. 1984, p. 1.

⁽²⁾ OJ No C 136, 21. 5. 1987, p. 3.

⁽³⁾ OJ No L 335, 25. 11. 1987, p. 22.

Following the suspension of the procedure, consultations were held with the Indonesian authorities, first in Jakarta and then in Brussels.

At the end of the consultations, Indonesia undertook, pending its eventual accession or adhesion to the relevant international conventions, to provide for sound recordings by nationals of Community Member States which provide protection on their territory for sound recordings by Indonesian nationals in Indonesia.

After consulting the Advisory Committee, the Commission decided that those measures should be considered satisfactory within the meaning of Article 9 (2) of Regulation (EEC) No 2641/84, since they would provide a means of eliminating the injury resulting from the commercial practice of which Indonesia was accused, and that it was accordingly in the Community's interest to accept the undertaking and terminate the procedure without taking protective measures pursuant to Article 10 (3) of the said Regulation.

The Community industry concerned was consulted and agreed that the examination procedure should be terminated,

HAS DECIDED AS FOLLOWS:

Sole article

The examination procedure concerning the unauthorized reproduction of sound recordings in Indonesia is hereby terminated.

Done at Brussels, 11 May 1988.

For the Commission

Willy DECLERCQ

Member of the Commission
