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## I

*(Acts whose publication is obligatory)*

# COUNCIL REGULATION (EEC) No 2089/88

of 11 July 1988

imposing a definitive anti-dumping duty on imports of oxalic acid originating in Taiwan and South Korea

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<sup>(1)</sup>, as amended by Regulation (EEC) No 1761/87<sup>(2)</sup>, and in particular Article 12 thereof,

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

Whereas :

## A. Provisional measures

- (1) By Regulation (EEC) No 699/88<sup>(3)</sup> the Commission imposed a provisional anti-dumping duty on imports of oxalic acid originating in Taiwan and South Korea.

## B. Subsequent proceeding

- (2) After the provisional duty has been imposed, some of the parties concerned, including the complainant (DAVSA), made known their views concerning that duty.

Some of them also asked to be informed of the essential facts and considerations on the basis of which the Commission proposed to recommend definitive measures. Those requests were granted.

## C. Dumping

- (3) No new evidence of dumping has been received since the provisional duty was imposed. The

Commission accordingly considers the results of the investigation set out in Regulation (EEC) No 699/88 to be definitive.

## D. Injury

- (4) No new evidence concerning injury to the Community industry was presented.

The conclusions concerning injury set out in Regulation (EEC) No 699/88 are therefore confirmed.

- (5) The Council accordingly shares the Commission's opinion that the facts as definitively established show that the dumped imports of oxalic acid originating in Taiwan and South Korea must be considered to have caused material injury.

## E. Community interest

- (6) No new information concerning the Community interest has been submitted since the provisional duty was imposed, and the conclusions concerning the Community interest set out in Regulation (EEC) No 699/88 therefore remain unchanged.

In those circumstances definitive anti-dumping measures must be imposed on imports of oxalic acid originating in Taiwan and South Korea in order to protect Community interests.

## F. Definitive duty

- (7) The Community industry concerned and other interested parties claimed that, in view of the failure of the producers/exporters of the Korean products to cooperate, it was wrong for the duty imposed on the product originating in South Korea to be less than that imposed on the product originating in Taiwan. Some of them even claimed that, in view of the differences between the verified data and the data taken from *Nimexe* statistics, had the South Korean producers/exporters cooperated fully with the investigation it is more than likely that the data which would have been used to

<sup>(1)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 167, 26. 6. 1987, p. 9.

<sup>(3)</sup> OJ No L 72, 18. 3. 1988, p. 12.

calculate the anti-dumping duty to be imposed on South Korea would have been adjusted downwards in the same proportions as the data used to calculate the anti-dumping duty to be imposed on Taiwan, which would have resulted in a definitive anti-dumping duty for the South Korean product comparable to that for the product originating in Taiwan.

After examining all pertinent information in its possession, the Commission decided that it could not be certain that, had the South Korean producers/exporters cooperated fully with the investigation, the data used to calculate the provisional anti-dumping duty would not have been more disadvantageous than the data used in Regulation (EEC) No 699/88 and that in any case the imposition of a lower duty on the South Korean product than that imposed on a product originating in a country which had cooperated with the investigation would reward non-cooperation and make it possible to evade duties.

For these reasons it was considered appropriate to fix the definitive anti-dumping duty for the product originating in either Taiwan or South Korea at the level of the provisional anti-dumping duty imposed on the product originating in Taiwan, i.e. 20,21 % of the net, free-at-Community-frontier price of the product concerned.

#### G. Undertaking

- (8) When Uranus Chemicals Co. Ltd, Hsin Chu, Taiwan, was informed that the main conclusions of the preliminary investigation concerning the product originating in Taiwan had been confirmed, it gave an undertaking concerning its exports to the Community.

The main effect of the undertaking is to bring the prices of exports to the Community up to a level which the Commission considers sufficient to eliminate the injury caused by the imports concerned, given the prices of those imports and the margin by which they undercut the internal Community threshold price needed to guarantee an efficient Community producer sufficient income to enable him to continue his activities.

The Commission judged that undertaking to be acceptable and accordingly accepted it and

terminated the proceeding without imposing anti-dumping duties on imports from the exporter concerned.

#### H. Collection of the provisional duty

- (9) In view of the seriousness of the dumping and the injury caused the whole of the amounts secured by way of the provisional anti-dumping duty imposed on imports of oxalic acid originating in Taiwan and South Korea should be definitively collected,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of oxalic acid falling within CN code 2917 11 00 originating in Taiwan and South Korea.
2. The amount of this duty, expressed as a percentage of the net, free-at-Community-frontier price, not cleared through customs, shall be 20,21 % for the product originating in Taiwan and South Korea.

The free-at-Community-frontier prices shall be net prices where the terms of sale are such that payment is to be made within 30 days of the date of delivery. They shall be increased or reduced by 1 % for each month by which this period is shortened or lengthened.

3. The duty shall not apply to imports of oxalic acid produced and exported by Uranus Chemicals Co. Ltd, Hsin Chu, Taiwan.

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

#### Article 2

Amounts secured by way of the provisional anti-dumping duty imposed on imports of oxalic acid originating in Taiwan and South Korea by Regulation (EEC) No 699/88 shall be definitively collected.

#### Article 3

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 July 1988.

*For the Council*

*The President*

P. ROUMELIOTIS

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## COMMISSION REGULATION (EEC) No 2090/88

of 14 July 1988

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

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

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1871/88 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 13 July 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 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

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

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

<sup>(5)</sup> OJ No L 168, 1. 7. 1988, p. 8.

## ANNEX

to the Commission Regulation of 14 July 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	12,38	129,73
0712 90 19	12,38	129,73
1001 10 10	24,08	154,75 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	24,08	154,75 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	0,00	133,80
1001 90 99	0,00	133,80
1002 00 00	25,83	98,05 <sup>(3)</sup>
1003 00 10	19,52	106,57
1003 00 90	19,52	106,57
1004 00 10	76,15	48,82
1004 00 90	76,15	48,82
1005 10 90	12,38	129,73 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	12,38	129,73 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	35,85	138,66 <sup>(4)</sup>
1008 10 00	19,52	28,05
1008 20 00	19,52	53,81 <sup>(4)</sup>
1008 30 00	19,52	0 <sup>(2)</sup>
1008 90 10	(7)	(7)
1008 90 90	19,52	0
1101 00 00	7,18	200,32
1102 10 00	49,16	150,27
1103 11 10	50,32	252,06
1103 11 90	7,75	216,35

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

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

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

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

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

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

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

## COMMISSION REGULATION (EEC) No 2091/88

of 14 July 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1097/88<sup>(2)</sup>, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1872/88<sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 13 July 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 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

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

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

<sup>(5)</sup> OJ No L 168, 1. 7. 1988, p. 11.



## ANNEX

to the Commission Regulation of 14 July 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 7	1st period 8	2nd period 9	3rd period 10
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 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 2092/88

of 14 July 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1098/88<sup>(2)</sup>, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 11 and 12 July 1988 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 10.

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 2*

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

*Article 1*

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

*Article 3*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX I

## Minimum import levies on olive oil

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

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

(a) Lebanon : 0,60 ECU/100 kg ;

(b) Turkey : 11,48 ECU/100 kg <sup>(\*)</sup> provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

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

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

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

## ANNEX II

## Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	13,64
0711 20 90	13,64
1522 00 31	31,00
1522 00 39	49,60
2306 90 19	4,96

**COMMISSION REGULATION (EEC) No 2093/88**  
**of 14 July 1988**  
**fixing the import levies on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 1109/88 <sup>(2)</sup>, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1892/88 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1892/88 to the prices

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*

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.
2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

*Article 2*

This Regulation shall enter into force on 16 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

<sup>(3)</sup> OJ No L 168, 1. 7. 1988, p. 60.

## ANNEX

to the Commission Regulation of 14 July 1988 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		18,33
0401 10 90		17,12
0401 20 11		25,30
0401 20 19		24,09
0401 20 91		30,97
0401 20 99		29,76
0401 30 11		79,63
0401 30 19		78,42
0401 30 31		153,19
0401 30 39		151,98
0401 30 91		256,99
0401 30 99		255,78
0402 10 11		130,28
0402 10 19		123,03
0402 10 91	( <sup>1</sup> )	1,2303/kg + 31,05
0402 10 99	( <sup>1</sup> )	1,2303/kg + 23,80
0402 21 11		172,15
0402 21 17		164,90
0402 21 19		164,90
0402 21 91		214,28
0402 21 99		207,03
0402 29 11	( <sup>1</sup> ) ( <sup>2</sup> )	1,6490/kg + 31,05
0402 29 15	( <sup>1</sup> )	1,6490/kg + 31,05
0402 29 19	( <sup>1</sup> )	1,6490/kg + 23,80
0402 29 91	( <sup>1</sup> )	2,0703/kg + 31,05
0402 29 99	( <sup>1</sup> )	2,0703/kg + 23,80
0402 91 11		30,88
0402 91 19		30,88
0402 91 31		38,60
0402 91 39		38,60
0402 91 51		153,19
0402 91 59		151,98
0402 91 91		256,99
0402 91 99		255,78
0402 99 11		53,76
0402 99 19		53,76
0402 99 31	( <sup>1</sup> )	1,4956/kg + 27,43
0402 99 39	( <sup>1</sup> )	1,4956/kg + 26,22
0402 99 91	( <sup>1</sup> )	2,5336/kg + 27,43
0402 99 99	( <sup>1</sup> )	2,5336/kg + 26,22

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

CN code	Note	Import levy
0403 10 11		27,71
0403 10 13		33,38
0403 10 19		82,04
0403 10 31	( <sup>1</sup> )	0,2167/kg + 29,84
0403 10 33	( <sup>1</sup> )	0,2734/kg + 29,84
0403 10 39	( <sup>1</sup> )	0,7600/kg + 29,84
0403 90 11		130,28
0403 90 13		172,15
0403 90 19		214,28
0403 90 31	( <sup>1</sup> )	1,2303/kg + 31,05
0403 90 33	( <sup>1</sup> )	1,6490/kg + 31,05
0403 90 39	( <sup>1</sup> )	2,0703/kg + 31,05
0403 90 51		27,71
0403 90 53		33,38
0403 90 59		82,04
0403 90 61	( <sup>1</sup> )	0,2167/kg + 29,84
0403 90 63	( <sup>1</sup> )	0,2734/kg + 29,84
0403 90 69	( <sup>1</sup> )	0,7600/kg + 29,84
0404 10 11		7,39
0404 10 19	( <sup>1</sup> )	0,0739/kg + 23,80
0404 10 91	( <sup>2</sup> )	0,0739/kg
0404 10 99	( <sup>2</sup> )	0,0739/kg + 23,80
0404 90 11		130,28
0404 90 13		172,15
0404 90 19		214,28
0404 90 31		130,28
0404 90 33		172,15
0404 90 39		214,28
0404 90 51	( <sup>1</sup> )	1,2303/kg + 31,05
0404 90 53	( <sup>1</sup> )	1,6490/kg + 31,05
0404 90 59	( <sup>1</sup> )	2,0703/kg + 31,05
0404 90 91	( <sup>1</sup> )	1,2303/kg + 31,05
0404 90 93	( <sup>1</sup> )	1,6490/kg + 31,05
0404 90 99	( <sup>1</sup> )	2,0703/kg + 31,05
0405 00 10		265,19
0405 00 90		323,53
0406 10 10		259,90
0406 10 90		308,89
0406 20 10	( <sup>3</sup> )	382,30
0406 20 90		382,30
0406 30 10	( <sup>3</sup> )	203,04
0406 30 31	( <sup>3</sup> )	195,09
0406 30 39	( <sup>3</sup> )	203,04
0406 30 90	( <sup>3</sup> )	299,76
0406 40 00	( <sup>3</sup> )	157,44
0406 90 11	( <sup>3</sup> )	244,23

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	( <sup>3</sup> )	250,05
0406 90 15	( <sup>3</sup> )	250,05
0406 90 17	( <sup>3</sup> )	250,05
0406 90 19	( <sup>3</sup> )	382,30
0406 90 21	( <sup>3</sup> )	244,23
0406 90 23	( <sup>3</sup> )	212,17
0406 90 25	( <sup>3</sup> )	212,17
0406 90 27	( <sup>3</sup> )	212,17
0406 90 29	( <sup>3</sup> )	212,17
0406 90 31	( <sup>3</sup> )	212,17
0406 90 33		212,17
0406 90 35	( <sup>3</sup> )	212,17
0406 90 37	( <sup>3</sup> )	212,17
0406 90 39	( <sup>3</sup> )	212,17
0406 90 50	( <sup>3</sup> )	212,17
0406 90 61		382,30
0406 90 63		382,30
0406 90 69		382,30
0406 90 71		259,90
0406 90 73		212,17
0406 90 75		212,17
0406 90 77		212,17
0406 90 79		212,17
0406 90 81		212,17
0406 90 83		212,17
0406 90 85		212,17
0406 90 89	( <sup>3</sup> )	212,17
0406 90 91		259,90
0406 90 93		259,90
0406 90 97		308,89
0406 90 99		308,89
1702 10 90	( <sup>4</sup> )	36,85
2106 90 51		36,85
2309 10 15		94,69
2309 10 19		122,99
2309 10 39		115,67
2309 10 59		96,42
2309 10 70		122,99
2309 90 35		94,69
2309 90 39		122,99
2309 90 49		115,67
2309 90 59		96,42
2309 90 70		122,99



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- (<sup>1</sup>) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
  - (b) the other amount indicated.
- (<sup>2</sup>) The levy on 100 kg of product falling within this subheading is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
  - (b) the other amount indicated.
- (<sup>3</sup>) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (<sup>4</sup>) Lactose and lactose syrup falling within subheading 1702 10 10 are subject, pursuant to Regulation (EEC) No 2730/75, to the same levy as that applicable to lactose falling within subheading 1702 10 90.
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**COMMISSION REGULATION (EEC) No 2094/88**  
**of 14 July 1988**

**fixing the time limit for the submission of applications for private storage aid as provided for in Regulation (EEC) No 1186/88 laying down transitional measures for the support of the pigmeat market in Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Whereas private storage aid granted pursuant to Commission Regulation No 1186/88 of 29 April 1988, laying down transitional measures for the support of the pigmeat market in Spain<sup>(1)</sup>, has had a favourable effect; whereas a stabilization of prices is expected in that Member State; whereas the granting of private storage aid for pigmeat should therefore be suspended in Spain;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The time limit for the submission of applications for private storage aid pursuant to Regulation (EEC) No 1186/88 shall be 15 July 1988.

*Article 2*

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

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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<sup>(1)</sup> OJ No L 111, 30. 4. 1988, p. 71.

## COMMISSION REGULATION (EEC) No 2095/88

of 14 July 1988

establishing amounts and detailed rules for the depreciation of certain stocks of agricultural products held in public intervention

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section<sup>(1)</sup>, as last amended by Regulation (EEC) No 2095/87<sup>(2)</sup>, and in particular the second subparagraph of Article 8 thereof,

Whereas the conditions laid down in the second subparagraph of Article 8 of Regulation (EEC) No 1883/78 are met for the financial depreciation of certain stocks of cereals, butter, beef, alcohol and tobacco in 1988;

Whereas the amounts of depreciation have to be established in ECU per tonne for the relevant products; whereas the detailed rules necessary to enable corresponding expenditure to be claimed from the EAGGF have to be laid down;

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

HAS ADOPTED THIS REGULATION:

## Article 1

For cereals, butter, beef, alcohol and tobacco, the depreciation amounts within the meaning of the second subparagraph of Article 8 of Regulation (EEC) No 1883/78 are hereby fixed as follows:

— breadmaking common wheat	23 ECU per tonne,
— non-breadmaking common wheat	23 ECU per tonne,
— barley	23 ECU per tonne,
— rye	23 ECU per tonne,
— durum wheat	23 ECU per tonne,
— maize	23 ECU per tonne,
— sorghum	23 ECU per tonne,
— butter	265 ECU per tonne,
— beef carcasses	169 ECU per tonne,
— boned beef	185 ECU per tonne,
— alcohol as referred to in Article 40 (1) of Council Regulation (EEC) No 822/87 <sup>(1)</sup>	47 ECU per hl at 100°,
— leaf tobacco	150 ECU per tonne,
— manufactured tobacco	150 ECU per tonne,
— baled tobacco	300 ECU per tonne,

## Article 2

With a view to its declaration for the purposes of Commission Regulation (EEC) No 3184/83<sup>(2)</sup>, intervention expenditure relating to cereals, butter, beef, alcohol and tobacco in public storage, except products stored in accordance with Council Regulation (EEC) No 1799/87<sup>(3)</sup>, must allow for the depreciation amounts referred to in Article 1 as material operations for July 1988.

## Article 3

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

It shall apply with effect from 1 July 1988.

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

Done at Brussels, 14 July 1988.

For the Commission

Frans ANDRIESEN

Vice-President

<sup>(1)</sup> OJ No L 216, 5. 8. 1978, p. 1.  
<sup>(2)</sup> OJ No L 196, 17. 7. 1987, p. 3.

<sup>(3)</sup> OJ No L 84, 27. 3. 1987, p. 1.  
<sup>(4)</sup> OJ No L 320, 17. 11. 1983, p. 1.  
<sup>(5)</sup> OJ No L 170, 30. 6. 1987, p. 1.

**COMMISSION REGULATION (EEC) No 2096/88**  
**of 14 July 1988**

**temporarily suspending the sale of butter from public stocks under Regulation (EEC) No 2315/76**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1109/88<sup>(2)</sup>, and in particular Article 6(7) thereof,

Whereas Commission Regulation (EEC) No 2315/76 of 24 September 1976 on the sale of butter from public stocks<sup>(3)</sup>, as last amended by Regulation (EEC) No 442/88<sup>(4)</sup>, provides for the sale of butter at a price equal to the purchase price applied by the intervention agency, plus an amount of 1 ECU per 100 kilograms; whereas, in view of the measures for the sale of butter at a reduced price, the butter market will have sufficient supplies during the next few months; whereas sales under

Regulation (EEC) No 2315/76 should thereof be suspended, in order to avoid disturbances on the market;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The sale of butter under Regulation (EEC) No 2315/76 is hereby suspended.

*Article 2*

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

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

<sup>(3)</sup> OJ No L 261, 25. 9. 1976, p. 12.

<sup>(4)</sup> OJ No L 45, 18. 2. 1988, p. 25.

## COMMISSION REGULATION (EEC) No 2097/88

of 14 July 1988

amending Regulation (EEC) No 3143/85 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1109/88<sup>(2)</sup>, and in particular Article 6(7) thereof,

Whereas, in accordance with Article 2(4) of Commission Regulation (EEC) No 3143/85<sup>(3)</sup>, as last amended by Regulation (EEC) No 775/88<sup>(4)</sup>, the purchaser must, on the day on which the contract for the sale of the butter is concluded, lodge a security of 273 ECU per 100 kilograms guaranteeing the utilization of the butter; whereas, in view of the present levels of prices for butter from public storage on the one hand and butter on the market on the other hand, the amount of the said security

should be increased in order to avoid disturbance on the market;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In the first indent of Article 2(4) of Regulation (EEC) No 3143/85, the amount '273 ECU' is hereby replaced by '300 ECU'.

*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 to contracts concluded from the day of its entry into force.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

<sup>(3)</sup> OJ No L 298, 12. 11. 1985, p. 9.

<sup>(4)</sup> OJ No L 80, 25. 3. 1988, p. 31.

## COMMISSION REGULATION (EEC) No 2098/88

of 14 July 1988

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1098/88<sup>(2)</sup>, and in particular Article 27 (4) thereof,Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture<sup>(3)</sup>, as last amended by Regulation (EEC) No 1604/88<sup>(4)</sup>,Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed<sup>(5)</sup>, as last amended by Regulation (EEC) No 1869/87<sup>(6)</sup>, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the Council has not, to date, adopted the prices for the 1988/89 marketing year, which commences on 1 July 1988; whereas, by virtue of the powers conferred on it by the Treaty, the Commission must adopt the measures essential to ensure that the common agricultural policy continues to operate in the colza and rape seed sector and in particular to ensure that the aid continues to be granted;

Whereas, in order to determine the amount of the aid, account should be taken among the calculation factors, of the latest Commission proposals to the Council on prices and related measures;

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 4018/87<sup>(7)</sup>, as last amended by Regulation (EEC) No 2017/88<sup>(8)</sup>;

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

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1988/89 marketing year, has not, to date, been fixed; whereas the amount of the subsidy for the 1988/89 marketing year has been provisionally calculated on the basis of an abatement of 4,502 ECU per 100 kilograms for colza and rape seed and on the basis of an abatement of 5,835 ECU per 100 kilograms for sunflower seed,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83<sup>(9)</sup> shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86<sup>(10)</sup> shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87<sup>(11)</sup> for sunflower seed harvested and processed in Portugal is fixed in Annex III.
4. However, the amount of aid for colza, rape and sunflower seed shall be confirmed or replaced with effect from 15 July 1988 to take account, where applicable, of the consequences of the application of the maximum guaranteed quantities system and of the prices and related measures for the 1988/89 marketing year.

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 10.

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

<sup>(4)</sup> OJ No L 143, 10. 6. 1988, p. 10.

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

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

<sup>(7)</sup> OJ No L 378, 31. 12. 1987, p. 27.

<sup>(8)</sup> OJ No L 177, 8. 7. 1988, p. 29.

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

<sup>(10)</sup> OJ No L 53, 1. 3. 1986, p. 47.

<sup>(11)</sup> OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

# ANNEX I

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

(amounts per 100 kilograms)

	Current 7 (')	1st period 8 (')	2nd period 9 (')	3rd period 10 (')	4th period 11 (')	5th period 12 (')
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	7,787	7,787	7,787	7,787	6,423	6,741
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	18,98	18,98	18,98	18,99	15,81	16,94
— Netherlands (Fl)	20,89	20,89	20,89	20,90	17,30	18,54
— BLEU (Bfrs/Lfrs)	367,72	367,72	367,72	367,72	301,79	317,07
— France (FF)	47,05	47,05	47,05	47,05	36,22	38,60
— Denmark (Dkr)	62,98	62,98	62,98	62,98	50,74	52,94
— Ireland (£ Irl)	5,211	5,211	5,211	5,211	4,006	4,270
— United Kingdom (£)	2,349	2,349	2,349	2,316	1,263	1,336
— Italy (Lit)	8 632	8 632	8 542	8 384	5 976	5 981
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	1 250,10	1 250,10	1 245,09	1 231,82	1 020,24	1 026,64
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	1 555,59	1 555,59	1 535,53	1 510,32	1 241,70	1 224,81

(') Subject to the reduction resulting from the maximum guaranteed quantities system and the prices and related measures for the 1988/89 marketing year.

## ANNEX II

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

(amounts per 100 kilograms)

	Current 7 (°)	1st period 8 (°)	2nd period 9 (°)	3rd period 10 (°)	4th period 11 (°)	5th period 12 (°)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	10,287	10,287	10,287	10,287	8,923	9,241
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	24,88	24,88	24,88	24,90	21,71	22,84
— Netherlands (Fl)	27,50	27,50	27,50	27,51	23,92	25,16
— BLEU (Bfrs/Lfrs)	487,89	487,89	487,89	487,89	421,95	437,24
— France (FF)	65,74	65,74	65,74	65,74	54,91	57,29
— Denmark (Dkr)	84,86	84,86	84,86	84,86	72,63	74,83
— Ireland (£ Irl)	7,290	7,290	7,290	7,290	6,084	6,349
— United Kingdom (£)	3,989	3,989	3,989	3,956	2,903	2,976
— Italy (Lit)	12 625	12 625	12 534	12 376	9 968	9 974
— Greece (Dr)	320,85	320,85	320,85	320,85	320,85	320,85
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	1 635,63	1 635,63	1 630,62	1 617,36	1 405,77	1 412,18
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	429,31	429,31	429,31	429,31	429,31	429,31
— in another Member State (Esc)	1 984,90	1 984,90	1 964,84	1 939,63	1 671,01	1 654,12

(°) Subject to the reduction resulting from the maximum guaranteed quantities system and the prices and related measures for the 1988/89 marketing year.



## ANNEX III

## Aids to sunflower seed

(amounts per 100 kilograms)

	Current 7	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)
1. Gross aids (ECU):					
— Spain	3,440	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	18,423	14,878	14,722	14,644	14,866
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	46,21	35,80	35,47	35,49	36,02
— Netherlands (Fl)	50,47	40,58	40,18	40,20	40,79
— BLEU (Bfrs/Lfrs)	878,12	707,67	700,14	695,00	705,63
— France (FF)	125,15	98,56	96,78	95,13	96,73
— Denmark (Dkr)	155,43	124,36	122,96	122,27	124,18
— Ireland (£ Irl)	13,893	10,936	10,794	10,657	10,835
— United Kingdom (£)	8,977	6,629	6,512	6,454	6,585
— Italy (Lit)	25 135	19 439	18 885	18 380	18 712
— Greece (Dr)	411,93	0,00	0,00	0,00	0,00
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	530,49	797,28	797,28	797,28	797,28
— in another Member State (Pta)	1 608,74	1 328,83	1 301,98	1 261,89	1 295,97
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	3 666,41	3 002,83	2 964,56	2 913,90	2 949,87
— in another Member State (Esc)	3 560,29	2 915,92	2 878,76	2 829,56	2 864,49
3. Compensatory aids:					
— in Spain (Pta)	1 539,38	1 256,65	1 226,17	1 186,09	1 220,16
4. Special aid:					
— in Portugal (Esc)	3 560,29	2 915,92	2 878,76	2 829,56	2 864,49

(1) Subject to the reduction resulting from the maximum guaranteed quantities system and the prices and related measures for the 1988/89 marketing year.

(2) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0298070.

## ANNEX IV

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

(value of 1 ECU)

	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
DM	2,077950	2,074300	2,070830	2,067140	2,067140	2,056470
Fl	2,339140	2,334590	2,330600	2,327090	2,327090	2,316020
Bfrs/Lfrs	43,483000	43,477100	43,469100	43,455400	43,455400	43,421800
FF	6,990650	6,995320	6,999210	7,004280	7,004280	7,017520
Dkr	7,899560	7,910940	7,919840	7,928610	7,928610	7,955890
£Irl	0,772872	0,772837	0,773135	0,773662	0,773662	0,775488
£	0,666470	0,668020	0,669462	0,670925	0,670925	0,675308
Lit	1 539,19	1 544,46	1 549,82	1 554,95	1 554,95	1 570,39
Dr	166,14200	167,43100	168,64300	170,03100	170,03100	174,97100
Esc	169,73200	170,47300	171,25600	172,10500	172,10500	174,38200
Pta	137,64300	138,07300	138,48200	138,88100	138,88100	140,09500

**COMMISSION REGULATION (EEC) No 2099/88**  
**of 14 July 1988**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

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

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

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

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

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

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

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

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

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

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

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

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

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1107/88<sup>(2)</sup>;

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

#### Article 1

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

#### Article 2

This Regulation shall enter into force on 15 July 1988.

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 20.

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

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

<sup>(5)</sup> OJ No L 91, 1. 4. 1984, p. 71.

<sup>(6)</sup> OJ No L 272, 13. 10. 1984, p. 16.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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## ANNEX

to the Commission Regulation of 14 July 1988 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		7,27
0401 10 90 000		7,27
0401 20 11 100		7,27
0401 20 11 500		10,98
0401 20 19 100		7,27
0401 20 19 500		10,98
0401 20 91 100		14,45
0401 20 91 500		16,77
0401 20 99 100		14,45
0401 20 99 500		16,77
0401 30 11 100		21,40
0401 30 11 400		32,75
0401 30 11 700		48,96
0401 30 19 100		21,40
0401 30 19 400		32,75
0401 30 19 700		48,96
0401 30 31 100		58,22
0401 30 31 400		90,64
0401 30 31 700		99,90
0401 30 39 100		58,22
0401 30 39 400		90,64
0401 30 39 700		99,90
0401 30 91 100		113,80
0401 30 91 400		167,06
0401 30 91 700		194,85
0401 30 99 100		113,80
0401 30 99 400		167,06
0401 30 99 700		194,85
0402 10 11 000		80,00
0402 10 19 000		80,00
0402 10 91 000		0,8000
0402 10 99 000		0,8000
0402 21 11 200		80,00
0402 21 11 300		111,73
0402 21 11 500		119,30
0402 21 11 900		130,00
0402 21 17 000		80,00
0402 21 19 300		111,73
0402 21 19 500		119,30
0402 21 19 900		130,00
0402 21 91 100		131,15
0402 21 91 200		132,24
0402 21 91 300		134,24
0402 21 91 400		145,96
0402 21 91 500		149,95
0402 21 91 600		165,09
0402 21 91 700		174,30
0402 21 91 900		184,46
0402 21 99 100		131,15

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		132,24
0402 21 99 300		134,24
0402 21 99 400		145,96
0402 21 99 500		149,95
0402 21 99 600		165,09
0402 21 99 700		174,30
0402 21 99 900		184,46
0402 29 15 200		0,8000
0402 29 15 300		1,1173
0402 29 15 500		1,1930
0402 29 15 900		1,3000
0402 29 19 200		0,8000
0402 29 19 300		1,1173
0402 29 19 500		1,1930
0402 29 19 900		1,3000
0402 29 91 100		1,3115
0402 29 91 500		1,4596
0402 29 99 100		1,3115
0402 29 99 500		1,4596
0402 91 11 110		7,27
0402 91 11 120		14,45
0402 91 11 310		21,66
0402 91 11 350		27,37
0402 91 11 370		34,27
0402 91 19 110		7,27
0402 91 19 120		14,45
0402 91 19 310		21,66
0402 91 19 350		27,37
0402 91 19 370		34,27
0402 91 31 100		28,11
0402 91 31 300		40,50
0402 91 39 100		28,11
0402 91 39 300		40,50
0402 91 51 000		32,75
0402 91 59 000		32,75
0402 91 91 000		113,80
0402 91 99 000		113,80
0402 99 11 110		0,0727
0402 99 11 130		0,1445
0402 99 11 150		0,2242
0402 99 11 310		24,99
0402 99 11 330		30,81
0402 99 11 350		42,21
0402 99 19 110		0,0727
0402 99 19 130		0,1445
0402 99 19 150		0,2242
0402 99 19 310		24,99
0402 99 19 330		30,81
0402 99 19 350		42,21
0402 99 31 110		0,3043
0402 99 31 150		44,09
0402 99 31 300		0,5822
0402 99 31 500		0,9990
0402 99 39 110		0,3043
0402 99 39 150		44,09
0402 99 39 300		0,5822

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,9990
0402 99 91 000		1,1380
0402 99 99 000		1,1380
0403 10 11 100		7,27
0403 10 11 300		10,98
0403 10 13 000		14,45
0403 10 19 000		21,40
0403 10 31 100		0,0727
0403 10 31 300		0,1098
0403 10 33 000		0,1445
0403 10 39 000		0,2140
0403 90 11 000		80,00
0403 90 13 000		80,00
0403 90 19 000		131,15
0403 90 31 000		0,8000
0403 90 33 000		0,8000
0403 90 39 000		1,3115
0403 90 51 100		7,27
0403 90 51 300		10,98
0403 90 53 000		14,45
0403 90 59 110		21,40
0403 90 59 140		32,75
0403 90 59 170		48,96
0403 90 59 310		58,22
0403 90 59 340		90,64
0403 90 59 370		99,90
0403 90 59 510		113,80
0403 90 59 540		167,06
0403 90 59 570		194,85
0403 90 61 100		0,0727
0403 90 61 300		0,1098
0403 90 63 000		0,1445
0403 90 69 000		0,2140
0404 90 11 100		80,00
0404 90 11 910		7,27
0404 90 11 950		21,66
0404 90 13 120		80,00
0404 90 13 130		111,73
0404 90 13 140		119,30
0404 90 13 150		130,00
0404 90 13 911		7,27
0404 90 13 913		14,45
0404 90 13 915		21,40
0404 90 13 917		32,75
0404 90 13 919		48,96
0404 90 13 931		21,66
0404 90 13 933		27,37
0404 90 13 935		34,27
0404 90 13 937		40,50
0404 90 13 939		42,40
0404 90 19 110		131,15
0404 90 19 115		132,24
0404 90 19 120		134,24
0404 90 19 130		145,96
0404 90 19 135		149,95

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		165,09
0404 90 19 160		174,30
0404 90 19 180		184,46
0404 90 19 900		—
0404 90 31 100		80,00
0404 90 31 910		7,27
0404 90 31 950		21,66
0404 90 33 120		80,00
0404 90 33 130		111,73
0404 90 33 140		119,30
0404 90 33 150		130,00
0404 90 33 911		7,27
0404 90 33 913		14,45
0404 90 33 915		21,40
0404 90 33 917		32,75
0404 90 33 919		48,96
0404 90 33 931		21,66
0404 90 33 933		27,37
0404 90 33 935		34,27
0404 90 33 937		40,50
0404 90 33 939		42,40
0404 90 39 110		131,15
0404 90 39 115		132,24
0404 90 39 120		134,24
0404 90 39 130		145,96
0404 90 39 150		149,95
0404 90 39 900		—
0404 90 51 100		0,8000
0404 90 51 910		0,0727
0404 90 51 950		24,99
0404 90 53 110		0,8000
0404 90 53 130		1,1173
0404 90 53 150		1,1930
0404 90 53 170		1,3000
0404 90 53 911		0,0727
0404 90 53 913		0,1445
0404 90 53 915		0,2140
0404 90 53 917		0,3275
0404 90 53 919		0,4896
0404 90 53 931		24,99
0404 90 53 933		30,81
0404 90 53 935		42,21
0404 90 53 937		44,09
0404 90 53 939		—
0404 90 59 130		1,3115
0404 90 59 150		1,4596
0404 90 59 930		0,6980
0404 90 59 950		0,9990
0404 90 59 990		1,1380
0404 90 91 100		0,8000
0404 90 91 910		0,0727
0404 90 91 950		24,99
0404 90 93 110		0,8000
0404 90 93 130		1,1173
0404 90 93 150		1,1930



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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,3000
0404 90 93 911		0,0727
0404 90 93 913		0,1445
0404 90 93 915		0,2140
0404 90 93 917		0,3275
0404 90 93 919		0,4896
0404 90 93 931		24,99
0404 90 93 933		30,81
0404 90 93 935		42,21
0404 90 93 937		44,09
0404 90 93 939		—
0404 90 99 130		1,3115
0404 90 99 150		1,4596
0404 90 99 930		0,6980
0404 90 99 950		0,9990
0404 90 99 990		1,1380
0405 00 10 100		—
0405 00 10 200		157,27
0405 00 10 300		197,85
0405 00 10 500		202,93
0405 00 10 700		208,00
0405 00 90 100		208,00
0405 00 90 900		258,50
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	66,34
	404	—
	...	91,14
0406 20 90 915	028	—
	032	—
	400	88,45
	404	—
	...	121,52
0406 20 90 917	028	—
	032	—
	400	93,98
	404	—
	...	129,12
0406 20 90 919	028	—
	032	—
	400	105,04
	404	—
	...	144,31
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	10,79
	404	—
	...	24,52

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

Product code	Destination (*)	Amount of refund
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	—
	...	53,27
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	—
	...	53,27
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	34,40
	404	—
	...	78,21
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	23,43
	404	—
	...	53,27
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	34,40
	404	—
	...	78,21
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	50,09
	404	—
	...	113,89
0406 30 39 100	028	—
0406 30 39 300	032	—
	036	—
	038	—
	400	23,43
	404	20,00
	...	53,27

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

Product code	Destination (*)	Amount of refund
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	34,40
	404	28,00
	...	78,21
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	50,09
	404	—
	...	113,89
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	50,09
	404	—
	...	113,89
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	61,14
	404	—
	...	139,01
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	61,14
	404	—
	...	139,01
0406 40 00 100	028	—
0406 40 00 900	032	—
	038	—
	400	65,00
	404	—
	...	131,51
	028	—
0406 90 13 000	032	—
	036	—
	038	—
	400	77,00
	404	—
	...	170,00
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	77,00
	404	—
	...	170,00

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

Product code	Destination (*)	Amount of refund
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	77,00
	404	—
	...	170,00
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	164,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	38,00
	404	—
	...	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	43,25
	404	16,00
	...	98,35

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	40,43
	404	14,96
	...	91,94
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	43,25
	404	16,00
	...	98,35
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	40,43
	404	14,96
	...	91,94
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	43,25
	404	16,00
	...	98,35
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	40,43
	404	14,96
	...	91,94
0406 90 33 959		—
0406 90 35 110		—

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

Product code	Destination (*)	Amount of refund
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 61 000	028	—
	032	—
	036	90,00
	400	170,00
	404	140,00
	...	200,06
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	227,18
0406 90 63 900	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	180,06
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	180,06
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	28,86
	404	—
	...	96,12

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	31,83
	404	—
	...	105,98
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	36,17
	404	—
	...	120,44
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	163,54
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	40,00
	404	—
	...	138,50
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	36,17
	404	—
	...	120,44

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	148,00
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	38,00
	404	—
	...	119,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	26,27
	404	—
	...	53,75
0406 90 83 990	028	—
	032	—
	400	26,27
	404	—
	...	53,75
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	163,54



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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	28,86
	404	—
	...	96,12
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	31,83
	404	—
	...	105,98
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	36,17
	404	—
	...	120,44
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	70,00
	404	—
	...	139,37

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 89 972	028	—
	032	—
	400	26,27
	404	—
	...	53,75
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	40,00
	404	—
	...	148,00
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	18,09
	404	—
	...	22,63
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	31,72
	404	—
	...	39,67
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	38,62
	404	—
	...	48,30
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		3,00
2309 10 15 300		4,00
2309 10 15 400		5,00
2309 10 15 500		6,00
2309 10 15 700		7,00

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		3,00
2309 10 19 300		4,00
2309 10 19 400		5,00
2309 10 19 500		6,00
2309 10 19 600		7,00
2309 10 19 700		7,50
2309 10 19 800		8,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		24,00
2309 10 70 200		32,00
2309 10 70 300		40,00
2309 10 70 500		48,00
2309 10 70 600		56,00
2309 10 70 700		64,00
2309 10 70 800		70,40
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		3,00
2309 90 35 300		4,00
2309 90 35 400		5,00
2309 90 35 500		6,00
2309 90 35 700		7,00
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		3,00
2309 90 39 300		4,00
2309 90 39 400		5,00
2309 90 39 500		6,00
2309 90 39 600		7,00
2309 90 39 700		7,50
2309 90 39 800		8,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		24,00
2309 90 70 200		32,00
2309 90 70 300		40,00
2309 90 70 500		48,00
2309 90 70 600		56,00
2309 90 70 700		64,00
2309 90 70 800		70,40
2309 90 70 900		—

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

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

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

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

## COMMISSION REGULATION (EEC) No 2100/88

of 14 July 1988

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

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat  
and rye flour, groats and meal are concerned, in Article 4  
of Regulation (EEC) No 2746/75; whereas furthermore,  
when the refund on these products is being calculated,  
account must be taken of the quantities of cereals  
required for their manufacture; whereas these quantities

were fixed in Commission Regulation No 162/67/EEC<sup>(4)</sup>,  
as amended by Regulation (EEC) No 1607/71<sup>(5)</sup>;

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

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

Whereas the Council has not to date adopted the prices  
for the 1988/89 marketing year, which commences  
on 1 July 1988; whereas the price factors determined  
by Commission Regulation (EEC) No 1914/88<sup>(6)</sup> should  
accordingly be taken into account for the calculation of  
the refunds in order to ensure that the export arrange-  
ments continue to operate in the sector concerned;

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

- in the case of currencies which are maintained in rela-  
tion to each other at any given moment within a band  
of 2,25 % a rate of exchange based on their central  
rate, multiplied by the corrective factor provided for in  
the last paragraph of Article 3 (1) of Council Regula-  
tion (EEC) No 1676/85<sup>(7)</sup>, as last amended by Regula-  
tion (EEC) No 1636/87<sup>(8)</sup>;
- for other currencies, an exchange rate based on the  
arithmetic mean of the spot market rates of each of  
these currencies recorded over a given period in rela-  
tion to the Community currencies referred to in the  
previous indent and the aforesaid coefficient;

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

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

<sup>(1)</sup> OJ No 128, 27. 6. 1967, p. 2574/67.

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

<sup>(3)</sup> OJ No L 168, 1. 7. 1988, p. 119.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 1.

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

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

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

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

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

The refund on export to Portugal has not been fixed.

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## ANNEX

to the Commission Regulation of 14 July 1988 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination (1)	Amount of refund (ECU/tonne)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	30,00 (2)
	05	25,00 (2)
	07	24,00 (2)
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	03	45,00
	02	25,00
	06	45,00
	08	30,00
1002 00 00 000	03	45,00
	02	25,00
	06	45,00
1003 00 10 000	02	0
	05	55,00
1003 00 90 000	03	45,00
	02	20,00
	07	30,00
1004 00 10 000	02	0
	09	40,00
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	45,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	85,00
1101 00 00 120	01	85,00
1101 00 00 130	01	75,00
1101 00 00 150	01	65,00
1101 00 00 170	01	55,00
1101 00 00 180	01	45,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	85,00
1102 10 00 200	01	85,00
1102 10 00 300	01	85,00
1102 10 00 500	01	85,00
1102 10 00 900	—	—
1103 11 10 100	01	160,00
1103 11 10 200	01	152,00
1103 11 10 500	01	135,00
1103 11 10 900	01	128,00
1103 11 90 100	01	85,00
1103 11 90 900	—	—

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

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Zones II and III,
- 05 Algeria,
- 06 Zone II (b),
- 07 Tunisia,
- 08 Morocco.

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

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

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



## COMMISSION REGULATION (EEC) No 2101/88

of 14 July 1988

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Whereas the Council has not to date adopted the prices for the 1988/89 marketing year, which commences on 1 July 1988; whereas the price factors determined by Commission Regulation (EEC) No 1914/88<sup>(1)</sup> should accordingly be taken into account for the calculation of the refunds in order to ensure that the export arrangements continue to operate in the sector concerned;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

The refund on export to Portugal has not been fixed.

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

*ANNEX*

to the Commission Regulation of 14 July 1988 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
Product code	Refund
1107 10 19 000	30,00
1107 10 99 000	40,00
1107 20 00 000	60,00

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

<sup>(1)</sup> OJ No L 168, 1. 7. 1988, p. 119.

## COMMISSION REGULATION (EEC) No 2102/88

of 14 July 1988

amending for the second time Regulation (EEC) No 1965/88 introducing a countervailing charge on fresh lemons originating in Argentina

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1117/88<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 1965/88<sup>(3)</sup>, as amended by Regulation (EEC) No 2042/88<sup>(4)</sup>, introduced a countervailing charge on fresh lemons originating in Argentina;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of amended Regulation (EEC) No 1965/88 '17,07' ECU is hereby replaced by '22,83' ECU.

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.<sup>(2)</sup> OJ No L 107, 28. 4. 1988, p. 1.<sup>(3)</sup> OJ No L 173, 5. 7. 1988, p. 12.<sup>(4)</sup> OJ No L 179, 9. 7. 1988, p. 33.

**COMMISSION REGULATION (EEC) No 2103/88****of 14 July 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1107/88 <sup>(2)</sup>, 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 1886/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2087/88 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1886/88 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 amended Regulation (EEC) No 1886/88 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 20.

<sup>(3)</sup> OJ No L 168, 1. 7. 1988, p. 51.

<sup>(4)</sup> OJ No L 183, 14. 7. 1988, p. 24.

## ANNEX

to the Commission Regulation of 14 July 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	0,3938	—
1702 20 90	0,3938	—
1702 30 10	—	49,05
1702 40 10	—	49,05
1702 60 10	—	49,05
1702 60 90	0,3938	—
1702 90 30	—	49,05
1702 90 60	0,3938	—
1702 90 71	0,3938	—
1702 90 90	0,3938	—
2106 90 30	—	49,05
2106 90 59	0,3938	—

## COMMISSION REGULATION (EEC) No 2104/88

of 14 July 1988

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1107/88<sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1994/88<sup>(3)</sup>, as last amended by Regulation (EEC) No 2081/88<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1994/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1994/88 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 20.<sup>(3)</sup> OJ No L 176, 7. 7. 1988, p. 10.<sup>(4)</sup> OJ No L 183, 14. 7. 1988, p. 9.

## ANNEX

to the Commission Regulation of 14 July 1988 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	(ECU) Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	30,67 <sup>(1)</sup>	
1701 11 90 500	25,23 <sup>(1)</sup>	
1701 11 90 900	<sup>(2)</sup>	
1701 12 90 100	30,67 <sup>(1)</sup>	
1701 12 90 500	25,23 <sup>(1)</sup>	
1701 12 90 900	<sup>(2)</sup>	
1701 91 00 000		0,3334
1701 99 10 100	33,44	
1701 99 10 900	28,00	
ex 1701 99 90		0,3334 <sup>(3)</sup>

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

<sup>(3)</sup> This amount applies to white sugar and raw sugar containing added substances other than flavouring or colouring matter.

**COMMISSION REGULATION (EEC) No 2105/88**  
**of 14 July 1988**  
**fixing the import levies on white sugar and raw sugar**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1107/88 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1966/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2085/88 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1966/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 July 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 20.

<sup>(3)</sup> OJ No L 173, 5. 7. 1988, p. 14.

<sup>(4)</sup> OJ No L 183, 14. 7. 1988, p. 21.



## ANNEX

to the Commission Regulation of 14 July 1988 fixing the import levies on white sugar and raw sugar

*(ECU/100 kg)*

CN code	Levy
1701 11 10	26,71 <sup>(1)</sup>
1701 11 90	26,71 <sup>(1)</sup>
1701 12 10	26,71 <sup>(1)</sup>
1701 12 90	26,71 <sup>(1)</sup>
1701 91 00	39,38
1701 99 10	39,38
1701 99 90	39,38

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

**COMMISSION REGULATION (EEC) No 2106/88**

of 14 July 1988

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat <sup>(1)</sup>, as last amended by Regulation (EEC) No 1115/88 <sup>(2)</sup>,Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1860/86 <sup>(4)</sup>, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 13 June 1988, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 13

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 13 June 1988, the level of the premium is fixed at 62,147 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 13 June 1988, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

*Article 3*

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

It shall apply with effect from 13 June 1988.

<sup>(1)</sup> OJ No L 183, 16. 7. 1980, p. 1.  
<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 36.  
<sup>(3)</sup> OJ No L 154, 9. 6. 1984, p. 27.  
<sup>(4)</sup> OJ No L 161, 17. 6. 1986, p. 25.  
<sup>(5)</sup> OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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## ANNEX

Amount to be charged for products leaving region 5 during the week commencing 13 June 1988

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	29,209	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	62,147	0
0204 21 00	62,147	0
0204 50 11		0
0204 22 10	43,503	
0204 22 30	68,362	
0204 22 50	80,791	
0204 22 90	80,791	
0204 23 00	113,108	
0204 30 00	46,610	
0204 41 00	46,610	
0204 42 10	32,627	
0204 42 30	51,271	
0204 42 50	60,593	
0204 42 90	60,593	
0204 43 00	84,830	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	80,791	
0210 90 19	113,108	
1602 90 71		
— unboned (bone-in)	80,791	
— boned or boneless	113,108	

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

## COMMISSION REGULATION (EEC) No 2107/88

of 14 July 1988

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 13 to 19 June 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom <sup>(1)</sup>, as amended by Regulation (EEC) No 467/87 <sup>(2)</sup>,Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom <sup>(3)</sup>, and in particular Article 7 (1) thereof,

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

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

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

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 13 to 19 June 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 13 to 19 June 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 13 June 1988.

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

Done at Brussels, 14 July 1988.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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

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

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

## ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during  
the week 13 to 19 June 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 <sup>(1)</sup>	29,94180
1602 50 10 <sup>(2)</sup>	21,01179

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

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

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE

of 22 June 1988

on the approximation of the laws of the Member States relating to flavourings  
for use in foodstuffs and to source materials for their production

(88/388/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100a thereof,

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

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

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

Whereas differences between national laws relating to flavourings hinder the free movement of foodstuffs and may create conditions of unequal competition, thereby directly affecting the establishment or functioning of the common market;

Whereas the approximation of those laws is necessary if the free movement of foodstuffs is to be achieved;

Whereas laws relating to flavourings for use in foodstuffs should take account primarily of human health requirements but also, within the limit required for the protection of health, of economic and technical needs;

Whereas the first step should be to lay down in a framework Directive provisions on general purity criteria, definitions, labelling, and the principles on the basis of which legal differences may subsequently be eliminated;

Whereas, on the basis of the inventory of source materials and substances used in the preparation of flavourings established by the Commission on the basis of Decision 88/389/EEC <sup>(1)</sup>, the Council will at a later stage adopt, under the procedure laid down in Article 100a of the Treaty, appropriate provisions concerning individual categories of flavourings and source materials and any necessary measures concerning their use and methods of production;

Whereas on the most recent scientific and technical advice certain components on vegetable or animal raw materials used in the preparation of flavourings ought to be limited in foodstuffs;

Whereas specific purity criteria for given flavourings, microbiological criteria for flavourings, methods of analysis and sampling of flavourings and the substances listed in the Annexes in and on foodstuffs should be established;

Whereas, should the use in a flavouring of a substance or material authorized on the basis of this Directive or provisions adopted at a later stage or the presence of one of the substances listed in Annex II appear to constitute a health risk, Member States should be authorized to suspend or limit such use, or to reduce the maximum limits provided, pending a decision at Community level;

Whereas the drawing up of the list of substances or materials authorized as additives necessary for the storage and use of flavourings as solvents and diluents of flavouring, and as processing aids, and the establishment of specific criteria of purity for flavourings, the procedure

<sup>(1)</sup> OJ No C 144, 13. 6. 1980, p. 9, and  
OJ No C 103, 24. 4. 1982, p. 7.

<sup>(2)</sup> OJ No C 66, 15. 3. 1982, p. 117 and Decision of 9 March 1988 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No C 138, 9. 6. 1981, p. 42.

<sup>(\*)</sup> See page 67 of this Official Journal.

for taking samples and the methods of analysis of flavourings in or on foodstuffs and the verification of the maximum limits laid down in the Annexes constitute technical implementing measures; whereas in order to simplify and expedite the procedure, the adoption of such measures should be entrusted to the Commission;

Whereas, it is desirable that in all cases where the Council empowers the Commission to implement rules relating to flavourings for use in foodstuffs, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee for Foodstuffs set up by Decision 69/414/EEC<sup>(1)</sup>;

Whereas, without prejudice to the application of national rules which, in the absence of specific Directives on flavouring, apply to certain groups of flavourings, the requirements laid down in the following provisions shall be applied in such a way as to authorize, two years after adoption of this Directive, trade in and use of flavourings complying with the provisions of this Directive and to prohibit, three years after the adoption thereof, trade in and use of flavourings which do not comply therewith,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive shall apply to 'flavourings' used or intended for use in or on foodstuffs to impart odour and/or taste, and to source materials used for the production of flavourings.

2. For the purposes of this Directive:

(a) 'flavouring' means flavouring substances, flavouring preparations, process flavourings, smoke flavourings or mixtures thereof;

(b) 'flavouring substance' means a defined chemical substance with flavouring properties which is obtained:

(i) by appropriate physical processes (including distillation and solvent extraction) or enzymatic or microbiological processes from material of vegetable or animal origin either in the raw state or after processing for human consumption by traditional food-preparation processes (including drying, torrefaction and fermentation),

(ii) by chemical synthesis or isolated by chemical processes and which is chemically identical to a substance naturally present in material of vegetable or animal origin as described in (i),

(iii) by chemical synthesis but which is not chemically identical to a substance naturally present in material of vegetable or animal origin as described in (i);

(c) 'flavouring preparation' means a product, other than the substances defined in (b) (i), whether concentrated or not, with flavouring properties, which is obtained by appropriate physical processes (including distillation and solvent extraction) or by enzymatic or microbiological processes from material of vegetable or animal origin, either in the raw state or after processing for human consumption by traditional food-preparation processes (including drying, torrefaction and fermentation);

(d) 'process flavouring' means a product which is obtained according to good manufacturing practices by heating to a temperature not exceeding 180°C for a period not exceeding 15 minutes a mixture of ingredients, not necessarily themselves having flavouring properties, of which at least one contains nitrogen (amino) and another is a reducing sugar;

(e) 'smoke flavouring' means a smoke extract used in traditional foodstuffs smoking processes.

3. Flavourings may contain foodstuffs as well as other substances as described in Article 6 (1).

#### Article 2

This Directive shall not apply to:

- edible substances and products intended to be consumed as such, with or without reconstitution,
- substances which have exclusively a sweet, sour or salt taste,
- material of vegetable or animal origin, having inherent flavouring properties, where they are not used as flavouring sources.

#### Article 3

Member States shall take the necessary measures to ensure that flavourings may not be marketed or used if they do not comply with the rules laid down in this Directive.

#### Article 4

Member States shall take all measures necessary to ensure that:

- (a) — flavourings do not contain any element or substance in a toxicologically dangerous quantity;
- subject to any exceptions provided for in the specific criteria of purity referred to in Article 6 (2), third indent, they do not contain more than 3 mg/kg of arsenic, 10 mg/kg of lead, 1 mg/kg of cadmium and 1 mg/kg of mercury;

<sup>(1)</sup> OJ No L 291, 19. 11. 1969, p. 9.



- (b) the use of flavourings does not result in the presence in foodstuffs as consumed of undesirable substances listed in Annex I in quantities greater than those specified therein ;
- (c) the use of flavourings and of other food ingredients with flavouring properties does not result in the presence of substances listed in Annex II in quantities greater than those specified therein.

#### Article 5

The Council, acting in accordance with the procedure laid down in Article 100a of the Treaty, shall adopt :

##### 1. Appropriate provisions concerning :

- flavouring sources composed of foodstuffs, and of herbs and spices normally considered as foods,
- flavouring sources composed of vegetable or animal raw materials not normally considered as foods,
- flavouring substances obtained by appropriate physical processes or by enzymatic or microbiological processes from vegetable or animal raw materials,
- chemically synthesized or chemically isolated flavouring substances chemically identical to flavouring substances naturally present in foodstuffs or in herbs and spices normally considered as foods,
- chemically synthesized or chemically isolated flavouring substances chemically identical to flavouring substances naturally present in vegetable or animal raw materials not normally considered as foods,
- chemically synthesized or chemically isolated flavouring substances other than those referred to in the fourth and fifth indents,
- source materials used for the production of smoke flavourings or process flavourings, and the reaction conditions under which they are prepared ;

##### 2. Any special provisions which may be necessary, for the protection of public health or trade, concerning :

- the use and methods of production of flavourings, including physical processes or enzymatic or microbiological processes for the production of flavouring preparations and flavouring substances as referred to in Article 1 (2) (b) (i) and (c),
- the conditions for the use of the substances and materials referred to in Article 6 (1) ;

##### 3. Amendments concerning the maximum limits laid down in the Annexes.

#### Article 6

The following shall be adopted in accordance with the procedure set out in Article 10 :

##### 1. the list of substances or materials authorized in the Community as :

- additives necessary for the storage and use of flavourings,
- products used for dissolving and diluting flavourings,
- additives necessary for the production of flavourings (processing aids) where such additives are not covered by other Community provisions ;

##### 2. where necessary :

- the methods of analysis needed to verify compliance with the levels referred to in Article 4 ;
- the procedure for taking samples and the methods for qualitative and, where appropriate, quantitative analysis of flavourings in or on foodstuffs,
- the specific criteria of purity for given flavourings ;

##### 3. — the microbiological criteria applicable to flavourings,

- the designation criteria given to the more specific names referred to in Article 9 (1) (b) ;

##### 4. the appropriate steps, to be taken by 1 July 1990 to supplement this Directive with labelling rules for flavourings intended for sale to the final consumer.

#### Article 7

Provisions that may have effects on public health shall be adopted only after consulting the Scientific Committee for Food.

#### Article 8

1. Where, as a result of new information or of a re-assessment of existing information made since this Directive or one of the Directives provided for in Article 5 was adopted, a Member State has detailed evidence :

- that the presence of one of the substances listed in the Annexes to this Directive or the maximum levels stipulated, while complying with the provisions of this Directive, or
- that the use of a flavouring, while complying with the relevant Directive or with this Directive, or
- that the presence of a substance similar to those referred to in the Annexes

constitutes a danger to human health, that Member State may temporarily suspend or restrict application of the provisions in question within its territory. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision.

2. The Commission shall examine as soon as possible the evidence given by the Member State and consult the Standing Committee for Foodstuffs, and shall then deliver its opinion forthwith and take the appropriate measures, which may replace the measures referred to in paragraph 1.

3. If the Commission considers that amendments to this Directive or to one of the Directives referred to in Article 5 are necessary in order to alleviate the difficulties mentioned in paragraph 1 and to ensure the protection of human health, it shall initiate the procedure laid down in Article 10, with a view to adopting these amendments; the Member State which has adopted safeguard measures may in that event retain them until the amendments enter into force.

#### Article 9

1. Flavourings not intended for sale to the final consumer may not be marketed unless their packagings or containers bear the following information, which should be easily visible, clearly legible and indelible:

- (a) the name or business name and address of the manufacturer or packer, or of a seller established within the Community;
- (b) the sales description: either the word 'flavouring' or a more specific name or description of the flavouring.

Member States may maintain for a period of three years following the adoption of this Directive, more specific names to designate flavourings composed of mixtures of flavouring preparations and flavouring substances.

Before this period expires, it shall be decided according to the procedure provided for in Article 10 whether or not these names shall be included in this Directive;

- (c) either the statement 'for foodstuffs' or a more specific reference to the foodstuff for which the flavouring is intended;
- (d) a list in descending order of weight of the categories of flavouring substances and flavouring preparations present classified as follows:

- natural flavouring substances in the case of flavouring substances defined in Article 1 (2) (b) (i),
- flavouring substances identical to natural substances in the case of flavouring substances defined in Article 1 (2) (b) (ii),
- artificial flavouring substances in the case of flavouring substances defined in Article 1 (2) (b) (iii),
- flavouring preparations in the case of preparations defined in Article 1 (2) (c),
- process flavourings in the case of flavourings defined in Article 1 (2) (d),
- smoke flavourings in the case of flavourings defined in Article 1 (2) (e);

(e) in the case of a mixture of flavourings with other substances or materials referred to in the first and second indents of Article 6 (1), a list in descending order of weight in the mixture of:

- the categories of flavourings classified as in (d) of this paragraph,
- the names of each of the other substances or materials or, where appropriate, their 'EEC' numbers;

(f) an indication of the maximum quantity of each component or group of components subject to quantitative limitation in a foodstuff or appropriate information enabling the purchaser to comply with the Community provisions or, where there are none, national provisions applying to that foodstuff;

(g) an indication identifying the consignment;

(h) the nominal quantity expressed in units of mass or volume.

2. Without prejudice to paragraph 1 (d), the word 'natural', or any other word having substantially the same meaning, may be used only for flavourings in which the flavouring component contains exclusively flavouring preparations as defined in Article 1 (2) (c).

If the sales description of the flavouring contains a reference to a foodstuff or a flavouring source, the word 'natural', or any other word having substantially the same meaning, may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.

3. By way of derogation from paragraph 1, the information required in paragraph 1 (d), (e) and (f) may appear merely on the trade documents relating to the consignment which are to be supplied with or prior to the delivery, provided the indication 'intended for the manufacture of foodstuffs and not for retail' appears in a conspicuous part of the packaging or container of the products in question.

4. Member States shall refrain from laying down requirements more detailed than those contained in this Article concerning the manner in which the particulars provided for are to be shown.

The particulars provided for in this Article shall be given in terms easily understood by purchasers unless other measures have been taken to ensure that the purchaser is informed. This provision shall not prevent such particulars from being indicated in various languages.

#### Article 10

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee for Foodstuffs either on his own initiative or at the request of the representative of a Member State.

2. The Commission representative shall submit to the Committee a draft of measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the qualified majority laid down in Article 148(2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the intended measures when they are in accordance with the Committee's opinion.

(b) Where the intended measures are not in accordance with the opinion of the Committee, or in the absence of any opinion, the Commission shall forthwith submit to the Council a proposal relating to the measures to be taken. The Council shall act on a qualified majority.

If, on the expiry of three months from the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures.

#### *Article 11*

1. This Directive shall also apply to flavouring intended for use in foodstuffs, and to foodstuffs, imported into the Community.

2. This Directive shall apply neither to flavourings, nor to foodstuffs, intended for export outside the Community.

#### *Article 12*

1. The Member States may not invoke reasons of composition or labelling of flavourings or their behaviour in foodstuffs to prohibit, restrict, or hamper the marketing

or use of flavourings which comply with this Directive and with the Directives referred to in Article 5.

2. Paragraph 1 shall not affect national provisions which are applicable in the absence of the Directives as referred to in Article 5.

#### *Article 13*

1. Member States shall take the measures necessary to comply with this Directive within 18 months of its adoption. They shall forthwith inform the Commission thereof. The measures taken shall:

- authorize, two years after adoption of this Directive, the marketing and use of flavourings complying with this Directive,
- prohibit, three years after adoption of this Directive, the marketing and use of flavourings which do not comply with this Directive.

2. Paragraph 1 shall not affect those national provisions which, in the absence of the Directives referred to in Article 5, apply to certain groups of flavourings or specify the foodstuffs in or on which flavourings complying with the Directive may be used.

#### *Article 14*

The Directive is addressed to the Member States.

Done at Luxembourg, 22 June 1988.

*For the Council*

*The President*

M. BANGEMANN

## ANNEX I

Maximum limits for certain undesirable substances present in foodstuffs as consumed as a result of the use of flavourings

Substance	Foodstuffs	Beverages
3,4 benzopyrene	0,03 µg/kg	0,03 µg/kg

## ANNEX II

Maximum limits for certain substances obtained from flavourings and other food ingredients with flavouring properties present in foodstuffs as consumed in which flavourings have been used

Substances	Foodstuffs mg/kg	Beverages mg/kg	Exceptions and/or special restrictions
Agaric acid (1)	20	20	100 mg/kg in alcoholic beverages and foodstuffs containing mushrooms
Aloin (1)	0,1	0,1	50 mg/kg in alcoholic beverages
Beta asarone (1)	0,1	0,1	1 mg/kg in alcoholic beverages and seasonings used in snack foods
Berberine (1)	0,1	0,1	10 mg/kg in alcoholic beverages
Coumarin (1)	2	2	10 mg/kg in certain types of caramel confectionery 50 mg/kg in chewing gum 10 mg/kg in alcoholic beverages
Hydrocyanic acid (1)	1	1	50 mg/kg in nougat, marzipan or its substitutes or similar products 1 mg/ % volume of alcohol in alcoholic beverages 5 mg/kg in canned stone fruit
Hypericine (1)	0,1	0,1	10 mg/kg in alcoholic beverages 1 mg/kg in confectionery
Pulegone (1)	25	100	250 mg/kg in mint or peppermint-flavoured beverages 350 mg/kg in mint confectionery
Quassine (1)	5	5	10 mg/kg in confectionery in pastille form 50 mg/kg in alcoholic beverages
Safrole and isosafrole (1)	1	1	2 mg/kg in alcoholic beverages with not more than 25 % volume of alcohol 5 mg/kg in alcoholic beverages with more than 25 % volume of alcohol 15 mg/kg in foodstuffs containing mace and nutmeg
Santonin (1)	0,1	0,1	1 mg/kg in alcoholic beverages with more than 25 % volume of alcohol
Thuyone (alpha and beta) (1)	0,5	0,5	5 mg/kg in alcoholic beverages with not more than 25 % volume of alcohol 10 mg/kg in alcoholic beverages with more than 25 % volume of alcohol 25 mg/kg in foodstuffs containing preparations based on sage 35 mg/kg in bitters

(1) May not be added as such to foodstuffs or to flavourings. May be present in a foodstuff either naturally or following the addition of flavourings prepared from natural raw materials.

## COUNCIL DECISION

of 22 June 1988

on the establishment, by the Commission, of an inventory of the source materials and substances used in the preparation of flavourings

(88/389/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Whereas the Council adopted on 22 June 1988 Directive 87/388/EEC on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production<sup>(1)</sup>;

Whereas it became apparent that the acquisition of data on source materials and substances used in the preparation of flavourings was desirable with a view to assessing, on the one hand, all questions relating to flavourings and to source materials for their production and, on the other hand, the resulting action to be taken at Community level;

Whereas acquisition of the data concerned may be made easier by the preparation by the Commission of an inventory of the source materials and substances concerned,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Commission shall, within 24 months of adoption of this Decision and after consultation of the Member States, establish an inventory of:

- flavouring sources composed of foodstuffs, and of herbs and spices normally considered as foods,
- flavouring sources composed of vegetable or animal raw materials not normally considered as foods,
- flavouring substances obtained by appropriate physical processes or by enzymatic or microbiological processes from vegetable or animal raw materials,
- chemically synthesized or chemically isolated flavouring substances chemically identical to flavouring substances naturally present in foodstuffs or in herbs and spices normally considered as foods,
- chemically synthesized or chemically isolated flavouring substances chemically identical to flavouring substances naturally present in vegetable or animal raw materials not normally considered as foods,
- chemically synthesized or chemically isolated flavouring substances other than those referred to in the fourth and fifth indents,
- source materials used for the production of smoke flavourings and process flavourings and the reaction conditions under which they are prepared.

2. The inventory referred to in paragraph 1 shall be regularly updated by the Commission.

Done at Luxembourg, 22 June 1988.

*For the Council**The President*

M. BANGEMANN

<sup>(1)</sup> See page 61 of this Official Journal.