COMMISSION REGULATION (EEC) No 867/88

of 30 March 1988

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins (1), as last amended by Regulation (EEC) No 4004/87 (2), and in particular Article 3 (6) point (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins (3), as last amended by Regulation (EEC) No 3741/87 (4), and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 (5), as last amended by Regulation (EEC) No 1958/87 (6);

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community when the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1987/88 marketing year was fixed by Council Regulation (EEC) No 1957/87 (7); whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82 the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning on the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87 (8);

Whereas, under Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price may be adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products;

Whereas, under Article 1 of Commission Regulation (EEC) No 2049/82 (9), as last amended by Regulation (EEC) No 1238/87 (10), the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 (11) delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas, if the aid 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 moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (12), as last amended by Regulation (EEC) No 1636/87 (13),

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

(1) OJ No L 162, 12. 6. 1982, p. 28.
(2) OJ No L 377, 31. 12. 1987, p. 46.
(3) OJ No L 342, 19. 12. 1985, p. 1.
(4) OJ No L 352, 15. 12. 1987, p. 26.
(5) OJ No L 219, 28. 7. 1982, p. 1.
(6) OJ No L 184, 3. 7. 1987, p. 3.
(7) OJ No L 184, 3. 7. 1987, p. 1.
(8) OJ No L 184, 3. 7. 1987, p. 5.
(9) OJ No L 219, 28. 7. 1982, p. 36.
(10) OJ No L 117, 5. 5. 1987, p. 9.
(11) OJ No L 133, 21. 5. 1986, p. 21.
(12) OJ No L 164, 24. 6. 1985, p. 1.
(13) OJ No L 153, 13. 6. 1987, p. 1.

these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid correcting factor;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession of Spain and Portugal the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Regulation (EEC) No 1935/87 (1); whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ECU that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas, since there are no valid activating threshold or guide prices for the 1988/89 marketing year for peas, field beans and sweet lupins or intervention price for barley, the amount of the subsidy in the case of advance fixing for this marketing year for peas, field beans and sweet lupins has only been calculated provisionally on the basis of the prices valid for the 1987/88 marketing year; whereas that amount must be applied provisionally only and will have to be confirmed or replaced when the prices and related measures for the 1988/89 marketing year are known,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

2. However, the amount of the subsidy in the case of advance fixing for the 1988/89 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 1 April 1988 to take into account, where appropriate, the effects of the application of the activating price for these products for the 1988/89 marketing year and, particularly those concerning maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 1 April 1988.

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

Done at Brussels, 30 March 1988.

For the Commission
Frans ANDRIESSEN
Vice-President

(1) OJ No L 185, 4. 7. 1987, p. 21.

ANNEX I

Gross aid in ECU per 100 kilograms

Products intended for human consumption

	Current 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)	6th period 10 (1)
Peas used :							
— in Spain	13,599	13,599	13,599	12,159	12,159	12,339	12,519
— in Portugal	13,641	13,641	13,641	12,201	12,201	12,381	12,561
— in another Member State	13,960	13,960	13,960	12,520	12,520	12,700	12,880
Feild beans used :							
— in Spain	13,960	13,960	13,960	12,520	12,520	12,700	12,880
— in Portugal	13,641	13,641	13,641	12,201	12,201	12,381	12,561
— in another Member State	13,960	13,960	13,960	12,520	12,520	12,700	12,880

Products used in animal feed

	Current 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)	6th period 10 (1)
A. Peas and field beans used :							
— in Spain	13,373	13,934	13,934	12,494	12,494	12,674	12,854
— in Portugal	13,066	13,649	13,649	12,209	12,209	12,389	12,569
— in another Member State	13,479	14,033	14,033	12,593	12,593	12,773	12,953
B. Sweet lupins harvested in Spain and used :							
— in Spain	13,312	14,061	14,061	14,061	14,061	14,061	14,061
— in Portugal	12,904	13,681	13,681	13,681	13,681	13,681	13,681
— in another Member State	13,454	14,193	14,193	14,193	14,193	14,193	14,193
C. Sweet lupins harvested in another Member State and used :							
— in Spain	14,884	15,633	15,633	15,633	15,633	15,633	15,633
— in Portugal	14,476	15,253	15,253	15,253	15,253	15,253	15,253
— in another Member State	15,026	15,765	15,765	15,765	15,765	15,765	15,765

ANNEX II

Final aid in national currency per 100 kilograms

Products intended for human consumption

	Current 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)	6th period 10 (1)
Products harvest in :							
— BLEU (Bfrs/Lfrs)	671,00	671,00	671,00	601,78	601,78	610,44	619,09
— Denmark (Dkr)	122,22	122,22	122,22	109,61	109,61	111,19	112,76
— Federal Republic of Germany (DM)	33,30	33,30	33,30	29,56	29,56	29,99	30,41
— Greece (Dr)	1 005,31	1 005,31	1 005,31	816,02	816,02	839,68	863,34
— Spain (Pta)	2 152,81	2 152,81	2 152,81	1 930,75	1 930,75	1 958,51	1 986,26
— France (FF)	104,33	104,33	104,33	93,56	93,56	94,91	96,26
— Ireland (£ Irl)	11,592	11,592	11,592	10,394	10,394	10,544	10,694
— Italy (Lit)	22 041	22 041	22 041	19 716	19 716	20 006	20 297
— Netherlands (Fl)	37,33	37,33	37,33	33,14	33,14	33,62	34,09
— Portugal (Esc)	2 249,72	2 249,72	2 249,72	2 001,60	2 001,60	2 032,61	2 063,63
— United Kingdom (£)	8,137	8,137	8,137	7,186	7,186	7,305	7,424

Amounts to be deducted in the case of :

— peas used in Spain (Pta) 55,67

— peas and field beans used in Portugal (Esc) 54,78

ANNEX III

Partial aids in the national currency per 100 kilograms

Peas and field beans intended for animal feed

	Current 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)	6th period 10 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	647,88	674,51	674,51	605,29	605,29	613,94	622,60
— Denmark (Dkr)	118,01	122,86	122,86	110,25	110,25	111,83	113,40
— Federal Republic of Germany (DM)	32,15	33,47	33,47	29,73	29,73	30,16	30,58
— Greece (Dr)	918,60	1 018,47	1 018,47	829,17	829,17	852,84	876,50
— Spain (Pta)	2 078,64	2 164,07	2 164,07	1 942,00	1 942,00	1 969,76	1 997,52
— France (FF)	100,73	104,88	104,88	94,11	94,11	95,46	96,80
— Ireland (£ Irl)	11,191	11,652	11,652	10,455	10,455	10,609	10,754
— Italy (Lit)	21 250	22 161	22 161	19 836	19 836	20 127	20 417
— Netherlands (Fl)	36,04	37,52	37,52	33,33	33,33	33,81	34,29
— Portugal (Esc)	2 162,44	2 262,97	2 262,97	2 014,84	2 014,84	2 045,86	2 076,88
— United Kingdom (£)	7,788	8,189	8,189	7,239	7,239	7,358	7,476
Amounts to be deducted in the case of use :							
— Spain (Pta)	16,35	15,27	15,27	15,27	15,27	15,27	15,27
— Portugal (Esc)	70,92	65,94	65,94	65,94	65,94	65,94	65,94

ANNEX IV

Corrective amount in national currency to be added to the amounts in Annex III, per 100 kilograms (1)

Use of the products :	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	129,82	0,00	0,13	0,52	8,62	0,00	24,20	42,08
— Denmark (Dkr)	0,00	0,00	0,00	23,65	0,00	0,02	0,09	1,57	0,00	4,41	7,66
— Federal Republic of Germany (DM)	0,00	0,00	0,00	6,44	0,00	0,01	0,03	0,43	0,00	1,20	2,09
— Greece (Dr)	0,00	0,00	0,00	486,87	0,00	0,49	1,94	32,32	0,00	90,76	157,82
— Spain (Pta)	0,00	0,00	0,00	416,50	0,00	0,42	1,66	27,65	0,00	77,64	135,01
— France (FF)	0,00	0,00	0,00	20,20	0,00	0,02	0,08	1,34	0,00	3,76	6,55
— Ireland (£ Irl)	0,000	0,000	0,000	2,248	0,000	0,002	0,009	0,149	0,000	0,419	0,729
— Italy (Lit)	0	0	0	4 441	0	4	18	295	0	828	1 440
— Netherlands (Fl)	0,00	0,00	0,00	7,22	0,00	0,01	0,03	0,48	0,00	1,35	2,34
— Portugal (Esc)	0,00	0,00	0,00	490,11	0,00	0,49	1,95	32,54	0,00	91,36	158,87
— United Kingdom (£)	0,000	0,000	0,000	1,955	0,000	0,002	0,008	0,130	0,000	0,364	0,634

ANNEX V

Partial aid in national currency per 100 kilograms

Sweet lupins intended for use in animal feed

	Current 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)	6th period 10 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	722,24	757,76	757,76	757,76	757,76	757,76	757,76
— Denmark (Dkr)	131,55	138,02	138,02	138,02	138,02	138,02	138,02
— Federal Republic of Germany (DM)	35,84	37,60	37,60	37,22	37,22	37,22	37,22
— Greece (Dr)	1 114,98	1 248,20	1 248,20	1 248,20	1 248,20	1 248,20	1 248,20
— Spain (Pta)	2 317,20	2 431,17	2 431,17	2 431,17	2 431,17	2 431,17	2 431,17
— France (FF)	112,30	117,82	117,82	117,82	117,82	117,82	117,82
— Ireland (£ Irl)	12,477	13,092	13,092	13,092	13,092	13,092	13,092
— Italy (Lit)	23 744	24 960	24 960	24 960	24 960	24 960	24 960
— Netherlands (Fl)	40,18	42,15	42,15	41,73	41,73	41,73	41,73
— Portugal (Esc)	2 427,69	2 561,80	2 561,80	2 561,80	2 561,80	2 561,80	2 561,80
— United Kingdom (£)	8,801	9,336	9,336	9,336	9,336	9,336	9,336
Amounts to be deducted in the case of use in :							
— Spain (Pta)	21,90	20,36	20,36	20,36	20,36	20,36	20,36
— Portugal (Esc)	94,45	87,92	87,92	87,92	87,92	87,92	87,92

ANNEX VI

Corrective amount in the national currency to be added to amounts in Annex V, per 100 kilograms (1)

Use of products :	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	94,41	0,00	0,10	0,38	6,27	0,00	17,60	30,60
— Denmark (Dkr)	0,00	0,00	0,00	17,20	0,00	0,02	0,07	1,14	0,00	3,21	5,57
— Federal Republic of Germany (DM)	0,00	0,00	0,00	4,68	0,00	0,00	0,02	0,31	0,00	0,87	1,52
— Greece (Dr)	0,00	0,00	0,00	354,09	0,00	0,36	1,41	23,51	0,00	66,01	114,78
— Spain (Pta)	0,00	0,00	0,00	302,91	0,00	0,30	1,21	20,11	0,00	56,47	98,19
— France (FF)	0,00	0,00	0,00	14,69	0,00	0,01	0,06	0,98	0,00	2,74	4,76
— Ireland (£ Irl)	0,000	0,000	0,000	1,635	0,000	0,002	0,007	0,109	0,000	0,305	0,530
— Italy (Lit)	0	0	0	3 230	0	3	13	214	0	602	1 047
— Netherlands (Fl)	0,00	0,00	0,00	5,25	0,00	0,01	0,02	0,35	0,00	0,98	1,70
— Portugal (Esc)	0,00	0,00	0,00	356,45	0,00	0,36	1,42	23,67	0,00	66,45	115,54
— United Kingdom (£)	0,000	0,000	0,000	1,422	0,000	0,001	0,006	0,094	0,000	0,265	0,461

ANNEX VII

Exchange rate of the ECU to be used

	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
In national currency, 1 ECU =	42,4582	7,85212	2,05853	164,150	138,037	6,90403	0,768411	1 516,86	2,31943	167,490	0,665212

(1) Subject in the case of advance fixing for the 1988/89 marketing year to the adoption of prices and related measures for that marketing year.